

Effective Date: March 7, 2006  
Amendments: 01-05-10 **369A** / 03-05-13 **421A** /

**Section 16.1: Abandoned**

**16.1.01 Abandoned Motor Vehicles.**

(See Chapter 5 - Traffic and Vehicles - Section 5.6)

**16.1.02 Other Abandoned Property.**

**Subd. 1 Procedure.** All other property lawfully coming into the possession of the City shall be disposed of as provided in this Section.

**Subd. 2 Storage.** The department of the City acquiring possession of the property deemed abandoned shall arrange for its storage. If City facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

**Subd. 3 Claim by Owner.** The owner may claim property deemed abandoned by exhibiting satisfactory proof of ownership within ninety (90) days of seizure and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

**Subd. 4 Sale.** If the property remains unclaimed in the possession of the City for Sixty (60) days, the property shall be sold to the highest bidder at a public auction conducted by the chief of police of the City after two (2) weeks published notice setting forth the time and place of the sale and the property to be sold.

**Subd. 5 Disposition of Proceeds.** The proceeds of any sale under this section shall be placed in the general fund of the City. If the former owner makes application and furnishes satisfactory proof of ownership within ninety (90) days of the sale, he or she shall be paid the proceeds of the sale of his or her property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

**Section 16.2: (Reserved)**

**Section 16.3: Sale of Toxic Substances**

**16.3.01 Definition.** For purposes of this section, “toxic substance” shall mean:

**Subd. 1.** Glue, cement or aerosol paint containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide or containing other aromatic hydrocarbon solvents, but does not include glue, cement or paint contained in a packaged kit for the construction of a model automobile, airplane or similar item;

**Subd. 2.** Butane or a butane lighter; or

**Subd. 3.** Any substance declared to be toxic to the central nervous system and to have a potential for abuse, by the State Commissioner of Health.

**16.3.02 Use for Intoxication Prohibited.** No person shall use or possess, or intentionally aid another to use or possess, any toxic substance with the intent of inducing intoxication, excitement or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.

**Section 16.4: Wrecker Services**

**16.4.01 Purpose and Intent.** The City desires to establish a procedure for selecting one or more tow truck operator(s) when these are needed by the City.

**16.4.02 Authority to Contract for Tow Services.** The City may enter into a contract on behalf of the City with any person, firm, entity or corporation who will obtain or provide adequate facilities within the City to handle the tow and storage of vehicles requested by the City. This contract shall set forth the fees, which fees shall not be exceeded in any case involving a tow or storage requested by the City.

**16.4.03 Bond.** Every towing operator to whom a contract is awarded for towing and storage shall, upon the execution of the contract, file with the City Administrator a bond in form and substance acceptable to the City Attorney in such amount as may be determined by the contract. This bond shall be conditioned that the principal will indemnify any and all persons, firms or corporations, including the City and St. Louis County or other government agencies of the state, for any loss sustained by any unlawful or unauthorized damage to a vehicle which it tows at the request of the City or stores pursuant to the provisions of this section and any contract entered into where the City is a party thereof.

**16.4.04 Statements.** The towing operator who has entered into a contract pursuant to this section shall forward to the Chief of Police of the City a copy of each bill or statement prepared for each owner of a vehicle towed or stored at the request of the City.

**16.4.05 Exclusion.** Nothing contained in this section shall be deemed to prohibit, limit or restrict equipment, storage facilities or the use or operation of towing services by the City, Carlton County, Cloquet School District or any other governmental entity.

**16.4.06 Request for Proposals.** Each two years, the City, by and through its purchasing agent, shall solicit proposals for a contract for towing services to be provided pursuant to this section. One or more companies may be awarded a contract for towing services. The proposals will be awarded based upon satisfaction of the following criteria:

**Subd. 1.** Police requests within the City must be a priority and must receive an immediate response.

**Subd. 2.** Wrecker availability is the responsibility of the service provider 24 hours per day 365 days per year. Additional wreckers or related equipment that are needed to provide the requested services are the responsibility of the approved wrecker service.

**Subd. 3.** Should the City experience a severe snowstorm or other natural disaster, wreckers must be made available to the City in the event abandoned vehicles have to be removed from debris or snow removal.

**Subd. 4.** A secured storage/impoundment location must be made available within close proximity to the City Hall, preferably within the City limits.

**Subd. 5.** An insurance certificate demonstrating liability coverage with a combined single limit in the amount of at least the then applicable liability limits established by the applicable Minnesota law in a statutory cite of this state.

**Subd. 6.** Police authorization must be required to release all vehicles. A tow slip must be required to be presented by the owner of any towed vehicle.

**Subd. 7.** Rates and proposals are required as follows:

- A. The wrecker service must identify customer towing rates:
  - 1. For police requested tow of private vehicles (paid by owner); and
  - 2. For requested tow of City owned vehicles (paid by City).

- B. The Chief of Police, Purchasing Agent and City Administrator shall review the proposals and submit a report and recommendation to the City Council with regard to them.
- C. The Council is the authority on contract for towing services.

**16.4.07 Exemption to Fees.** No emergency wrecker service summoned by the Chief of Police shall charge or receive any fee from any person or from the City where service is not actually provided.

**16.4.08 Driving Wrecker to the Scene of an Accident.** No person shall drive a wrecker, licensed or unlicensed, to the scene of an accident or collision on the streets of the City, unless that person has been called to the scene by the Chief of Police or his designee or has been requested by the owner or operator of a disabled vehicle or his agent.

**16.4.09 Soliciting Wrecker Business at the Scene of Accident Prohibited; Presence Is Evidence of Violation.** No person shall solicit in any manner, directly or indirectly, on the streets of the City the business of towing any vehicle which is disabled on the street regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing the vehicle. Proof of the presence of any person engaged in providing wrecker service or the presence of any wrecker or motor vehicle owned or operated by any person engaged in providing wrecker service business, either as owner, operator, employee or agent, on any street in the City at or near the scene of an accident within an hour after the happening of the accident which has not been called to the scene by the Chief of Police or the owner or operator of a disabled vehicle or his or her agent shall be prima facie evidence of a solicitation in violation of this subsection.

**Section 16.5**

(Section Deleted per Ordinance No. 421A passed by City Council on 3/5/13)

**Section 16.6: Flood Hazard Prevention**

**16.6.01 Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Subd. 1.** “Administrative authority” shall mean a state certified building official designated by the appointing authority.

**Subd. 2.** “Appointing authority” shall mean the City Council.

**Subd. 3.** “Building Department” shall mean the Building Inspection Department of the City of Cloquet.

**Subd. 4.** “Corporation counsel” shall mean the attorney for the City of Cloquet.

**Subd. 5.** “Flood hazard area” shall mean the special areas as indicated on the flood hazard boundary map, prepared by the U. S. Department of Housing and Urban Development for the City of Cloquet.

**Subd. 6.** “Jurisdiction” shall mean the City of Cloquet.

**Subd. 7.** “UBC” shall mean the latest Uniform Building Code adopted by reference by the Minnesota State Building Code.

**16.6.02 Enforcement.** The Cloquet Building Code shall be enforced and administered by the City of Cloquet within its corporate limits. The City Council of the City of Cloquet shall annually appoint a building official to enforce and administer the Cloquet Building Code. The administrative chapters of the UBC, Chapters 1, 2 and 3, as amended by the Minnesota State Building Code, shall govern the application of this Code.

**16.6.03 Flood proofing Permit.**

**Subd. 1. Permit Required.** In addition to the permits required by Chapter 3 of the UBC, as it may be amended from time to time, a separate Flood proofing permit shall be obtained from the Building Official or his or her authorized representative prior to the commencement of any improvement to any land, building or structure within any flood hazard area.

**Subd. 2. Application for Flood proofing Permit.** To obtain a Flood proofing permit, the applicant shall provide the following information to the Building Official:

- A. A list of all spaces affected by the Flood proofing regulations adopted by reference by this section giving Flood proofing class, elevation, regulatory flood datum (RFD), floor elevations, proposed uses and contents and references to drawings and specifications which explain the Flood proofing measures that apply to each space;
- B. All plans and specifications for the permit shall be noted with the proposed Flood proofing class of each space below the regulatory flood datum (RFD) including detailed drawings of walls and wall openings; and
- C. Two copies of the owner's contingency plan, which shall describe in detail all procedures for temporary placement and removal or contingent protection proposed for items in spaces affected by the above mentioned Flood proofing regulations including:
  1. Plans and schedules for items to be removed and locations of places above the regulatory flood datum to which they shall be removed if these contents violate restrictions associated with the Flood proofing class of the space in which they are placed temporarily, including specific organizational responsibilities for accomplishing this removal.

2. Procedures, materials and equipment for protecting items required to have protection by their Flood proofing class but for which this protection shall be proposed to be provided contingently, including specific organizational responsibilities for accomplishing this protection.

**Subd. 3. Action on Permit Application.**

- A. Applications for Flood proofing permits, together with all accompanying documents required under this section, shall be checked by the Building Official or his or her designated representative.
- B. The applications and accompanying documents shall be reviewed as necessary by other departments of the City to check compliance with the laws, codes, and ordinances under their jurisdiction.
- C. In connection with applications for a Flood proofing permit, the Building Official or his or her designated representative shall determine that the regulatory flood datum elevation noted in the application shall be correct and that all requirements for the Flood proofing classes selected by the applicant shall be met.
- D. Administration. The provisions of Section 303 of Chapter 3 of the UBC, as it may be amended from time to time, shall, to the extent applicable, govern the issuance of Flood proofing permits.
- E. Posting of Permit. Any Flood proofing permit that is issued shall be posted at the site of operations in a conspicuous place open to public inspection during the entire time of performance of the work and until completion of the same.

**16.6.04 Miscellaneous Provisions Relating to Permits.**

**Subd. 1. Posting of Permit.** Any building permit that is issued shall be posted at the site of operations in a conspicuous place open to public inspection during the entire time of performance of the work and until completion of the same.

**Subd. 2. Limitation on Permit.** No permit to erect, repair or alter any building or structure shall authorize the use of any part of any public thoroughfare or other public ground or easement.

**Subd. 3. Administration.** The provisions of Section 303 of Chapter 3 of the UBC, as it may be amended from time to time, shall, to the extent applicable, govern the issuance of Flood proofing.

**Subd. 4. Special Permits.** Special permits shall be obtained from the Building Official prior to engaging in any of the following activities:

- A. Moving any building or structure;
- B. Razing or demolishing any building;
- C. Fencing permits;
- D. In-ground pool and spa permits; and/or
- E. Any other construction or accessories to a building or structure the use of which shall be regulated by the provisions of the Cloquet Building Code and which for any reason is not included in the permit for general construction.



**Subd. 4. Review by Other Departments.** All commercial, industrial and multi-residential development plans shall be reviewed and approved by the appropriate commission(s) of the City and the Fire Inspector of the City before any permit provided for under this section shall be issued.

**Subd. 5. Compliance with Other Conditions.** The Building Official shall not issue any permit under this section until all conditions and requirements placed on the development by other departments of the City have been satisfied, such as, the Planning and Zoning Commission and the Fire Inspector of the City. Any permit issued by the Building Official in violation of this requirement shall be void.

#### 16.6.05 Fees.

**Subd. 1. Building Permit Fees.** A fee for each building permit shall be paid to the City through the Building Inspection Department. The City Council shall from time to time by resolution, establish a schedule of fees for building permits. No building permit may be issued by the Building Inspection Department of the City until the building permit fee for the building permit has been paid in full.

**Subd. 2. Flood proofing Permit Fee; Inspection Fee.** A fee for each Flood proofing permit shall be paid to the City prior to the issuance of the permit by the Building Official. The Flood proofing permit fee shall be equal to one-fourth of the building permit fee. A fee which shall be established by resolution as adopted from time to time by the City Council for each inspection made pursuant to this section shall be paid by the owner of such property at the time of such inspection.

**Subd. 3. Special Permit Fees.** A fee which shall be established by resolution as adopted from time to time by the City Council for each special permit shall be paid to the Building Inspector prior to the issuance of the permit by the Building Inspector.

**Subd. 4. Plan Checking Fees.** A plan checking fee shall be paid to the City at the time of submitting plans and specifications for checking whenever plans are required to be submitted for checking under this section. The plan checking fee shall be equal to 65% of the building permit fee. An additional fee which shall be established by resolution as adopted from time to time by the City Council shall be paid to the City for all plan checks and inspection work relating to fire sprinkler systems.

#### **Subd. 5. Surcharge.**

- A. In addition to the fees required in the preceding provisions, the applicant shall pay to the Building Official a surcharge of .0005 times the value of the improvement, or \$.50 whichever shall be greater, up to \$1,000,000. For improvements valued at \$1,000,000, but less than \$10,000,000, the surcharge shall be \$1,000. For improvements valued at \$10,000,000, but less than \$20,000,000, the surcharge shall be \$1,500. For improvements valued at \$20,000,000 or greater, the surcharge shall be \$2,000.
- B. The surcharges collected by the Building Official shall be remitted quarterly to the Minnesota Department of Administration.

**Subd. 6. Valuation.** The determination of value or valuation under any provisions of the Cloquet Building Code shall be made by the Building Official. The valuation to be used in computing the permit and plan checking fees shall be the total value of all construction work for which the permit is issued to be determined in accordance with Section 304 of the Uniform Building Code, as it may be amended from time to time.

**Subd. 7. Work Commenced Before Permit Issued.** Where work for which a permit is required by the Cloquet Building Code is started prior to obtaining the permit, the fees specified in this section shall be doubled, provided, however, that the payment of the double fee shall not relieve any person from full compliance of the requirement of the Cloquet Building Code in the execution of the work nor from any other penalties prescribed by law.

**Subd. 8. Other Permits.** The payment of a fee in this section shall not relieve the applicant or holder of the permit from the necessity of obtaining additional permits and the payment of other fees that may be prescribed by law, code, or ordinance, for the temporary occupation of public property, for inspection of sewer connections, water connections, gas connections or other privileges or requirements.

**16.6.06 Flood proofing Inspections.** Buildings or structures (and parts thereof) that contain or utilize contingent or emergency (temporary) type flood- proofing element or devices shall be subject to inspection by the Building Official at intervals of three years or less. The owner, or his or her agent, shall be notified at least ten (10) days in advance of inspection date and shall be present at the inspection. The owner or his or her agent shall be responsible for demonstrating the availability, installment and proper functioning, anchorage and support of all closure assemblies and other contingent or emergency (temporary) Flood proofing items. All necessary corrections of deficiencies shall be performed within 90 calendar days of the inspection date and at the owner's expense.

**Note:** Failure to perform the required remedial work within the prescribed time shall be a violation of the Cloquet Building Code.

**16.6.07 Nonconforming Use.** A structure or the use of a structure or premises which was lawful before the passage or amendment of this section but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:

**Subd. 1.** No such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.

**Subd. 2.** No structural alteration, addition or repair to any conforming structure over the life of the structure shall exceed 25% of its value at the time of its becoming a nonconforming use, unless the structure shall be permanently changed to a conforming use.

**Subd. 3.** If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this section. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of six months.

**Subd. 4.** If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50% or more of its value, it shall not be reconstructed except in conformance with the provisions of these regulations.

**Subd. 5.** Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

**Subd. 6.** Any alteration, addition or repair to any nonconforming structure which would result in substantially increasing its flood damage or flood hazard potential shall be protected as required by these regulations.

**Subd. 7.** The Building Official shall maintain a list of nonconforming uses including the date of becoming nonconforming, assessed value at the time of its becoming a nonconforming use, and the nature and extent of nonconformity. This list shall be brought up-to-date annually.

**Subd. 8.** The Building Official shall prepare a list of those nonconforming uses which have been flood proofed or otherwise protected in conformance with these regulations. He or she shall present the list to the Building Official who may issue a certificate to the owner stating that such uses, as a result of these corrective measures, shall be in conformance with these regulations.

**16.6.08 Building Code Appeals.** Any person affected by any decision of the Building Official may appeal therefrom pursuant to the provisions of Chapter 15 - Administrative Hearing Process.

**16.6.09 Limitation on Liability.** The City, the Building Official and/or any employee charged with the enforcement of the Cloquet Building Code, shall not be liable for any damage that may occur to persons or property as a result of any act required of the Building Official or any employee herein or by reason of any act or omission of the Building Official or any such employee.