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CHAPTER XI - PUBLIC SAFETY

Section 1100 – Civil defense

1100.01. State law adopted.

The “Minnesota Emergency Management Act of 1996,” Minnesota Statutes Chapter 12, as amended, insofar as it relates to cities, is adopted by reference.

1100.03. Policy and purpose.

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure or other major incidents, and in order to insure that preparations of the city will be adequate to deal with such disasters and generally, to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

- (a) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters.
- (b) To provide for the exercise of necessary powers during emergencies and disasters.
- (c) To provide for the rendering of mutual aid between the city, and other political subdivisions with respect to the carrying out of emergency preparedness functions.
- (d) To comply with the provisions of the “Minnesota Emergency Management Act of 1996.”
- (e) To participate as a member of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee, review and accept its emergency plan as the city's basic plan for responses to emergencies, disasters, major incidents, mutual aid and other projects consistent with this section and Minnesota Statutes Chapter 12.

1100.05. Definitions.

Director means director of the city emergency management organization.

Disaster means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to

result in major loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Emergency means an unforeseen combination of circumstances which calls for immediate action to respond, or prevent from developing or occurring.

Emergency management means the preparation for and the carrying out of all emergency functions, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps or other major incidents. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency management includes those activities sometimes referred to as "civil defense" or "emergency preparedness" functions.

Emergency management forces means the total personnel resources engaged in city-level emergency management functions in accordance with the provision of this section or any rule or order. This includes personnel from city department, authorized volunteers, and private organizations and agencies.

Emergency management mutual aid means any disaster or major incident which requires the dispatching of city personnel, equipment or other necessary resources within or without the city limits.

Emergency management organization means the staff element responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities, major incidents, mutual aid, and other projects consistent with this section and assures implementation of federal, state, county and other program requirements.

Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee (L.M.R.E.M.P.P.R.C.) means a committee made up of the Lake Minnetonka area emergency management directors which develops, renews and establishes a basic emergency plan, and identifies and coordinates training for member communities and reviews local plans, exercises, major incidents and disaster responses which are consistent with this section.

Major incident means any incident that exhausts local resources.

1100.07. Establishment of an emergency management organization.

The city emergency management organization under the supervision and control of

the emergency management director is established. The director will be appointed by the mayor. (The L.M.R.E.M.P.P.R.C. recommends the chief law enforcement officer be appointed the director). The director will have direct responsibility for the organization, administration and operation of the emergency preparedness organization.

1100.09. Powers and duties of the director.

Subdivision 1. Cooperation with other agencies.

The director will represent the city on any regional or state conference for emergency management. The director may develop additional mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and must present such agreements to the city for its action. Such arrangements must be consistent with the emergency plan. The director will also be the city's representative on the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee.

Subd. 2. Resource assessment.

The director will make assessments of personnel, businesses and industries, resources and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency, major incident or disaster.

Subd. 3. Preparation of comprehensive emergency plan.

The director must prepare a comprehensive emergency plan for the emergency preparedness of the city and must present such plan to the city for its approval. When the council has approved the plan by resolution, it will be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director will coordinate the basic emergency management activities of the city to the end that they must be consistent and fully integrated with the basic emergency plan of the L.M.R.E.M.P.P.R.C, and federal and state governments.

Subd. 4. Public awareness.

In accordance with the emergency plan, the director must institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the emergency plan when a disaster, major incident or mutual aid occurs.

Subd. 5. Coordination during an emergency.

The director, during an emergency, major incident or mutual aid, must utilize the

personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies must be, to the maximum extent practicable, cooperative with and extend such services and facilities to the emergency management organization. The head of each department or agency in cooperation with the director will be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

Subd. 6. Recruiting emergency management personnel.

The director must, in cooperation with the existing departments and agencies affected, assist in the organizing, recruiting and training of such emergency management personnel, that may be required on a volunteer basis to carry out the emergency plans. To the extent that such emergency personnel are recruited to augment a regular department or agency for emergencies, they must be assigned to such departments or agencies and will be under the administration and control of said department or agency.

Subd. 7. Carry out orders.

The director must carry out all orders, rules and regulations issued by the governing authority with reference to emergency management.

Subd. 8. Reports.

The director must prepare and submit such reports on emergency preparedness activities as may be requested by the governing authority.

1100.11. Local emergencies.

Subdivision 1. Declaration of local emergency.

A local emergency, including a disaster, major incident or mutual aid response, may be declared by the mayor, or their legal successors. It will not be continued for a period in excess of three days except by or with the consent of the governing board of the political subdivision. Any order, or proclamation declaring, continuing, or terminating a local emergency must be given prompt and general publicity and must be filed promptly by the administrator of the local records-keeping agency of the subdivision. No other jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.

Subd. 2. Local emergency response.

A declaration of a local emergency will invoke necessary portions of the response and recovery aspects of applicable plans including fiscal expenditures which are consistent with this section.

1100.13. Emergency regulations.

Subdivision 1. Promulgation of emergency regulations.

Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the governor or the city council, the council may by resolution promulgate regulations, consistent with the applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies, the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulation, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

Subd. 2. Notice and form.

Every resolution of emergency regulations must be in writing, must be dated, must refer to the particular emergency to which it pertains, if so limited, and must be filed in the office of the city administrator, which copy must be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the administrator's office must be conspicuously posted at the front of the city hall or other headquarters of the city or at such other places in the affected area as the council shall designate in the resolution. By like resolution, the council may modify or rescind any such regulation.

Subd. 3. Duration of emergency regulations.

The city council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation will expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the council must be suspended during the period of time and to the extent such conflict exists.

Subd 4. Powers of the director during a declared emergency.

During a declared emergency, the director is, notwithstanding any statutory provision on the contrary, empowered through its governing body acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The director may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication

of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirements for budgets.

1100.15. Emergency management a governmental function.

All functions and all other activities relating to emergency management are declared to be governmental functions. The provisions of this section will not affect the right of any person to receive benefits to which they would otherwise be entitled under this section or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of congress.

1100.17. Participation in labor dispute or politics.

The emergency management organization must not participate in any form of political activity, nor will it be employed directly or indirectly for political purposes, nor will it be employed in a labor dispute. The director may express professional opinions on legislative or other legal regulations consistent with the provisions found in Minnesota Statutes Chapter 12.

1100.19. Authorizing dispatch and use of city equipment and services by the director in emergency situations (mutual aid).

Subdivision. 1. Purpose.

The city finds it desirable and necessary to authorize the director to dispatch city equipment and personnel to local communities who request aid to combat their emergency, disaster, or major incident consistent with this section.

Subd. 2. Dispatch and use of mutual aid.

The director must evaluate the internal needs of the city, and dispatch appropriate available aid. The director must immediately recall, order and terminate the use of any dispatched equipment and personnel when the need for their use no longer exists, or earlier, when it appears in the best interest of the city. Aid requested from outside the Lake Minnetonka Regional area, or extended local aid within the Lake Minnetonka Regional area, will require mutual agreement between the director and the city administrator or their designee.

Subd. 3. Authority of the director.

The director must be fully authorized as an act of the city, and all provisions for compensation of personnel, rental of equipment, liability insurance coverage, workman's compensation insurance and all other safeguards and matters pertaining to the city, its equipment and personnel, must apply in each case as if specifically authorized and directed at such time, whether or not the governing body or authority of the place in which the disaster, major incident, mutual aid, or other occurrence exists, has previously requested and provided for assistance and the use of

equipment and personnel under a mutual protection agreement or other type protection agreement within the city.

Section 1103 – Fire Code

1103.01. Adoption of fire code.

(a.) The 2007 Minnesota State Fire Code, as adopted pursuant to the authority of Minnesota Statutes Section 299F.011, including appendix Chapter D, is hereby adopted by reference as the fire code for the City of Minnetrista. Such code, except as hereinafter amended or modified, is incorporated in this ordinance as completely as if set out in full and includes Minnesota Rules Chapter 7511, and all amendments and changes adopted thereto. One copy of this code shall be on file in the office of the City Administrator.

(b.) The 2007 Minnesota State Fire Code incorporates the 2006 edition of the *International Fire Code* as promulgated by the International Code Council, Inc. and made part of Minnesota Rules.

1103.03. Purpose.

This ordinance is adopted for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Minnetrista and providing for the issuance of permits for hazardous uses or operations.

1103.05. Conflict.

If there is a conflict between or among any of the provisions or policies of the stated codes, standards or policies, the following orders of precedence shall apply:

- (a.) The Code adopted pursuant to this ordinance.
- (b.) Minnesota State Fire Code.
- (c.) Standards of the National Fire Protection Association or other nationally recognized fire-safety standards as are approved by the Fire Chief.

1103.07. Definitions.

City – City of Minnetrista

Fire Chief or Code Official - The fire chief, fire marshal, code enforcement officer, or other designated authority charged by the Minnetrista City Council or the Minnesota State Building Code with the duties of administration and enforcement of this code, or a duly authorized representative. For purposes of enforcing this code it also includes the state fire marshal and the state fire marshal representatives.

This Code - The code adopted pursuant to this ordinance.

Fire Chief - The fire chief of the Minnetrista Fire Department.

Board of Appeals - The Minnetrista City Council.

Jurisdiction - Municipal limits of the City of Minnetrista.

1103.09. Penalties.

- (a.) Any person who shall violate any of the provisions of this code or standards hereby adopted or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein or therein, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, shall be guilty of an offense punishable as a misdemeanor for each and every such violation and non-compliance respectively.
- (b.) Notice of violations shall be given in writing and shall contain a reasonable time to comply as well as a statement explaining the right to appeal.
- (c.) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- (d.) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

1103.11. Enforcement.

The fire chief, the code official or their representatives or other authority designated by the city is authorized to administer and enforce the provisions of this code.

1103.13. Recreational fires.

No person shall, commence, conduct or allow any recreational fire in violation of the conditions described below. The regulations contained in this subsection and the permit requirement in Subsection 1103.15 are not applicable for fires contained in a charcoal grill, camp stove, or other similar device.

Subdivision 1. Definitions.

For purposes of this subsection the following definitions shall apply.

- (a.) *Attendant* is the same as a competent, unimpaired adult.
- (b.) *Burner* means a firebox, a barrel or similar container used for an outdoor fire, but not including grills or barbecues used principally for the cooking of food.
- (c.) *Competent, Unimpaired Adult* means a person over eighteen (18) years of age who is not under the influence of alcohol or other drugs, who shall be the responsible party for directly supervising an open burn and who shall be responsible for ensuring compliance with this Section.
- (d.) *Fire Chief* means the appointed Fire Chief or any individual designated by the Fire Chief to perform specific duties.
- (e.) *Recreational Fire* means a fire set for cooking or warming or other recreational purposes which is not more than three (3) feet in diameter and three (3) feet in flame height, and has a non-combustible separation between the fire area and adjoining combustible material such as bricks or stones and has had the ground five (5) feet from the base of the fire cleared of all combustible material.
- (f.) *Starter Fuels* means dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles, commercially available products for use in starting charcoal grills and alcohols are permitted as starter fuels and as aides to ignition only. Propane gas torches or other clean burning devices causing minimal pollution may be used to start up an open fire. Starter fuels do not include gasoline, diesel fuel, kerosene, and hearing oil.
- (g.) *Wood* means dry, clean fuel only such as twigs, branches, limbs, "Presto-logs", "duraflame logs", charcoal, cord wood, and untreated dimensional lumber, including clean pallets. "Fuel" does not include wood that is green; leaves or needles; grass clippings; garden waste; wood that is rotten, oil soaked or treated with paint, glue or preservative; plywood, particle board, chip board, finished paneling, or painted, treated, or stained cardboard or paper.

Subd. 2. General requirements.

The following general requirements shall apply to all recreational fires:

- (a.) The fire shall be attended by a competent, unimpaired adult at all times that smoke is produced from the fire.
- (b.) Equipment to control and extinguish the fire shall be immediately

available to the attendant at the site of the fire at all times during burning. This may include, hand tools, hose lines, and water buckets.

- (c.) A means of summoning the Fire Department shall be available for use by the attendant.
- (d.) Only Wood, as defined in Subd. 1(g) of this subsection and starter Fuels as defined in Subd. 1(f) may be burned in a recreational fire.
- (e.) The fire may not be started or continued in situations where prevailing winds or other factors create an unsafe condition or direct smoke toward other nearby residences.
- (f.) The fire shall be located a safe distance from any structure or combustible material.
- (g.) Recreational fires may be conducted at any time of the day or night.

Subd. 3. Prohibition.

Recreational fires shall not be allowed, if any of the following conditions exist:

- (a.) A fire hazard exists or develops during the course of the burn.
- (b.) Pollution or nuisance conditions develop during the course of the burn.
- (c.) The fire is left unattended, or the attendant is impaired.
- (d.) The fire is allowed to smolder with no flame visible and is unattended.
- (e.) Any of the conditions of this subsection are violated during the course of the burn.

1103.15. Burning restrictions - burning permit required.

Subdivision 1. Open burning prohibited.

In addition to the requirement contained in subsection 1103.13, it shall be unlawful for any person to start or allow to burn any open fire, except a recreational fire on any private property within the City of Minnetrista without a permit issued under this subsection. No permit shall be required of any fire authorized by a city official as provided in subsection 1103.11 and approved by the Fire Chief.

Subd. 2. (Reserved)

Subd. 3. Rules adopted by reference.

Minn. Rules pts 7005.0705 to 7005.0805, of the Minnesota Pollution Control Agency are hereby adopted by reference and made a part of this Code as if fully set forth herein.

Subd. 4. Person designated to issue permits.

The Fire Chief is hereby authorized to issue permits under this Subsection 1103.15, and may establish reasonable permit conditions for open burning consistent with the rules adopted herein. The signature of the Fire Chief or Code Official is necessary for a permit to be issued. The applicant shall pay a permit fee as established by the Minnetrista City Council.

1103.17 Negligent fires.

Section 104.10 of the 2007 Minnesota State Fire Code is hereby amended by adding a new Section 104.10.2 to read as follows:

It shall be an offense punishable as a misdemeanor to negligently or carelessly start or cause to be started a fire which endangers the property of another or to negligently or carelessly allow a fire to extend beyond the limits of one's property or property within one's control. The term "property" shall include real and personal property.

1103.19. Permits.

Section 105 of the 2007 Minnesota State Fire Code pertaining to permits is hereby amended by adding the following provisions:

- a. Permit required. No person shall engage in any activity, operation, practice or function listed below without first having obtained a permit from the code official, fire chief or his/her representative:
 - (1) Installation, modification, changing configuration and/or removal of any fire protection systems.
 - (2) Installation and removal of underground or aboveground tanks for the storage or use of flammable or combustible liquids, or gas or any hazardous material.
 - (3) Spray booths or spray areas involving spraying or dipping operations utilizing flammable or combustible liquids. Spray booths involving the application of powders by powder spray guns, electrostatic powder spray guns, fluidized beds, or electrostatic fluidized beds.
 - (4) Refinishing and resurfacing operations utilizing flammable and

combustible liquids.

- (5) Tents, canopies, and temporary membrane structures. A permit is required for the public use or the use in public areas of tents and membrane structures having an area over 400 square feet, and canopies in excess of 600 square feet, or when heat sources, cooking equipment, spark/ember producing processes or open flame are contained within or near the tent, canopy, or structure.
 - (6) Carnivals, fairs, and other special events open to the public.
 - (7) Smoke removal systems as required by the fire code.
 - (8) Storage of explosives, black powder, and blasting agents.
 - (9) An application for the use of explosives shall require a permit initially made at the city's designated police services.
- Exception:** Police and Fire Departments are not required to apply for a permit.
- (10) Sale of fireworks, fireworks displays and pyrotechnic special effects material.

- (b.) The fees for such permits shall be in an amount established by the city council by resolution or ordinance.

1103.21. Appeals.

Section 108 of the 2007 Minnesota State Fire Code is hereby deleted in its entirety and is replaced to read as follows:

- (a.) Whenever the code official shall disapprove or refuse to grant a permit, or issue an order or notice as provided in the Minnesota State Fire Code, or when it is claimed that the Minnesota State Fire Code has been wrongly applied or interpreted, the aggrieved person may appeal the decision of the code official as provided in this section.
- (b.) The aggrieved person must first request the code official to reconsider the decision. The request to reconsider must be made within ten (10) days from the date of the code official's initial decision and must submit in writing the reasons for the request for reconsideration.
- (c.) A person aggrieved by the final decision of the code official may appeal the decision to the Board of Appeals. The appeal must be in writing and

made within ten (10) days of the date of the final decision of the code official.

- (d.) A person aggrieved by the decision of the Board of Appeals may appeal to the State Fire Marshal in accordance with Minnesota Statutes Section 299F.011, Subdivision 5.
- (e.) All requests and appeals specified in this section shall be made in writing. An aggrieved party who does not appeal within the time limits specified shall be deemed to have waived his right to appeal and shall be bound by the latest decision in the appeal process.

1103.23. Premises identification.

Section 505.1 of the 2007 Minnesota State Fire Code is amended to read as follows:

(a.) Address numbers.

(1.) New buildings shall have approved address numbers, a building number, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of ½ inch.

(2.) Buildings which have a range of addresses for one building shall display the range of numbers or addresses from the lowest to the highest.

(3.) Buildings with multiple tenants/addresses shall place approved numbers or addresses on front and rear doors identifying each address in the manner required in this section.

(4.) Dwellings that are remote/auxiliary from the main dwelling shall display approved numbers or addresses on each dwelling in the manner required in this section and in such a manner as to be visible from either direction of travel on the road or street fronting the property.

(5.) If any dwelling, business or building as required, is too remote from the fronting road or street to make it unreasonable to be seen from the fronting road or street, a sign or post with visible and legible approved numbers or addresses, or range of numbers or addresses from lowest to highest, shall be placed at the driveway entrance in such a manner that the numbers or addresses are visible from either direction of travel on said road or street.

(6.) Addressing of residential and commercial properties that do not fall under the provisions of paragraph 5 above, and as such, are visible from the roadway they are fronting shall conform to the following:

<u>Building Setback</u>	<u>Minimum Address Size</u>
0 feet to 40 feet	4 inches minimum height
41 feet to 60 feet	6 inches minimum height
61 feet or greater	8 inches minimum height

(7.) Approved numbers of addresses shall be placed on all construction sites in such a position as to be plainly visible and legible from the street or road fronting the property.

(a.) Street or road signs.

(1.) Streets and roads, both public and private shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

1103.25. Fire Hydrants.

Section 508.5.1 of the 2007 Minnesota State Fire Code is hereby amended to read as follows:

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on site fire hydrants and mains shall be provided where required by the code official.

- (a.) For buildings equipped throughout with an approved fire sprinkler system installed in accordance with NFPA 13 or NFPA 13R, the distance requirement shall be one fire hydrant within 100 feet of the fire department connection and 600 feet for all other fire hydrants, unless otherwise approved by the Fire Chief or Code Official.
- (b.) In buildings with high piled combustible storage or buildings that are inherently hazardous in nature because of hazardous processes or which store, use, or handle flammable, combustible or hazardous materials, additional fire hydrants may be required by the code official.

Exceptions:

- (1) For Group R-3 and Group U occupancies, the hydrant distance requirements shall be 300 feet.
- (2) For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the hydrant distance requirement shall be 600 feet.

1103.27. Hydrants.

Section 508.5.5 of the 2007 Minnesota State Fire Code is hereby amended to read as follows:

Clear space around Hydrants. A six (6) foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved by the code official or the fire chief. An approved accessible route to the hydrant from a public access or way shall be provided and maintained.

1103.29 Fire Service Charge

Subd. 1. Purpose and intent

This ordinance is adopted for the purpose of authorizing the city of Minnetrista to charge for fire service as authorized by Minnesota Statutes, sections 366.011, 366.012, and 415.01.

Subd. 2. Definitions

- (a) "Fire service" means any deployment of firefighting personnel or equipment to extinguish a structural fire or perform any preventative measure in an effort to protect life or property in an area threatened by fire.
- (b) "Fire service charge" means the charge imposed by the City for receiving fire service.
- (c) "Fire protection contract" means a contract between the City and a town, another city or volunteer fire department for such entity to provide fire service within all or a portion of Minnetrista.
- (d) "Mutual aid agreement" means an agreement by any entity with which the City has a fire protection contract to provide assistance to any other entity which provides fire service.

Subd. 3. Parties affected

Owners of property within the City who receive fire service under a fire protection contract or a mutual aid agreement are subject to a charge for fire service.

Subd. 4. Rates

The charge for fire service shall be as specified in the City's fee schedule ordinance, as it may be amended from time to time.

Subd. 5. Billing and collection

- (a) Parties requesting and receiving fire service may be billed directly by the City. If the party receiving fire service did not request service but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed regardless of whether the fire service is covered by insurance. Any billable amount of the fire service charge not covered by a party's insurance remains a debt of the party receiving the fire service.
- (b) Parties billed for fire service will have 60 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.
- (c) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City may use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
- (d) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the city council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor of any county in Minnesota in which the recipient of the service owns real property for collection of the charge with property taxes. The county auditor is responsible for remitting to the City all charges collected on behalf of the City. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.
- (e) False alarms will not be billed as fire service.

Subd. 6. Application of collections to budget

All collected fire service charges will be City funds and used to offset the expenses of the City in providing fire service within the community.

Section 1105 – Alarm system

1105.01. Purpose and scope.

This section provides for regulation in the use of fire, burglary, and safety alarms, establishes user fees, and establishes a system of administration. The purpose of this section is to protect the public safety services of the city from misuse of public safety alarms and to provide for the maximum possible service to public safety alarm users.

1105.03. Definitions.

The following words, terms and phrases, when used in this section, will have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alarm system means any alarm installation designed to be used for the prevention or detection of burglary, robbery or fire on the premises which contains an alarm installation. An automobile alarm device will not be considered an alarm system.

Alarm user means the person in control of any building, structure, or facility where an alarm system is maintained.

False alarm means an alarm signal eliciting a response by public safety personnel when a situation requiring a response does not, in fact, exist, and which false alarm is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence of the alarm system's owner or lessee or of lessee's employee or agent. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.

Public safety personnel means city employees or employees duly authorized to maintain and enforce public safety.

1105.05. User fees.

Subdivision 1. Fees imposed.

Once a safety alarm system reports more than two false alarms to the city in a single calendar year and the alarm user has received timely notice of each violation, the alarm user will be charged a user fee as set forth in the city fee schedule.

Subd. 2. Appeal.

Any alarm user required by the city to pay a user fee as the result of a false alarm may make a written appeal of the false alarm charge to the chief of police within ten days of notice from the city of the false alarm charge. Following review

and determination by the chief of police, such decision may be appealed to the city administrator who will have the authority to make a final determination as to whether the appellant is to be charged with a fee for a false alarm.

Subd. 3. Payment.

User fees must be paid to the city administrator within 30 days from the date of notice by the city to the alarm user. Failure to pay the fee within 30 days' notice will cause the alarm user to be considered delinquent and subject to a penalty of a full ten percent of the fee.

Subd. 4. Delinquent charges.

All delinquent charges for user fees will be certified by the city administrator to the county assessor who will prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties service, which assessment roll must be delivered to the city council for adoption on or before October 10 of each year.

1105.07. Alarm report.

When an alarm user has incurred five false alarms or more within one calendar year, the alarm user must submit, within ten days after being charged with the fifth false alarm, written verification to the chief of police that appropriate actions are being taken to discover and eliminate the cause of the false alarms.

1105.09. Confidentiality of information.

All information submitted in compliance with this section must be held in confidence and must be deemed a confidential record exempt from discovery to the extent permitted by law. Subject to requirements of confidentiality, the chief of police may develop and maintain statistics for the purpose of on-going alarm systems evaluation.

Section 1110 – Animals

1110.01. Definitions.

The following words, terms and phrases, when used in this section, will have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal means any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

- (a.) *Domestic animals* include those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
- (b.) *Non-domestic animals* include animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
 - (1.) Any member of the cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats;
 - (2.) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs;
 - (3.) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet;
 - (4.) Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets;
 - (5.) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators; and,
 - (6.) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subsection, including but not limited to bears, deer, monkeys and game fish.

(c.) Farm animals and livestock.

At large means off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, oral control or otherwise restrained or confined.

Cat means both the male and female of the felidae species commonly accepted as domesticated household pets.

Dangerous animal means an animal, including dangerous dogs as defined in Minnesota Statutes, Section 347.50, as amended, which has:

- (a.) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (b.) killed a domestic animal without provocation while off the owner's property; or
- (c.) been found to be potentially dangerous, and after the owner has received notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Exemptions from the definition:

- (1.) Animals used by law enforcement officials for police work.
- (2.) An animal may not be declared dangerous if the threat, injury, or damage was sustained by a person:
 - a. Who was committing, at the time, a willful trespass or other tort upon the premises of the owner of the animal;
 - b. Who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
 - c. Who was committing or attempting to commit a crime.

Dog means both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of the canine species.

Dwelling means a building or portion of a building designed or used exclusively for residential occupancy.

Farm animals mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include

members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

Fenced area means an area enclosed by a fence constructed of sturdy wood, metal, or other appropriate materials.

Foal means a horse which has not reached the age of one year.

Handling means feeding, manipulating, transporting, restraining, treating, training, working or performing any similar activity with respect to a wild or domestic animal.

Horse means any stallion, mare, gelding, pony, donkey, ass, burro or mule.

Impound means to seize and hold in legal custody.

Kennel, commercial means a kennel used for boarding and breeding or selling dogs for a profit.

Kennel, hobby means a kennel which may keep more than four dogs over six months of age but does not engage in boarding, breeding or selling dogs for a profit.

Livestock means a farm animal kept for agricultural use, pleasure or profit including but not limited to horses, mules, sheep, goats, cattle, swine, fowl, rabbits, ostriches, and mink.

Lot means a tract, plat or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for the building development.

Maltreated animal means any animal which is neglected by means of torture or by being deprived of food, water or shelter.

MPCA means the Minnesota Pollution Control Agency.

Operator means any person, group or corporation keeping or harboring any horse.

Owner means any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

Pasturable land means all land under the ownership or lease of an operator, excluding wetlands as indicated by the National Wetlands Inventory maps, where the primary land use is for the keeping of horses or other farm animals.

Potentially dangerous animal means any animal, including a potentially dangerous dog as defined in Minnesota Statutes, Section 347.50, as amended, that has done any of the following:

- (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property other than the animal owner's property in an apparent attitude of attack; or
- (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Exemptions from the definition:

- (1.) Animals used by law enforcement officials for police work.
- (2.) An animal may not be declared potentially dangerous if the threat, injury, or damage was sustained by a person:
 - a. Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;
 - b. Who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
 - c. Who was committing or attempting to commit a crime.

Portable primary enclosure means the portable structure used to confine a wild animal in a secure manner which prevents the running at large of a wild animal during transportation or temporarily confining such an animal during handling.

Primary enclosure means a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements or a secure indoor confinement arrangement. A primary enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. A primary enclosure shall not allow the egress of the animal in any manner without human assistance. The term "primary enclosure" is synonymous with a "proper enclosure" as defined in Minnesota Statutes, Section 347.50, as amended. A pen or kennel shall meet the following minimum specifications:

- (a) A minimum overall floor size of 32 square feet;
- (b) Sidewalls with a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed 2 inches,

support posts shall be one-and-one-quarter- inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground;

- (c) A cover over the entire pen or kennel. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches; and
- (d) An entrance/exit gate constructed of the same material as the sidewalls that has no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

Public nuisance animal means any animal that has done any of the following:

- (a) Destroyed property or habitually trespasses on property of persons other than the owner;
- (b) Has been at large at least three times in any six-month period.

Release permit means a permit issued by the city's public safety department for the release of any animal that has been impounded.

Restraint (non-domestic animal) means that an animal is within a primary enclosure, within a secondary enclosure in the presence of the owner, or within a vehicle specially equipped for the transportation of such animals.

Restraint (domestic animal) means on the premises of the animal owner, obedient to that person's command when off the premises, within a private motor vehicle, or controlled by a leash not exceeding six feet in length in the presence of others.

Secondary enclosure means a structure such as a fence, wall or building, which entirely encloses the area in which the primary enclosure, exercise facility and training facility are located and all handling activities occur. Such secondary enclosure serves to restrain an animal from running at large and to prevent any unauthorized public access.

Shelter means any permanent structure or free choice protection area used to protect, house or care for horses.

Stable, commercial means a stable for the commercial boarding, breeding, rental or training of ten or more horses belonging to the owner or occupant or persons other than the owner or occupant of the subject property.

Stable, limited commercial means a stable for the commercial boarding, breeding, rental or training of nine or fewer horses belonging to the owner or occupant or persons other than the owner or occupant of the subject property.

Stable, limited private means a stable for the private keeping or maintaining of nine or fewer horses belonging to the owner or occupant for private recreation or agricultural uses on property owned, leased or controlled by that person.

Stable, private means a stable for the private keeping or maintaining of ten or more horses belonging to the owner or occupant for private recreation or agricultural uses on property owned, leased or controlled by that person.

Structure means anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, such as a fence, wall, or building.

The keeping of non-domestic animals means possessing or handling such an animal on any property or providing such an animal with the necessities of life such as feeding and sheltering. The keeping of non-domestic animals may include animals being used or intended to be used for sale, research, training, breeding, boarding, as a personal pet, or for agricultural purposes. The keeping of a non-domestic animal may also include animals intended to be used for exhibition providing that such animals are not exhibited within the city, such as in the case of a public showing, circus or zoo.

Unprovoked means the condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

1110.03. Basic care.

All animals shall receive from their owners or keepers kind treatment, adequate shelter, and sufficient food and water for their comfort.

1110.05. Abandonment.

No animal owner may abandon any animal or animal carcass within the city.

1110.07. Non-domestic animals.

Subdivision 1. Prohibited.

It is illegal for any person to keep any non-domestic animal within the city limits.

Subd. 2. Exception.

An exception will be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

1110.09. Farm animals.

Subdivision 1. Requirements.

Farm animals may only be kept in A or AP zoning districts, or on a residential lot of at least ten acres in size provided that farm animals on said residential lots are not sheltered within 300 feet of an adjoining piece of property.

Subd. 2. Exception.

An exception shall be made to this subsection for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

1110.10. Running at large prohibited.

It is unlawful for any person who owns, harbors, or keeps an animal, or the parents or the guardians of any such person under 18 years of age to permit their animal to run at large.

1110.11. Dogs.

Subdivision 1. Dog license required.

All dogs over the age of six months kept, harbored, or maintained by their owners in the city, must be licensed and registered with the city. Dog licenses will be issued by the city upon payment of the license fee. The owner must state, at the time application is made for the license and upon forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog owned or kept. No license will be granted for a dog which has not been vaccinated against rabies, as provided in this section. Vaccination must be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the city must complete a certificate of vaccination. One copy must be issued to the dog owner for affixing to the license application.

Subd. 2. Duty to pay license fee.

It shall be the duty of each owner of a dog subject to this section to pay to the city the license fee as imposed from time to time by ordinance.

Subd. 3. Issuance of license.

Upon payment of the license fee, the city will issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which

the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost, or destroyed, a duplicate shall be issued by the city, at a charge in accordance with the city's fee schedule ordinance. If the tag is unreadable, the owner must request a duplicate tag as described above. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period.

Subd. 4. Exemption.

The licensing provisions of this section do not apply to dogs whose owners are non-residents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor shall this provision apply to service dogs properly trained to assist people with disabilities.

Subd. 5. Vaccination.

All dogs kept, harbored, maintained, or transported within the city must be vaccinated at least once every three years by a licensed veterinarian for rabies with a live modified vaccine.

The owner must keep the certificate of vaccination on which it is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the city's public safety department or a police officer, the owner must present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) will have 48 hours in which to present the certificate(s) to the city's public safety department or a police officer. Failure to do so is a violation of this section.

1110.13. Kennels.

Subdivision 1. License required.

All commercial and hobby kennels must have a current kennel license and a valid conditional use permit pursuant to the zoning code. Applications for a kennel license must be made to the city administrator and must be accompanied by a fee in the amount established by ordinance. In considering an application for such a license, the council must consider the proximity of the applicant's property to surrounding neighbors, the number and types of dogs to be kept on the property and the proposed housing of the dogs, as well as other factors it deems relevant.

Subd. 2. License renewal.

A kennel license must be renewed every year, but the council reserves the right to revoke such license at any time if a licensee fails to comply with any applicable provision of this section.

Subd. 3. Exception.

A fresh litter of pups may be kept for a period of three months before such keeping is deemed to be a “kennel.”

1110.15. Breeding moratorium.

Every female dog or female cat in heat shall be confined in a building or other enclosure in such manner that it cannot come in contact with another dog or cat except for planned breeding. Upon impoundment and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

1110.17. Nuisances.

Subdivision 1. Habitual barking.

It is unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes that are audible from any neighboring property. A dog that violates this subdivision three or more times in a three month period is a public nuisance.

Subd. 2. Damage to property.

It is unlawful for any person’s dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this subdivision may be impounded as provided in this section or a complaint may be issued by anyone aggrieved by an animal under this subdivision, against the owner of the animal for prosecution under this section. An animal that habitually damages the property of persons other than the owner is a public nuisance.

Subd. 3. Cleaning up litter.

The owner of any animal or person having the custody or control of any animal is responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on their own property, on the property of others, or on public property. Any person violating this subdivision shall be punished by a fine in accordance with the city’s fee schedule.

Subd. 4. Animal noise.

No person owning, operating, having charge of, or occupying, any building or premises may keep or allow to be kept any animal which, by any noise, unreasonably disturbs the peace and quiet of any person in the vicinity. The phrase “unreasonably disturbs the peace” includes, but is not limited to the creation of any noise by any animal:

- (a) that can be heard by any person (which may include members of the city's public safety department) from a location outside of the building or premises where the animal is being kept;
- (b) where the animal noise occurs repeatedly or where the animal noise would be found to be excessive and unreasonable by a person of ordinary sensibilities; and
- (c) where the animal noise would be found to be out of character for the zoning status of that property.

Subd. 5. Habitual trespass.

An animal that habitually trespasses on property of persons other than the animal's owner is a public nuisance.

Subd. 6. Nuisance abatement.

The owner or keeper of any animal found to be a public nuisance must upon notification by the city's public safety department immediately abate such nuisance. The city's public safety department, may, under special circumstances, extend the abatement action up to seven days. Any animal kept contrary to this subsection is subject to impoundment as provided in section 1110.30 and forfeiture as provided in section 1110.32.

1110.19. Animals presenting an immediate danger.

If, in the reasonable belief of any police officer or other person, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, a police officer may destroy the animal in a proper and humane manner. Otherwise a person or police officer may apprehend the animal and deliver it to the pound for confinement under section 1110.30. If the animal is destroyed, the owner may be charged a fee as set forth in the city's fee ordinance. If the animal is found not to be a danger to public health and safety, it may be released to the owner or keeper in accordance with section 1110.30, subdivision 4.

1110.21. Duty to report.

Any person having knowledge of any animal attacking or biting a person or domestic animal within the city shall report such incident immediately to the city's public safety department and provide information as to the identity of the victim and biting or attacking animal.

1110.23. Potentially dangerous animals.

Subdivision 1. Attack by an animal.

It is unlawful for any person's animal, when unprovoked, to inflict bites on a human or domestic animal on public or private property; when unprovoked, to chase or approach a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or, when known to have propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise threaten the safety of humans or domestic animals. This subsection shall not apply to animals exempt from the definition of a potentially dangerous animal set forth in subsection 1110.01.

Subd. 2. Designation as potentially dangerous animal.

The city's public safety department shall declare and designate any animal as a potentially dangerous animal upon receiving evidence that such animal has met the definition of a potentially dangerous animal in this code. When an animal is declared potentially dangerous, the city's public safety department will notify the owner of the animal in writing that such animal has been declared and designated as potentially dangerous.

1110.24. Conditions of keeping a potentially dangerous animal.

Subdivision 1. Requirements.

The owner of a potentially dangerous animal shall do all of the following:

- (a) Provide and maintain a primary enclosure for the potentially dangerous animal;
- (b) When the animal is outside the primary enclosure, the animal must be restrained by a substantial chain or leash (not to exceed six feet in length) and be under the physical restraint of a person 16 years of age or older;
- (c) When the animal is on the owner's premises, it must be confined within a physical fence enclosure sufficient to keep the animal from leaving the enclosure or it must be on a leash or chain not exceeding six feet in length;
- (d) If the animal is a dog, the animal must have a microchip implanted for identification pursuant to Minnesota Statutes, Section 347.515, as amended; and
- (e) The owner shall allow inspection of the animal by the city's public safety department to ensure compliance with this code.

Subd. 2. Enforcement.

A violation of any of these conditions is a misdemeanor.

1110.25. Dangerous animals.

Minnesota Statutes, Sections 347.50 through 347.565, as amended, are adopted for the regulation and keeping of dangerous dogs, except as otherwise provided in this code. The provisions of Minnesota Statutes, Sections 347.50 through 347.565, as amended, are applicable to dangerous animals in the city.

1110.26. Authority to order destruction.

Subdivision 1.

The city's public safety department, upon finding that an animal is dangerous, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

(a) The animal is dangerous in that it has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or

(b) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

Subd. 2. Procedure.

The city's public safety department, after declaring an animal is dangerous, must notify the owner of the animal in the form of the notice set forth in Minnesota Statutes, Section 347.541, subdivision 3, as amended, and as applicable under the city's code.

Subd. 3. Hearing.

The owner of an animal declared dangerous by the city's public safety department has the right to a hearing on the validity of the declaration. The owner

may request a hearing before an impartial decision maker within 14 days of the date of the notice. The hearing must occur within 14 days of the owner's hearing request. The records of the city shall be admissible for consideration by the impartial hearing officer without further foundation. No formal rules of evidence apply, but the owner has the right to present evidence in response to the facts stated in the notice. The impartial decision maker shall issue an opinion on the matter within 10 days after the hearing. If the dangerous animal declaration is upheld, the owner of the animal will be responsible for the actual expenses of the hearing up to the maximum amount permitted by state law.

Subd. 4. Keeping an animal ordered into custody.

No person shall keep an animal after it has been found to be dangerous and ordered into custody for destruction.

1110.27. Notification of new address.

The owner of an animal which has been identified as dangerous or potentially dangerous must notify the city's public safety department in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any. The owner shall also comply with Minnesota Statutes, Section 347.52, as amended, regarding registration and changes in the status of a dangerous dog.

1110.28. Diseased animals.

Subdivision 1. Running at large.

No person shall keep or allow to be kept on his or her premises, or on any premises occupied by that person, nor permit to run at large in the city, any animal which is diseased so as to be a danger to the public health or safety, even though the animal is properly licensed under this section.

Subd. 2. Confinement.

Any animal reasonably suspected of being diseased and presenting a threat to the public health or safety, may be apprehended and confined in the pound by any police officer or other person. The city's public safety department shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the public health or safety, the city's public safety department shall cause such animal to be humanely killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this subsection shall be liable for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

Subd. 3. Release.

If the animal, upon examination, is not found to be diseased within the meaning of this section, the animal shall be released to the owner or keeper free of charge.

1110.29. Seizure of animals.

Any police officer or animal control officer may enter upon private property and seize any animal provided that following exist:

- (a) There is an identified complainant making a contemporaneous complaint about the animal, or an animal control officer is witnessing a violation of this section;
- (b) The officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
- (c) The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and
- (d) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the animal is not possible.

1110.30. Impoundment.

Subdivision 1. Animal pound authorized.

The city council shall provide for a city animal pound or contract for the services of an animal pound.

Subd. 2. Running at large.

Any unlicensed animal running at large is declared a public nuisance. Any police officer may impound any unlicensed animal or any animal found running at large and shall give notice of the impoundment to the owner of such animal, if known. Where the owner is unknown, a police officer shall post notice at the city's public safety department office that if the animal is not claimed within the time specified in subdivision 4 below, it will be sold or otherwise disposed of.

Subd. 3. Biting animals.

Any animal that has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be quarantined in the city pound for a period of 10 days, at the expense of the owner and the process of designation as a potentially dangerous or dangerous animal will begin. Absent continued holding or

other requirements due to the animal's designation, the animal may be released at the end of 10 days after being examined by a veterinarian and found to be free from symptoms of rabies and other diseases and the payment of all costs by the owner. The animal may be released before the end of such time if the animal's owner is able to prove to the satisfaction of the veterinarian that the animal is free of disease, the owner will keep the animal securely contained and under observation for 10 days, and the bite victim is a member of the owner's household. Where the animal is released to the owner instead of being held in the city pound, the owner must allow inspection of the animal. An animal designated as dangerous will not be released to its owner for secure home containment and observation.

Subd. 4. Reclaiming.

All animals conveyed to the pound shall be kept humanely for 10 days, unless the animal is a dangerous animal as defined under section 1110.01. A dangerous animal shall be kept and reclaimed as provided in section 1110.25 and Minnesota Statutes, Section 347.54, Subd. 2 as amended. An impounded animal that is not dangerous or held for a bite pursuant to subdivision 3 of this subsection may be reclaimed by its owner as provided by this subsection. To reclaim an animal from the pound the owner or keeper must:

- (a) Pay the release fee;
- (b) Obtain a release permit from the city's public safety department;
- (c) Pay maintenance costs, as provided by the pound; and
- (d) If a dog, pay a regular license fee and provide a valid certificate of rabies vaccination.

The release fee in clause (a) is in addition to the release permit fee specified in subdivision 5 below.

Subd. 5. Release permit.

A release permit may be obtained upon payment of a fee in accordance with that regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established by ordinance. For the purpose of a release permit, any change in the registered ownership of an animal subsequent to its impoundment and release shall reset that animal's impoundment count to the beginning of the fee schedule.

Subd. 6. Unclaimed animals.

At the expiration of the times established in subdivision 4 above, if the animal has not been reclaimed in accordance with the provisions of this subsection, the city's

public safety department may let any person claim the animal by complying with all provisions in this section, or the city's public safety department may sell the animal to the University of Minnesota or may destroy the animal in a humane manner. Any money collected under this subsection will be payable to the city.

1110.32. Forfeiture of ownership.

Subdivision 1. Forfeiture of ownership.

An owner that fails to provide basic care for his or her animal, allows his or her animal to create a public nuisance, or otherwise violates this section or state law may be required to forfeit the animal and any or all other animals he or she owns pursuant to the procedure set forth in this subsection.

Subd. 2. Notice.

The city's public safety department shall notify the owner or apparent owner of the animal that the city requires the forfeiture of ownership rights. The notice must be in writing and state the reasons for requiring the forfeiture, including a summary of applicable incidents. Absent a request for a hearing, the facts stated in the notice constitute a final determination supporting forfeiture of the animal to the city.

Subd. 3. Hearing.

The owner may request a hearing before an impartial decision maker within 14 days of the date of the notice. The hearing must occur within 14 days of the owner's hearing request. The records of the city shall be admissible for consideration by the impartial decision maker without further foundation. No formal rules of evidence apply, but the owner has the right to present evidence in response to the facts stated in the notice. The impartial decision maker shall issue an opinion on the matter within 10 days after the hearing. The impartial decision maker must determine whether the animal must be forfeited to the city. The impartial decision maker may also order the destruction of the animal, removal of the animal from the city, transfer of the animal to a zoo or other facility, and payment by the owner of the reasonable costs of impoundment and transportation of the animal.

1110.33. Horses.

Subdivision 1. Purpose and intent.

It is the purpose of this subsection to:

- (a) Promote the establishment of compatible neighborhood land uses;
- (b) Promote proper health and sanitation standards;
- (c) Mutually protect the welfare of horses and property owners within the city; and

(d) Prevent offensive odors and smells within urban residential districts.

Subd. 2. Requirements for keeping horses.

No person will keep any horse as defined by section 1110.01 within the city or permit such an animal on the premises owned, occupied or controlled by that person, except under the conditions set forth in this subsection.

Subd. 3. Limited private stable requirements.

The operation of a limited private stable must meet the following criteria:

- (a) *Districts.* A limited private stable may be operated as set forth in zoning chapter of this code.
- (b) *Acreage requirements.* A limited private stable must not be operated on property less than three acres in size, unless otherwise allowed by this section.
- (c) *Number of horses.* The operator of a limited private stable must not keep more than one horse per acre of pasturable land up to and including nine horses. Foals under the age of one year or horses staying less than seven days are not considered to be a permanent part of the horse count.

Subd. 4. Private stable requirements.

The operation of a private stable will not be allowed within the city, unless a city conditional use permit and an MPCA feedlot permit are granted and the operation meets the following criteria:

- (a) *Districts.* A private stable may be operated as set forth in the zoning chapter of this code.
- (b) *Acreage requirements.* A private stable must not be operated on property less than ten acres in size, unless otherwise allowed by this section.
- (c) *Number of horses.* The operator of a private stable must not keep more than one horse per pasturable acre of land or as allowed by the approved MPCA feedlot permit. Foals under the age of one year or horses staying less than seven days are not considered to be a permanent part of the horse count.

Subd. 5. Limited commercial stable requirements.

The operation of a limited commercial stable must not be allowed within the city unless a conditional use permit is granted by the city council and the operation

meets the following criteria:

- (a) *Districts*. A limited commercial stable may be operated as set forth in the zoning chapter of this code.
- (b) *Acreage requirements*. A limited commercial stable must not be operated on property less than three acres in size.
- (c) *Number of horses*.
 - (1) The operator of a limited commercial stable must not be allowed more than one horse per acre of pasturable land up to and including nine horses. Foals under the age of one year or horses staying less than seven days are not considered to be a permanent part of the horse count.
 - (2) The city council may, if it finds that it is in the best interest of the animals and adjacent property owners, impose greater restrictions on the number of horses allowed based on the topographic, soil or other characteristics of the subject property.

Subd. 6. Commercial stable requirements.

The operation of a commercial stable must not be allowed within the city unless a city conditional use permit and an MPCA feedlot permit are granted and the operation meets the following criteria:

- (a) *Districts*. A commercial stable may be operated as set forth in the zoning chapter of this code.
- (b) *Acreage requirements*. A commercial stable must not be operated on property less than ten acres in size.
- (c) *Number of horses*.
 - (1) The operator of a commercial stable must not be allowed more than one horse per 20,000 square feet of pasturable land. Foals under the age of one year or horses staying less than seven days are not considered to be a permanent part of the horse count.
 - (2) The city council may, if it finds that it is in the best interest of the animals and adjacent property owners, impose greater restrictions on the number of horses allowed based on the topographic, soil or other characteristics of the subject property.

Subd. 7. Conditional use permit procedure.

Applications for conditional use permits must be made by the owner of the property and must be filed in accordance with procedures outlined in the zoning provisions of this code. The following items must be submitted to the city as part of the site plan:

- (a) Name and address of the fee owner of the subject property where the horse(s) are to be maintained and name and address of occupant of subject property.
- (b) Legal description of subject property.
- (c) Acreage of subject property.
- (d) Number of horses to be maintained on subject property.
- (e) Sketch plan showing, to scale: location of all buildings on subject property, confined area, location and distance from subject property of all adjacent property's buildings, and area on subject property where manure will be stored.
- (f) A copy of the approved MPCA feedlot permit, if applicable.

Subd. 8. Criteria for review of conditional use permit relating to stables.

In reviewing an application for a conditional use permit for the operation of a limited commercial or commercial stable, the city council must consider:

- (a) The effect of the proposal upon surrounding lands including, but not limited to, factors of noise and odor.
- (b) The removal of animal waste at such periods as to ensure that no objectionable odor exists.
- (c) Other factors including: traffic and parking, aesthetics and the character of the neighborhood, sensitive environmental features and other conditions which it considers necessary to protect the best interest of the community.

Subd. 9. Care and maintenance of horses.

- (a) No horse will be treated cruelly or inhumanely by any person or in violation of Chapter 343 of Minnesota Statutes, as amended.
- (b) Proper care and maintenance of each horse will be the responsibility of the person, firm or corporation designated as the owner, caretaker or custodian of such horse.

- (c) No person will keep a horse in a manner creating a public or private nuisance.
- (d) Fences for pens, corrals or similar enclosures must be of sufficient height and strength to retain the horse(s) in the enclosure. Extra care must be taken to insure that stallions are properly enclosed.

Subd. 10. Control, trespass on public roadways.

- (a) No person may ride or drive a horse after sunset and before sunrise along or crossing any public way without appropriate lighting or reflective clothing.
- (b) The city council may designate and post those areas in public lands and parks where persons may ride horses.
- (c) No person may ride or drive a horse in any public park, beach, golf course or other public property except within the right-of-way of public streets and highways or areas duly designated by the city as a trail or hitching area.
- (d) Persons riding a horse or driving a horse-drawn vehicle upon a public roadway will be subject to those provisions of this code and state law applicable to the driver of motor vehicles, except those provisions which by their nature have no application.
- (e) No person may ride or drive a horse in any manner that would cause undue damage to any hard-surfaced road.
- (f) No person will ride or drive a horse upon private property without the prior written permission of the owner or occupant.
- (g) No person will interfere with any horse ridden or kept in a lawful manner, and owners of domestic animals must restrain their animal so as to not interfere.

Subd. 11. Fenced area requirements.

- (a) The required fenced area must not be located any closer than 75 feet from any residence other than the operator's residence at the time of fence construction.
- (b) The fenced area must be enclosed by a fence constructed with sturdy wood, metal, electrical or other appropriate materials designed to keep horses confined therein and in all cases must be suitable to protect adjoining property.

Subd. 12. Shelter requirements.

Horses must be provided a minimum of free choice protection from direct rays of the sun when the temperatures exceed 95 degrees Fahrenheit, from wind and from freezing precipitation. Natural or constructed shelters must be of sufficient size to provide necessary protection. Constructed shelters must meet the following setbacks:

Principal structure	25 feet
Adjoining property lines	50 feet
Public road right-of-way	100 feet
Wetlands/floodplain	100 feet

Subd. 13. Waste, rodent and insect control.

- (a) Manure must be handled or treated in such a manner as not to create a public nuisance. Manure and other waste materials must not accumulate closer than 50 feet from any adjoining property line.
- (b) Accumulations of horse manure on the paved portion of a street, sidewalk or alley are not permitted. The horse rider is responsible for the timely removal of such accumulations.
- (c) Corrals, pens, stables or similar enclosures must be maintained in a manner to minimize fly breeding and rodent infestation.

Subd. 14. Nonconforming stables.

Any legally existing limited private, private, limited commercial or commercial stable that does not conform to the provisions of this section may be continued in the same manner, size and location subject to the following conditions:

- (a) A nonconforming private stable or commercial stable must not be expanded without an amended MPCA feedlot permit or appropriate conditional use permit.
- (b) If a nonconforming stable operation is discontinued for a period of one year, further use of the property must conform to the provisions of this section.

1110.35. Animal traps.

Subdivision 1. Purpose.

It is the purpose of this subsection to preclude the potential harm that may be inflicted upon people, particularly children, and to prevent the unselective catching, maiming and destruction of animals that may result from the indiscriminate use of trapping devices.

Subd. 2. Prohibited.

Trapping in the city by any person is a misdemeanor, except as provided for in this subsection.

Subd. 3. Exceptions.

Trapping is only permitted by:

- (a) Representatives of the city, county, state or federal governments who may in the course of their official duties be required to use a trap to catch, snare, kill or otherwise restrain the free movement of any animal, wildlife or birds for human protection or control or other authorized purposes or to such representatives or teachers for school programs, or to authorized personnel intending to identify animals, wildlife or birds, and then returning them unharmed to their natural environment;
- (b) Owners of property zoned AP and A where trapping is required to prevent an unsafe condition or the waste or destruction of property and where said trapping complies with other applicable provisions of the ordinances of this city and the laws of the state. Said trapping must not occur until the city and adjacent property owners have been notified; or
- (c) Owners of property not zoned AP or A that find trapping may be necessary to prevent an unsafe condition or destruction of property and that have been granted a permit as provided for in subdivision 4.

Subd. 4. Permits for trapping.

- (a) Granting. Permits authorizing the use of traps will be granted by the city council to the persons stated in subdivision 3(c) where the city council determines that such use is not contrary to the public safety or welfare, such use would not constitute a hazard to persons or property, or such use would not create a nuisance. The council must attach conditions to the exercise of the permit as are necessary for the protection of the public interest or the interests of surrounding landowners.
- (b) Notice. The city council must require notice be given to surrounding landowners prior to the issuance of a permit.
- (c) Term fees. Ninety-day permits may be granted at a cost to the applicant as set forth by ordinance.

Subd. 5. Trap identification.

Any trap found within the city which does not clearly identify ownership, will be considered an illegal trap and must be confiscated by the city. Identification must

include owner's name and residence.

1110.37. Enforcement.

Subdivision 1. Enforcing officers.

The city's public safety department will have the responsibility to enforce this section. The city's public safety department is authorized to issue citations and sign complaints against any person for violations of the provisions in this section.

Subd. 2. Interference with officers.

No person shall in any manner molest, hinder, or interfere with any person authorized by this section to capture animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any authorized person any animal taken up by him or her in compliance with this section, or in any other manner to interfere with or hinder such authorized person in the discharge of his or her duties under this section.

1110.39. Violations and penalties.

Subdivision 1. Separate offenses.

Each day a violation of this section is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this subsection.

Subd. 2. Misdemeanor.

Unless otherwise provided, violation of this section shall constitute a misdemeanor punishable in accordance with section 609.03 of Minnesota Statutes, as amended.

Section 1115 --Special events

1115.01. Intent.

It is the purpose of the city council to regulate the time, place and manner of special events when the event's impact upon the health, sanitary, fire, police, transportation and utility services exceeds those regularly provided to that property. This section is enacted in order to promote the health, safety and welfare of all residents and visitors of the city by ensuring that special events do not create disturbances, become nuisances, menace or threaten life, health or property, disrupt traffic or threaten or damage private or public property. It is not the intent of the city council by enacting this section to regulate in any manner the content of speech or infringe upon the right to assemble, except for regulating the time, place and manner of speech and assembly and this section should not be interpreted or construed otherwise.

1115.03. Definitions.

The following words, terms and phrases, when used in this section, will have the following meanings:

Special Event: Any concert, parade, fair, show, festival, carnival, rally, party, filming of a movie, video or television show, motorcade, run, street dance, bike-a-thon, race, walk or athletic event or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property or public right-of-way, or, if held wholly upon private property, will require the use of Special Services.

Special Services: The exclusive allocation of city resources, including, but not limited to, city personnel, equipment, rights-of-way, property or facilities for use in conjunction with a specific event or activity, as requested by the host or sponsor of the event, or as requested by or on behalf of any person attending the event, or deemed necessary by city staff in order to maintain public safety. Special Services shall include, but not be limited to, any of the following: street closures; requiring police officers to stop or reroute traffic; special police protection; stationing emergency vehicles at or in the immediate vicinity of the event; exclusive use of city streets as a staging area or for event parking; additional street cleaning and garbage removal services; special signage, such as temporary no parking signs; the use of any city building, equipment or other property for any purpose other than the normal daily operations of the city; or the city otherwise providing exclusive services.

1115.05. Permit.

Subdivision 1. Permit required.

Any person or organization desiring to hold a Special Event in the city must first obtain a Special Event permit from the city in addition to any other permits required for the event by state law or city ordinance.

Subd. 2. Exception.

A permit is not required for:

- (a) Wedding ceremonies, funeral ceremonies and funeral processions;
- (b) Any event attended by fewer than 300 persons at one time which does not require any Special Services and does not involve the sale of alcohol;
- (c) Any event that is otherwise regulated by the city through the use of another regulatory manner, such as an interim use permit or conditional use permit; and
- (d) The use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.

1115.07. Permit application.

Subdivision 1. Form.

Application for a permit to hold a Special Event must be made in writing and must contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and must be signed and sworn to or affirmed by the individual making application in the case of a corporation, by all partners in the case of a partnership, or by all officers of an unincorporated association, society or group, or, if there are no officers, by all members of such association, society, or group. The application must contain and disclose the following:

- (a) Applicant name, address, phone number;
- (b) Date of proposed Special Event;
- (c) Address of proposed Special Event;
- (d) Name of property owner, if different from applicant;
- (e) Type and description of the Special Event and a list of all activities to take place at the Special Event;
- (f) Estimated number of persons to attend;
- (g) Duration of Special Event, including beginning and ending times;

- (h) Any public health plans, including supplying water to the site, solid waste collection and provision of toilet facilities, if applicable;
- (i) Any fire prevention and emergency medical services plans, if applicable;
- (j) Any security plans, if applicable;
- (k) The admission fee, donation or other consideration to be charged or requested for admission, if applicable;
- (l) Whether food or alcohol will be served or sold at the event;
- (m) A detailed description of all public rights-of-way and private streets for which the applicant requests the city to restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns, the nature of such restrictions or alterations, and the basis;
- (n) A description of any services, city personnel, city equipment and city property which the applicant requests the City to provide, including the applicant's estimate of the number and type needed, and the basis on which the estimate is made;
- (o) Whether any sound amplification or public address system will be used or if there will be any playing of any music or musical instruments;
- (p) A statement signed by the applicant either agreeing to pay all fees and meet all other requirements of this section, or representing to the city that the applicant is duly authorized to make such agreement on behalf of the person or organization holding or sponsoring the Special event;
- (q) Applicant signature and property owner's signature, if different from applicant; and
- (r) Any other information requested by the city, acting through its city administrator or chief of police deemed reasonably necessary in order to determine the nature of the Special Event and the extent of any Special Services required.

Subd. 2. Time for filing.

A Special Event permit application must be filed with the city at least 30 days in advance of the date in which the Special Event is to occur.

Subd. 3. Permit fee.

An applicant for a Special Event permit must pay a nonrefundable permit fee in the amount established from time to time by the city's fee ordinance.

1115.09. Permit Review.

Subdivision 1. Application.

Upon receipt of a Special Event permit application, the city administrator shall be responsible for promptly processing the application, including conferring with department heads and the applicant as necessary to implement the provisions of this section, and, when required by this section, forwarding the processed application to the city council with a recommendation to approve, approve with conditions or modifications, or deny the special event permit application.

Subd. 2. Special Services.

The city administrator shall promptly distribute copies of the application for review by the head of each department in cases where Special Services are requested or will be necessary. Each such department head shall review the application and evaluate the Special Services and shall report to the city administrator, with a recommendation that application and the requested Special Services be approved, approved with conditions or modifications, or denied. Each department head shall also provide the city administrator with a cost estimate for the Special Services associated with his or her department.

Subd. 3. Review.

When a Special Event will not require any Special Services or does not require a significant amount of Special Services, the city administrator may review the permit application administratively. In cases where a Special Event requires a significant amount of Special Services, the application will be presented to the city council for review. The city council may hold a public hearing on the permit application. It may also refer the permit application to the planning commission for its review and recommendation.

Subd. 4. Permit Denial.

The city may deny an application for a Special Event permit if it determines from a consideration of the application or other pertinent information, that:

- (a) The information contained in the application or supplemental information requested from the applicant is false or nonexistent in any material detail;
- (b) The applicant fails to supplement the application after having been notified by the city of additional information or documents needed;
- (c) The applicant fails to agree to abide or comply with all of the conditions and terms of the Special Event permit, including payment of all costs and expenses;

- (d) The Special Event would substantially or unnecessarily interfere with traffic in the city, would interfere with access to the fire station or fire hydrants, or would interfere with access to businesses or residences in the immediate vicinity of the event and there are not sufficient city resources available at the time of the event to mitigate the disruption;
- (e) The Special Event is of the size or nature that requires the diversion of so many law enforcement officers to properly police the event, site and contiguous areas that allowing the Special Event would unreasonably deny law enforcement protection to the remainder of the city and its residents;
- (f) The proposed date and time of the Special Event conflicts with a previously scheduled event and there are not available at the time of the proposed Special Event sufficient city resources to provide services for both events without substantially or unnecessarily interfering with police, fire, water, public works or other services to the city as a whole;
- (g) The location of the Special Event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way;
- (h) The Special Event would likely endanger the public safety or health;
- (i) The Special Event would substantially or unnecessarily interfere with police, fire, water, public works or other services to the city as a whole and there are not available at the time of the proposed event sufficient city resources to mitigate the disruption;
- (j) The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled;
- (k) The Special Event would likely create or constitute a public nuisance;
- (l) The Special Event would be likely to cause significant damage to public property or facilities;
- (m) The Special Event would engage in or encourage participants to engage in illegal acts; or
- (n) The applicant, responsible party or the person on whose behalf the application is submitted has on prior occasions made material misrepresentations regarding the nature and extent of Special Services required for a Special Event in the city, or has violated the terms of a prior Special Event permit.

1115.11. Permit issuance.

Subdivision 1. Permitted areas.

Because of the predominantly residential character of the city and the relatively small size of the commercially zoned areas resulting in the potential for conflicting uses, Special Events will be permitted within the city only after a finding by the city that the character of the proposed Special Event is compatible with the character of the surrounding neighborhood considering the possible creation of problems including noise, lighting, traffic, sanitation, congestion and other factors affecting the public health, safety and welfare of such areas in addition to compliance with all ordinances of this city and applicable statutes and regulations.

Subd. 2. Permit Conditions.

The city may condition the issuance of a Special Event permit by imposing reasonable conditions concerning the time, place and manner of the Special Event, and such conditions as are necessary to protect the safety of persons and property, and the control of traffic; provided that such conditions shall not unreasonably restrict the right of free speech. The city may inspect the property upon which the Special Event is to be held prior to the event in order to make certain there is compliance with all permit conditions. Such conditions may include, but are not limited to:

- (a) Alteration of the date(s), time(s), route(s) or location of the Special Event proposed;
- (b) Elimination of an activity at the Special Event which cannot be mitigated to a point as to ensure public safety and welfare, or which causes liability to the city;
- (c) Requirements concerning the area of assembly and disbanding of a parade or other events occurring along a route;
- (d) Requirements concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way;
- (e) Requirements for the use of Special Services;
- (f) Requirements for the use of traffic cones or barricades;
- (g) Requirements for the provision of first aid or sanitary facilities;
- (h) Requirements for the use of Special Event monitors and the providing notice of the Special Event's permit's conditions to the event's participants;

- (i) Requirements on the number and type of vehicles, animals or structures to be allowed at the Special Event and the inspection and approval of floats, structures and decorated vehicles by the city for safety purposes;
- (j) Compliance with animal protection ordinances and laws;
- (k) Requirements for the use of garbage containers and the cleanup and restoration of any public property;
- (l) Restrictions on the use of amplified sound, public address systems and the playing of music and musical instruments and compliance with noise ordinances, regulations and laws;
- (m) Limitations on the maximum attendance;
- (n) Requiring notice of the Special Event to be provided to surrounding property owners; and
- (o) Restrictions on the sale or consumption of food or alcohol.

Subd. 3. Permit Issuance.

When a Special Event will not require any Special Services or does not require a significant amount of Special Services, the city administrator may issue the Special Event permit administratively. In cases where a Special Event requires a significant amount of Special Services, the application will be presented to the city council for approval.

1115.13. Special Services Fees.

Subdivision 1. Special Services Fee Deposit.

If any Special Services are to be used during the Special Event, the applicant may be required to pay a Special Services fee deposit at least five days before the Special Event. The Special Services fee deposit shall be determined by the city administrator. It shall be based upon an estimate of Special Services that are necessary as determined by the city's department heads.

Subd. 2. User Fee.

Upon completion of the Special Event, the city may prepare a detailed account of all Special Services provided for the Special Event and in such cases, will set the final user fee using the rates, fees and charges established as provided in this section. The city will then provide the authorized and responsible person identified in the Special Event permit application with a copy of the detailed account of the Special Services and an invoice for the user fee, less the fee deposit. The balance of the user fee will then become due and payable immediately upon its receipt.

Subd. 3. Special Services Rates.

The rates charged for the use of city personnel, equipment, facilities and rights-of-way shall be set by the city's fee ordinance.

1115.15. Indemnification Agreement.

If the Special Event requires Special Services, prior to the issuance of a Special Event permit, the permit applicant and authorizing officer of the sponsoring organization, if any, must sign an agreement to indemnify, defend and hold the city, its officials, employees, and agents harmless from any claim that arises in whole or in part out of the Special Event, except any claims arising solely out of the negligent acts or omissions of the city, its officials, employees and agents.

1115.17. Insurance Requirements.

Subdivision 1. Liability Insurance Required.

The applicant or sponsor of a Special Event must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the Special Event. A certificate of insurance must be filed with the city prior to issuance of the Special Event permit. The certificate of insurance must name the city, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the Special Event.

Subd. 2. Minimum Limits.

Insurance coverage must be a commercial general liability policy. The minimum limits must be at least \$1,000,000. If alcoholic beverages are to be sold or distributed at the Special Event, the policy must also include an endorsement for liquor liability. The city may require additional endorsements depending upon the type of Special Event and the proposed activities.

Subd. 3. Waiver or Reduction of Required Limits.

The city may waive or reduce insurance requirements of this section under the following circumstances:

- (a) The applicant or officer of the sponsoring organization signs a verified statement that it believes that the Special Event's purpose is First Amendment expression and that the cost of obtaining the insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression;
- (b) The applicant or officer of the sponsoring organization signs a verified

statement that the insurance coverage required by this section is impossible to obtain; or

- (c) The city determines that the insurance requirements are in excess of the reasonable risk presented by the proposed Special Event.

1115.19. Overnight camping.

No person holding a permit for a Special Event shall allow and no participant in a Special Event shall camp overnight at the location of a Special Event, except for a reasonable number of persons required to maintain security.

1115.21. Compliance with permit.

Subdivision 1. Unlawful to Sponsor a Special Event without a Permit.

It is unlawful for any person to sponsor or conduct a Special Event requiring a permit pursuant to this section unless a valid Special Event permit has been issued for the event.

Subd. 2. Unlawful to exceed the Scope of the Permit.

The Special Event permit authorizes the Special Event permittee or sponsor to conduct only such a Special Event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee or sponsor to willfully violate the terms and conditions of the permit.

1115.23. Revocation.

A Special Event permit may be revoked by the city at any time for failure to comply with the provisions of this section and conditions of the permit.

1115.25. Enforcement.

Subdivision 1. Injunction.

The provisions of this section may be enforced by injunction in any court of competent jurisdiction.

Subd. 2. Public nuisance.

The holding of a Special Event in violation of any provision or condition contained in this section will be deemed a public nuisance and may be abated as such. Issuance of a Special Event permit by the city does not preclude the right of an individual to pursue a private nuisance action against the applicant.

Subd. 3. Towing authorized.

If a Special Event is held on private property and members of a Special Event have parked automobiles in violation of any provision or condition contained in this section, violators' automobiles may be tagged and towed at violators' expense.

Subd. 4. Noise.

The Special Event must be in compliance with the city's noise ordinance at all times.

Subd. 5. Misdemeanor.

Violation of any provision of this section is a misdemeanor. Violators shall be subject to a fine or imprisonment as specified by state statute. Each day in which a violation continues to occur shall constitute a separate offense. Violation of any provision of this section shall also be grounds for revocation of the Special Event Permit.

1115.27. Modifications.

The city may modify or waive any of the requirements of this section after a finding that the waiver or modification of the requirements, including the required fee, will not endanger the public health, safety and welfare of the community and that enforcement of the requirements would impose a unique hardship upon the applicant.

Section 1120 – Drug abuse and control

1120.01. State law.

The provisions of Minnesota Statutes Chapter 152, as amended, are incorporated by reference and made a part of this section as completely as if set out in full.

1120.03. Definitions.

Controlled substance means any substance listed in the five schedules of controlled substances in section 152.02 of Minnesota Statutes, as amended.

Drug paraphernalia means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Minnesota Statutes Chapter 152. The term includes, but is not limited to:

- (a) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
- (b) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;
- (c) Hypodermic syringes, needles and other objects used, intended for use and designed for use in parenterally injecting controlled substances into the human body; and
- (d) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, which will include, but not be limited to, the following:
 - (1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - (2) Water pipes;
 - (3) Carburetion tubes and devices;
 - (4) Smoking and carburetion masks;

- (5) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, which has become too small or too short to be held in the hand;
- (6) Miniature cocaine spoons, and cocaine vials;
- (7) Chamber pipes;
- (8) Carburetor pipes;
- (9) Electric pipes;
- (10) Air-driven pipes;
- (11) Chillums;
- (12) Bongs; and
- (13) Ice pipes or chillers.

Possession means:

- (a) Having the controlled substance on one's person; or
- (b) Having constructive possession as the owner of a motor vehicle in which a controlled substance is found or as the driver of such a vehicle if the owner is not present.

1120.05. Prohibited acts.

It will be unlawful for any person to manufacture, possess, constructively possess, sell, give away, barter, exchange, dispense, distribute, or otherwise transfer any controlled substance, except on a lawful prescription by a person licensed by law to prescribe and administer controlled substances.

1120.07. Exempted lawful businesses and professions.

Subsection 1120.05 will not apply to the following in the ordinary course of their trade, business, or profession:

- (a) Practitioners, persons licensed by law to prescribe and administer controlled substances.
- (b) Pharmacists duly registered and licensed with the Minnesota State Board of Pharmacy

- (c) Manufacturers.
- (d) Pharmacists as manufacturers.
- (e) Wholesalers.
- (f) Warehousepersons.
- (g) Persons engaged in transporting such controlled substances as agent or employee of a practitioner, pharmacist, manufacturer, warehouseperson, wholesaler, or common carrier.
- (h) Public officers or public employees in the performance of official duties requiring possession or control of such controlled substances, or persons aiding such officers or employees in the performance of such duties.
- (i) Any person engaged in agriculture, farming, the raising of livestock, or similar trades, who uses the controlled substance to improve the quality or quantity of such crops or stock.
- (j) Persons who procure, possess, or use such controlled substances for the purpose of lawful research, teaching, or testing, and not for sale.
- (k) Lawfully licensed and registered hospitals or bona fide institutions wherein sick or injured persons are cared for and treated, or by bona fide hospitals for treatment of animals.

The above exemptions will not be a defense in the doing of the acts prohibited in subsection 1120.09. This subsection does not relieve any person of other lawful duties.

1120.09. Unlawful procuring, purchases, delivery or possession of controlled substances.

No persons will procure, purchase, deliver, possess, or attempt to procure, purchase, deliver, or possess, a controlled substance in any of the following manners:

- (a) By fraud, deceit, misrepresentation or subterfuge; or
- (b) By the forgery or alteration of a prescription; or
- (c) By the concealment of a material fact; or
- (d) By the use of a false name or the giving of a false address; or
- (e) By making a false statement in any prescription, order, report, or record relative to a controlled substance; or

(f) By falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, warehouseperson, pharmacist, practitioner, or other person described in subsection 1120.07; or

(g) By making, issuing, or uttering any false or forged prescription.

1120.11. Confiscation and disposition of controlled substances.

Any controlled substance found in the possession of any person later convicted of a violation of this section will be confiscated and will be forfeited to the chief of police who must make proper and timely disposition thereof by destroying it.

1120.13. Use of original containers and labels required.

All patients having possession of any controlled substance by lawful prescription of a practitioner must keep such controlled substance in the original container in which it was delivered until used in accordance with such prescription, and must not remove the pharmacist's original label identifying the prescription from such original container.

1120.15. Possession of drug paraphernalia.

Subdivision 1. Possession prohibited.

Possession, actual or constructive, of drug paraphernalia with the intent to inject, ingest, inhale, or otherwise introduce a controlled substance into a human body is prohibited.

Subd. 2. Possession permitted.

Any person may seek a permit for the possession of drug paraphernalia. Such permits will be issued by the chief of police on the following grounds:

- (a) Historic, scientific, or cultural significance;
- (b) Medical or veterinarian purposes not contained in subdivision (3) of this subsection or in subsection 1120.07; or
- (c) Other legal purposes not specified herein.

Subd. 3. Exemption.

The provisions of this subsection will not apply to the following in the ordinary course of their trade, business, profession, or condition:

- (a) Dealers in surgical instruments;

- (b) Apothecaries;
- (c) Physicians;
- (d) Dentists
- (e) Veterinarians;
- (f) Nurses;
- (g) Attendants and interns of hospitals, sanatoria, or any other institution in which persons or animals are treated for disability or disease;
- (h) Public officers or employees whose official duties require possession or control of drug paraphernalia, or persons aiding such officers or employees in the performance of such duties;
- (i) Persons who use drug paraphernalia for farming, livestock, or other agricultural purposes;
- (j) Diabetics and other persons using drug paraphernalia under the guidance and supervision of a licensed physician or dentist.

1120.17. Sale and use of glue and other toxic substances.

The inhaling, breathing, or drinking of certain substances defined below is prohibited and their purchase, sale and possession are regulated as follows:

- (a) No person will inhale, breathe, or drink, or become intoxicated by reasons of inhaling, breathing, or drinking, any substance commonly known as glue, adhesive, cement, mucilage, dope, solvents, lacquer, drugs, fingernail polish and lacquer, nail polish remover, or thinners of the above named substances, or any substance containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethel ketone, trichorbathane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance which contains ketones, adlehydes [aldehydes], organic acetates, ether, chlorinated hydrocarbons, or any other similar ingredient which releases toxic vapors, with the intent of inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, irrational behavior, or with the intent of changing, distorting, or disturbing in any manner, balance, coordination, or any other audio, visual, or mental processes.
- (b) The provisions of clause (a) will not apply to any person who inhales or breathes the toxic substance pursuant to the direction of any doctor,

physician, surgeon, dentist, podiatrist, or other person authorized by law to so direct.

- (c) Retail establishments selling glue or admixtures containing the substances defined in clause (a) will not sell such preparations from a self-service display.
- (d) No person will, for the purpose of violating or aiding another to violate any provision of this section, intentionally possess, buy, sell, transfer possession, or receive the possession of any glue or any preparation containing the substances defined in clause (a).

1120.19. Separability.

Every section, provision, or part of this section is declared separable from every other section, provision, or part, and if any section, provision, or part, will be declared invalid, this will not affect any other section, provision, or part.

1120.21. Penalty.

Any person violating the provisions of this section will be guilty of a misdemeanor and upon conviction will be punished as provided by section 609.03 of Minnesota Statutes, as amended.

Section 1125 – Weapons

1125.01. Definitions.

Terms used in this section, unless expressly defined in this subsection, will have the meaning prescribed by Minnesota Statutes, chapter 609 for the same terms. The following terms will have the following meaning:

Club means any group of persons having a regular membership and improved or permanent facilities for target or trap and skeet shooting.

Concealed manner means having the object on the person in such a manner so that it is not completely visible to any other person. Having a knife in a sheath will be considered as having the knife concealed, irrespective of the position of the sheath on the person.

Firearms mean any device from which is propelled any projectile or bullet by means of explosions or gas.

Military type weapon means any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

Nunchucks mean any device constructed of two solid cylindrical objects joined together on one end by a chain, rope, thong or other such material.

Person means any natural individual, firm, partnership, trust, estate, club, association or corporation.

Public place means any building or establishment, place, or public street or highway, where the business, social or governmental activity ordinarily conducted is generally held open to the public; specifically including, but not limited to, such locations as governmental buildings, meeting halls, centers for art and culture, places of amusement, liquor or beer establishments, and restaurants. It must also include any private residence, which is the site of unlawful activity. *Public place* will not include:

- (a) A dwelling place or residence when a person is present with the permission of its lawful possessor, or one's own place of business;
- (b) Business premises at which the buying, selling, repair, or trade in weapons or firearms is regularly conducted;
- (c) Places at which an event or activity is conducted involving the exhibition, display, or carrying of a weapon, done in a manner not intended or calculated to result in or lead to the unlawful use of the weapon, including, but not limited to, educational or training programs, weapons or collectors'

shows or exhibitions, or religious, artistic, educational, or cultural events;
or

(d) Parades or other public events when the use or display of weapons is specifically authorized by the city for such events;

(e) Places at which the weapon is used in a lawful manner for hunting, fishing, recreation, or agricultural purposes.

Secured container means a closed and fastened case, box or securely tied package having no mechanical features designed for immediate weapons removal or use and containing no other nonrelated objects. A sheath or scabbard alone will not constitute a *secured container*.

Unlawful use means, with respect to a weapon or a firearm, to brandish, assault with, threaten with, or otherwise employ in a manner calculated and likely to cause death, great bodily harm, or substantial bodily harm, or the reasonable and immediate fear thereof.

Weapon means any firearm, whether loaded or unloaded, or device designed as a weapon and capable of producing death, great bodily harm, or substantial bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death, great bodily harm, or substantial bodily harm, or the reasonable and immediate fear thereof. *Weapon* includes but is not limited to any bow and arrow, bayonet, blackjack, chain club, Chinese stars, dagger, dirk, firearm, folding knife with a blade in excess of four inches, fixed blade knife carried in a concealed manner or within reach of any person in a motor vehicle, gravity knife, machete, nunchucks, pipe club, push-button knife, sand club, slingshot, stiletto, or switchblade.

[Revised 5-18-15, Ordinance 429]

1125.03. Carrying weapons.

Except as otherwise provided for herein or by state law, it is unlawful for any person within the limits of the city to carry on that person in a public place or transport in any vehicle in a public place any weapon, except that:

(a) Any weapon may be transported by a person not in a vehicle directly to or from any place or activity referred to in subsection 1125.01 under the definition of *public place* or to or from person's vehicle and the places, gatherings or activities set forth therein, in a secured container; or

(b) Any weapon may be transported in a motor vehicle in a secured container or in the locked trunk of such vehicle.

The provisions of this subsection will not be applicable to the transport of weapons

by persons who are regularly engaged in the lawful manufacture, distribution, or sale at retail or wholesale of weapons, or the agents of any of them while engaged in such business; to the carrying or transport of weapons by licensed police officers, law enforcement officers or military personnel while in the course of their duties; to any officer of a state adult correctional facility when on guard duty or otherwise engaged in an assigned duty; to an owner or agent while owner or agent is present at a business place operated by owner or agent, except a business which is the site of unlawful activity; or to persons holding a permit to carry a weapon while acting within the scope of such permit.

[Revised 5-18-15, Ordinance 429]

1125.05. Target shooting.

Annual permits authorizing the use of firearms may be granted for target shooting or trap and skeet shooting to clubs if the city determines that such use is not contrary to the public safety or welfare and if the use of the firearms would not constitute a hazard to persons or property or would not create a nuisance. The applicant must be responsible for meeting all conditions imposed by the city and provide a detailed application that demonstrates that issuance of a permit would not be contrary to the provisions in this section.

[Revised 5-18-15, Ordinance 429]

1125.07. Training dogs.

Annual permits authorizing the use of firearms may be granted to clubs or individuals for the training of dogs. Such permit will allow this activity on land described in the permit by other persons with the consent of the owner or lessee thereof. Applicants for the training of dogs from April 16th to July 14th must also comply with Minnesota Statutes, section 97B.005. A person carrying a firearm, while training dogs, may only have in possession and discharge blank cartridges and shells.

[Revised 5-18-15, Ordinance 429]

1125.09. Hunting restricted.

Subd. 1. Restrictions.

No person may discharge any firearm or bow and arrow, or engage in hunting of any game birds or animal by any means within the city:

- (a) Except as otherwise provided in this section;
- (b) Unless discharged in lawful defense of person or property; or
- (c) Unless the person is a duly authorized law enforcement officer engaged in the performance of his or her official duty.

Subd. 2. Regulations.

(a) Hunting with shotgun or with bow and arrow as authorized by the Minnesota department of natural resources, state laws pertaining to trespass and by landowner permission is allowed only in the areas established by the city council. No other firearms, including long guns, or hand guns, or other weapons, except bow and arrow, are permitted to be used for hunting within the city.

(b) The city council shall, by resolution, establish by map or by other means the areas in which the discharge of shotguns and the use of bow and arrow are allowed for hunting, and the areas in which only the use of bow and arrow is allowed for hunting. No hunting shall be allowed in other areas of the city.

Subd. 3. Property.

Property owners in areas in which no hunting is allowed may apply for a waiver to hunt by bow and arrow. Property owners in the areas in which only bow and arrow may be used may apply for a waiver to use shotguns to hunt. City staff may administratively grant or deny a waiver on the basis of the following criteria:

(a) The property must be a minimum of 10 acres in size and able to accommodate hunting safely;

(b) Hunting may only be conducted from a fixed location identified by the property owner and which must be 500 feet or more from any residence located on another property;

(c) Hunting locations for deer or turkeys and any discharge of a shotgun slug must be from an elevated platform and shots must be downward in direction;

(d) The property owner must provide prior written notice to the owners of all abutting properties regarding the owner's intent to apply for a waiver; and

(e) The city's public safety department shall conduct a site visit and investigation to verify the application, identify any additional safety concerns and take input from the owners of adjacent properties. The proximity of structures other than residences within 500 feet of the proposed shooting area and other relevant factors may be considered as additional safety concerns.

Application for a waiver must be received at least 30 days prior to the applicable hunting season. Any waiver granted shall only be valid through the end of that hunting season. The city may impose such limitations or restrictions as it deems necessary to ensure the public safety and welfare.

Subd. 4. Bow and Arrow Target Practice Waiver

Property owners may apply for a waiver to allow target practice with a bow and arrow and city staff may administratively grant or deny a waiver on the basis of the following criteria:

- (a) The property must be a minimum of 2 acres and able to accommodate target practice safely.
- (b) Target practice may only be conducted from a fixed location identified by the property owner at a single target.
- (c) Target practice must be from an elevated platform and arrows must be discharged in a downward direction.
- (d) The city's public safety department shall conduct a site visit and investigation to verify the application and identify any additional safety concerns. The proximity of structures and other relevant factors may be considered as additional safety concerns,

Subd. 5. Appeals.

Applications made under subds. 3 or 4 above and denied by staff may be appealed to the city council. The city council shall conduct such hearing as it deems appropriate to review the application, the staff findings, the reasons for denial, input by the applicant, and input by the owners of adjacent properties and shall uphold, reverse or modify the staff's decision regarding the waiver.

Subd. 6. Hunting to Manage Wildlife

Notwithstanding anything herein to the contrary, the city's public safety department shall be entitled to issue permits to hunt in any area of the city to manage wildlife populations upon evidence that all required state permits have been secured and a determination that such hunting will not pose an undue risk to public health and safety.

[Revised 5-18-15, Ordinance 429]

1125.11. Exemption.

Nothing in this section will be construed to restrict firing of any gun, pistol or other species of firearms when done in the lawful defense of persons or property or the necessary enforcement of the law.

[Revised 5-18-15, Ordinance 429]

1125.13. Possession of knives in schools.

It is unlawful for any person to be in possession of, carry, transport, or control any

knife in any school building, in any school parking area or on adjacent public streets, except where such knives are used in or as a part of any instruction activity carried on in the school, used in the preparation or consumption of food in any lunchroom, cafeteria, snack bar, or other places where food is customarily prepared or served, or when used as a tool by a person authorized to perform construction, repair or maintenance services on school property.

[Revised 5-18-15, Ordinance 429]

1125.15. Penalty.

Any person violating any of the provisions of this section will be guilty of a misdemeanor and will be punished in accordance with Minnesota Statutes, section 609.03, as amended.

[Revised 5-18-15, Ordinance 429]