

**TITLE 5
POLICE REGULATIONS**

CHAPTER 501 ANIMAL CONTROL

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501.01: DEFINITIONS:

Except where the term is expressly defined by other provisions or sections within this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

AT LARGE: Off the premises of the owner and not under the control of the owner, a member of the owner's immediate family or a person designated by the owner, and in the case of a dog, by a leash, cord or chain not more than six feet in length. The person in charge must be of sufficient age to adequately control the dog. A dog under control solely by means of command or signal shall be considered under control only if in the presence of the owner or some other person of suitable age and discretion and on the owner's premises or the premises of another who has given consent to the owner.

ELECTRONICALLY TAGGED ANIMAL: A pet that has been implanted with a microchip or other electronic device that uniquely identifies the animal and its owner when the device is scanned by the City's equipment. (Ord.1355, 11-19-2007)

OWNER: Any person keeping a dog or other animal. (Ord. 1078, 6-25-1990)

SERVICE ANIMALS: A service animal is an animal specially trained to assist a person with disabilities. A service animal is required to be licensed in accordance with this Chapter. (Ord. 1168, 8-12-1996) (Ord. 1355, 11-19-2007)

STERILIZED ANIMAL: An animal that has been spayed or neutered. (Ord. 1355, 11-19-2007)

501.02: CONFINEMENT OF ANIMALS:

No animal shall be allowed by its owner to run at large and every animal in heat shall be confined during such entire period and until such animal shall not attract other animals due to being in heat. (Ord. 1078, 6-25-1990)

501.03: CERTAIN ANIMALS DECLARED NUISANCE:

Any animal which shall, by any noise, disturb the peace and quiet of any other person, any animal which habitually barks or cries for extended or unreasonable periods of time, or any animal which damages plantings or structures or deposits fecal matter on public or private property of others is hereby declared to be a nuisance. The keeping of any such animal also constitutes an administrative offense under Section 102.02.C., for which an administrative penalty may be issued. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

501.04: COMPLAINTS:

- A. Any person aggrieved by an animal nuisance may make a written complaint to the Police Department, or such other persons designated by the City Manager, stating the acts complained of, the name and address of the owner of the animal and the name and address of the person making the complaint. The Police Department shall then promptly notify the person owning or keeping the animal and shall order the nuisance abated within five days. If such animal nuisance is not abated within that time, a charge may be made against the owner or keeper of the animal and any person found to have violated the provisions of this Section shall be guilty of a misdemeanor.
- B. If a police officer, community service officer or reserve officer deems it necessary, the officer may take the animal immediately to the impound to stop the nuisance. (Ord. 1078, 6-25-1990)

501.05: ANIMALS FORBIDDEN MOTELS: Repealed (Ord. 1355, 11-19-2007)

501.06: LICENSE REQUIRED:

- A. A license shall be obtained by the owner of any dog or cat kept or maintained within the corporate limits of the City that is three months of age or older. The license must be obtained within 30 days of acquiring the animal, or within 30 days of becoming a resident of the City. This requirement shall not apply to pets whose owners are temporary visitors within the City for 30 days or less.
- B. Licenses may be obtained from the City or from any entity designated by the City to issue pet licenses and remit license fees as established in the City Fee Schedule in Section 314.05.
- C. The license application shall be made on forms provided by the City, and shall require, at a minimum, the owner's address and phone number, and proof of current rabies vaccination for the pet.
- D. Types of Licenses; Fees:

1. Two-Year License. The two-year pet license shall be the minimum requirement of this Chapter. A two-year license shall be issued upon completion of the required application and payment of the required fee as established by the City Fee Schedule in Section 314.05 for a period of time not to exceed two years. As a condition of validity of an issued two-year license, the owner will maintain certification by a licensed veterinarian of the animal's current rabies vaccination. Two-year licenses must be renewed by the holder within 30 days of the expiration of the license. Renewal will be granted upon proof of current rabies vaccination and payment of the required fee as established by the City Fee Schedule in Section 314.05.

Fees for two-year licenses shall be as established by the City Fee Schedule in Section 314.05, and at a minimum shall include differential fees based on the status of the animal as being non-sterilized, non-sterilized and electronically tagged, sterilized, or sterilized and electronically tagged, with generally higher fees for animals that are non-sterilized and not electronically tagged so as to provide incentive for sterilizing and electronically tagging animals.

2. Lifetime License. Lifetime pet licenses shall be issued by the City for sterilized animals as an alternative to two-year licenses. A lifetime license shall be issued upon completion of the required application, payment of the required fee as established by the City Fee Schedule in Section 314.05, and in the case of electronically tagged animals, registration with the City of the unique identifying information related to the electronic device and demonstration that the implanted device can be read by the City's equipment. As a condition to continued validity of an issued lifetime license, the owner will submit to the City every two years proof of the animal's current rabies vaccination. Fees for lifetime licenses shall be as established by the City Fee Schedule in Section 314.05 and at a minimum shall include differential fees based on the status of the animal as being sterilized, or sterilized and electronically tagged, with generally higher fees for animals that are not electronically tagged so as to provide incentive for the electronic tagging of animals.

Lifetime licenses may be revoked by the City without refund of fees paid if the animal's rabies vaccinations are not kept current. When a lifetime license has been revoked, a new lifetime license may be obtained through the procedures and with payment of the fees as established by the City Fee Schedule in Section 314.05.

3. Special Two-Year Multiple Dog License. Special two-year multiple dog licenses may be issued by the City for three or four sterilized dogs to be kept at a licensed premises upon completion of the required application and payment of the required fee, subject to the following conditions:

- a. Written approval from the occupants of at least 75% of the residential properties abutting the licensed premises;
- b. Maintenance of a yard on the premises that is fenced in such a manner as to restrain dogs on the premises from leaving the yard, and
- c. That a nuisance is not created on the premises by the excessive barking of the dogs or the existence of unsanitary conditions.

Special two-year multiple dog licenses must be renewed by the holder within 30 days of the expiration of the license, which renewal may be granted upon proof of current rabies vaccination and payment of the required fee. The Chief of Police may deny requests for renewal based upon complaints received during the preceding year. Denial of renewal may be appealed by written request for a hearing before the City Council, which must be submitted within ten days of the denial.

Fees for special two-year multiple dog licenses shall be as established by the City Fee Schedule in Section 314.05.

Special multiple dog licenses will not be granted for non-sterilized dogs, and will not be

issued on a lifetime basis.

- E. Fee Adjustments. When a license is issued for an non-sterilized pet that is less than six months old at the time of issuance, and the pet is subsequently sterilized within three months of the issuance of the license, upon proof of the sterilization the City will refund the owner the difference between the fee paid for the license and the required fee for a sterilized animal.

Upon the written recommendation of a licensed veterinarian that due to age or health reasons the animal should not be sterilized, the City may in that case charge the license fee for a sterilized animal rather than that for a non-sterilized animal.

- F. Maintenance of current address. All license holders shall notify the City within ten days of any address change within the corporate limits of the City and any change of ownership of a licensed animal.

(Ord. 1355, 11-19-2007)

501.07: ISSUANCE OF TAGS:

Upon the payment of the license fee and presentation of a rabies vaccination certificate, the City shall issue a license tag to the animal owner. Duplicate tags will be issued upon payment of a replacement fee as provided in Section 301.03. Animal tags shall not be transferred from one animal to another. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

501.08: AFFIXING TAGS:

Every owner of any animal required to be licensed is required to provide the animal with a collar to which the license and vaccination tags must be affixed, and the collar, with tags attached, must be worn by such animal at all times. (Ord. 1078, 6-25-1990)

501.09: RECORDS:

The City shall keep a record of all animal licenses issued with the name, address and telephone number of the person to whom the license is issued and name, age, description of the animal and dates of rabies vaccination. (Ord. 1078, 6-25-1990)

501.10: IMPOUNDING:

Any dog or cat found running at large or without valid tags displayed, off the owner's premises, may be seized and may be impounded. All animals found to be a nuisance under Section 501.03 may be impounded. Any police officer and/or other authorized city designee may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such dog or other animals, if known. In case the owner is unknown, the officer shall post notice at the City Hall Office that if the dog or other animal is not claimed within the time specified in this subdivision, it will be sold or otherwise disposed of. All animals impounded shall be kept with humane treatment and sufficient food and water for their comfort for at least five regular business days as defined by Minnesota Statutes Section 35.71, Subd. 3, unless the animal is a dangerous animal as defined under Minnesota Statutes Sections 347.50 to 347.54, in which case it shall be kept for seven days, and except if the animal is a cruelly-treated animal under Minnesota Statutes Section to 343.235, in which case it shall be kept for ten days, unless sooner reclaimed by the owner or returned to the owner. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007)

501.11: REDEMPTION:

Any dog or cat may be redeemed from the pound by the owner upon the payment to the

pound master of an impound and daily care fee. Proof of rabies vaccination and current animal license must be presented by the owner. (Ord. 1078, 6-25-1990; amd. 1995 Code)

501.12: PERMISSIBLE RETURN OF UNRESTRAINED ANIMAL:

Notwithstanding the provisions of Section 501.10, if a licensed animal is found at large and its owner can be identified and located, such animal need not be impounded, but may, instead, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this Chapter, including but not limited to the issuance of an administrative penalty in the amount determined in accordance with Section 102.02C. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

501.13: DISPOSITION OF UNCLAIMED DOGS OR CATS:

Any dog or cat which is not claimed within the period prescribed in Section 501.10 after impounding may be sold, for not less than the amount provided in Section 501.11, to anyone desiring to purchase the dog or cat, unless said dog or cat is requested by a licensed education scientific institution under Minnesota Statute section 35.71. All such funds shall be paid to the City and placed in the General Fund. Any dog or cat which is not claimed by the owner or sold shall be humanely destroyed. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

501.14: IMPOUNDMENT ESTABLISHMENT:

The City Council, by resolution, shall designate one or more establishments that will receive custody of animals seized pursuant to this Chapter, which establishment(s) shall comply with all state law and regulations pertaining to establishments having custody of seized animals, including but not limited to Minnesota Statutes Section 35.71. Every impoundment establishment that receives seized animals from the City shall file a monthly report with the City Council relating to the operation of such establishment and shall be maintained in a clean and orderly manner and shall be subject to periodic inspection by the applicable regulatory authorities. (Ord. 1078, 6-25-1990; amd. 1995 Code) (Ord.1355, 11-19-2007)

501.15: MUZZLING:

Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on their premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation and any dog running at large during the time fixed in the proclamation may be destroyed by the police or designee without notice to the owner. (Ord. 1078, 6-25-1990)

501.16: DANGEROUS ANIMALS:

A. Definitions

ANIMAL CONTROL AUTHORITY means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

DANGEROUS ANIMAL means any animal that 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.

POTENTIALLY DANGEROUS ANIMAL means any animal that:

1. when unprovoked, bites a human or domestic animal on public or private property;
2. on more than one occasion when unprovoked, chases or approaches a person, including a person on a bicycle, or other wheeled conveyance (such as a skateboard, scooter or the like) upon the streets, sidewalks, or any public or private property, other than the animal Owner's property, in an apparent attitude of attack; or
3. has a known propensity, tendency, or disposition to attack unprovoked, based upon report, complaint and/or call for service causing injury or otherwise threatening the safety of humans or domestic animals.

GREAT BODILY HARM has the meaning given it under Minn. Stat. § 609.02, subd. 8.

HEARING OFFICER means an impartial employee appointed by the City, or an impartial person retained by the City, to conduct a hearing under this Ordinance. (Ord. 1391, 3-29-2010)

OWNER means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

PROPER ENCLOSURE means securely confined indoors or in a securely locked pen or kennel suitable to prevent the animal from escaping and to provide protection for the animal from the elements, to include adequate food and water. A proper 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. Such enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel for a dog shall meet the following minimum specifications:

1. Have a minimum overall floor size of 32 square feet.

Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two 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 eighteen inches in the ground.

2. A cover over the entire pen or kennel shall be provided. 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.

3. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have 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.

SUBSTANTIAL BODILY HARM has the meaning given it under Minn. Stat. § 609.02, subd. 7a.

B. Dangerous Animal Registration

1. No person may own a dangerous animal in the City unless the animal is registered as provided in this Section.

2. The City will, upon application by the Owner, issue a certificate of registration to the Owner of a dangerous animal if the Owner presents evidence that:

- a. a proper enclosure exists for the dangerous animal;
- b. a warning sign provided by the City, to inform children that there is a dangerous dog on the property, has been placed on the animal Owner's property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The City may charge the registrant a reasonable fee to cover its administrative costs

and the cost of the warning symbol. (Ord. 1391, 3-29-2010)

c. the Owner has procured a surety bond issued by a surety company authorized to do business in Minnesota, in a form acceptable to the City in at least the sum of \$300,000 payable to any person injured by the animal or, alternatively, the Owner has in place a policy of insurance providing the same protection (Ord. 1391, 3-29-2010)

d. the Owner of a dangerous animal must have had an identification microchip implanted in the dangerous animal, and the City has been provided with the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the Owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's Owner.

3. Dangerous animal designation review. Beginning six months after an animal is declared dangerous; an Owner may request annually that the animal control authority review the designation. The Owner must provide evidence that the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the animal's behavior has changed, the authority may rescind the dangerous animal designation.

4. Exemption. Animals 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 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.

5. Tag. The dangerous animal registered under this section must have a tag containing the uniform dangerous dog symbol, identifying the animal as dangerous, which is affixed to the animal's collar at all times. (Ord. 1391, 3-29-2010)

C. Regulation of Potentially Dangerous Animals

1. An Owner of an animal that has been determined to be potentially dangerous may be required to comply with any or all of the following:

a. The Owner may be required to complete animal obedience classes.

b. The Owner shall keep the animal, while on the Owner's property, in a proper enclosure. If the potentially dangerous animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash, which may not exceed six feet in length. The chain or leash must be under the control of an individual 18 years of age or older.

c. The Owner shall be required to provide proof of current vaccinations.

d. The Owner of a potentially dangerous animal must have had an identification microchip implanted in the potentially dangerous animal, and the City has been provided with the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the Owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's Owner.

2. Potentially Dangerous animal designation review. Beginning six months after an animal is declared potentially dangerous, an Owner may request annually that the animal control authority review the designation. The Owner must provide evidence that

the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the animal's behavior has changed, the authority may rescind the potentially dangerous animal designation. (Ord. 1420, 11-14-2011)

D. Regulation of Dangerous Animals

1. An Owner of a dangerous animal shall keep the animal, while on the Owner's property, in a proper enclosure. If the dangerous animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash, which may not exceed six feet in length. The chain or leash must be under the control of an individual 18 years of age or older.
2. An Owner of a dangerous animal must renew the registration of the animal annually until it is deceased. Renewal of registration must include proof of up-to-date rabies vaccinations.
3. An Owner of a dangerous animal must notify the City in writing of the animal's death or its transfer to a new location within 30 days of death or transfer, and must execute an affidavit of death or transfer as requested by the City. (Ord. 1391, 3-29-2010)
4. An Owner of a dangerous animal must have the animal sterilized at the Owner's expense. The Owner must provide proof of sterilization of the animal to the City. If the Owner does not have the animal sterilized within 30 days of the dangerous animal determination, the animal control authority shall seize the animal and have the animal sterilized at the Owner's expense. (Ord. 1391, 3-29-2010)
5. The Owner of a dangerous animal who rents property from another, must notify the property Owner, prior to signing the lease agreement and at the time of any lease renewal that the person owns a dangerous animal that will also reside at the property.
6. A person that transfers a dangerous animal must notify the new Owner that the animal has been identified as dangerous, and must also notify the City in writing, providing the new Owner's name, address and telephone number. (Ord. 1391, 3-29-2010)
7. The City shall seize a dangerous animal if, after 14 days after the Owner has notice that the animal is dangerous, the animal is not validly registered as a dangerous animal or the Owner has not secured the required liability insurance or surety coverage. The City may seize a dangerous animal if any other of the requirements contained in this subdivision have not been met. A seized animal may be reclaimed upon payment of impounding and confinement costs and proof that the requirements of this Ordinance have been met. An animal not reclaimed within seven days will be destroyed, and the Owner will be liable for all costs incurred in confining and disposing of the animal. A person claiming an interest in a seized animal may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual cost of care and keeping. The security must be posted within 7 days of the seizure inclusive of the date of the seizure. (Ord. 1391, 3-29-2010)
8. Beginning six months after an animal is declared a dangerous animal; an Owner may request annually that the City review the designation. The Owner must provide evidence that the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the City finds sufficient evidence that the animal's behavior has changed, the City may rescind the dangerous animal designation.
9. Notwithstanding anything in this Ordinance to the contrary, the City may seize and destroy an animal that has:
 - a. inflicted substantial or great bodily harm on a human on public or private

- property without provocation;
- b. inflicted multiple bites on a human on public or private property without provocation;
- c. bit multiple human victims on public or private property in the same attack without provocation; or
- d. bit a human on public or private property without provocation in an attack where more than one animal participated in the attack.

Destruction of the animal may occur after the animal Owner has been notified of the intended destruction and, at least 7 days to request a hearing challenging the decision to destroy the animal.– If a hearing is requested, the hearing shall be before a hearing officer. (Ord. 1391, 3-29-2010)

10. Law enforcement; exemption. Nothing contained in this Ordinance shall apply to dogs used for law enforcement purposes by a law enforcement agency.

Source: Ordinance No. 307, Third Series, Effective Date: 3-15-2002

E. Determination of Status

1. Whether an animal is “dangerous” or “potentially dangerous” as that term is used herein shall be determined by the Chief of Police or his or her designee in consultation with the City Attorney. The Owner and persons that have suffered injury or damage due to the animal shall be given written notice of the determination.

(Ord. 1334, 04-10-2006)

F. Notice of Dangerous Animal Determination

1. The Owner of the animal and persons that have suffered injury or damage from the animal shall be given written notice of the determination of the animal as dangerous.

The notice shall provide:

- a. a description of the animal; the authority for and purpose of the dangerous animal declaration, and seizure, if applicable; the time, place, and circumstances under which the animal was declared dangerous; and the telephone number and contact person where the animal is kept;
- b. that the Owner of the animal may request a hearing concerning the dangerous animal declaration; failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing;
- c. that if an appeal request is made within 14 days of the notice, the Owner must immediately comply with the requirements of paragraphs D (1) and (3) of this subdivision, and until such time as the hearing officer issues an opinion;
- d. that if the hearing officer affirms the dangerous animal declaration, the Owner will have 14 days from the date of the determination to comply with all other requirements of this subdivision;
- e. that all actual costs of the care, keeping, and disposition of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and
- f. a form for notifying the City of an appeal and requesting a hearing under this subdivision;. (Ord. 1391, 3-29-2010)

G. Appeal of Dangerous or Potentially Dangerous Animal Determination

1. The Owner of an animal determined to be dangerous or potentially dangerous may appeal the dangerous animal determination.

2. The written notice of appeal must be received by the City within 14 days from the date of the dangerous or potentially dangerous animal determination.

3. The hearing on the appeal of a dangerous or potentially dangerous animal determination shall be before a hearing officer. The hearing officer shall be the Animal Humane Society Director of Humane Investigations, or their designee.

4. The hearing shall take place within 14 days of the receipt of the notice of appeal.
5. In the event that the dangerous or potentially dangerous animal determination is upheld by the hearing officer, actual expenses of the hearing, up to a maximum of \$1,000, will be the responsibility of the animal's owner.
6. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the City. (Ord. 1391, 3-29-2010)
(Ord. 1420, 11-14-2011)

501.17: ATTACK BY AN ANIMAL:

It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other animal whether or not the owner is present. (Ord. 1078, 6-25-1990)

501.18: SUMMARY DESTRUCTION OF CERTAIN ANIMALS:

Whenever an officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the City because it is infected with rabies or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy said animal. (Ord. 1078, 6-25-1990)

501.19: KENNELS:

Except as provided in Section 501.06, no person shall maintain a kennel (more than two dogs over three months of age), as defined in Chapter 1002 of this Code, without first securing a license pursuant to Chapter 301 of this Code. This fee shall be in addition to the license fee prescribed in preceding sections for each dog kept in such a kennel. Kennel restriction shall not apply to veterinary hospitals licensed under Chapter 310 of this Code. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007)

501.20: SPECIAL MULTIPLE DOG LICENSES: Repealed (Ord. 1355, 11-19-2007)

501.21: RIDING HORSES:

- A. Definition: As used in this Section, "riding horse" means any horse which is used primarily for riding. (Ord. 349, 12-1-1961)
- B. License Required: No person shall keep any riding horse within the City for over 30 days unless a license for such animal has been first secured.
- C. Condition of License: A license shall be granted to any applicant for a riding horse on the following conditions:
 1. Said riding horse shall be used in such a manner so as not to annoy or disturb residents of the City.
 2. Said riding horse will be kept in an inconspicuous place and not allowed to run at large.
- D. Application for License: The application for a license shall be made to the City Manager and granted by the City Council for the license of each particular horse. The license shall be suspended or revoked by the City Council upon any breach of the conditions of license set forth in this Section. (Ord. 349, 12-1-1961)
- E. Minimum Area and Fencing: No license shall be issued for any riding horse unless the horse shall be kept in an adequately fenced pasture of a minimum size of three acres,

but no more than three horses can be kept in such three acre pasture at any one time. For each horse in excess of three, an additional one acre of fenced pasture shall be provided. (Ord. 734, 9-9-1974)

- F. License Fee: The license fee for each riding horse is as established by the City Fee Schedule in Section 314.05. (Ord. 1379A, 11-17-2008)
- G. Term of License: The license granted by the City Council under this Section shall be for the life of each horse and need not be renewed annually.
- H. Issuing and Affixing Tags: Upon the granting of a license by the City Council, the City Manager shall issue to the licensee a tag indicating that a license has been issued and said tag shall be affixed to the riding horse so licensed. (Ord. 349, 12-1-1961)

501.22: CLEANUP:

The owner or attendant of any animal must carry clean-up utensils when taking the animal off personal property and must clean up all feces of the animal off personal property and dispose of such feces in a sanitary manner. (Ord. 1078, 6-25-1990)

501.23: WILD ANIMALS:

- A. Purpose: It shall be unlawful to keep any wild animal within the City limits, except as permitted pursuant to the provisions of this Section.
- B. Definition: As used in this Section, the following term shall have the meaning ascribed to it in this subsection:
WILD ANIMAL: Any animal, mammal, amphibian, or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristic is inherently dangerous to human beings. Examples of wild animals, without limitation, are:
 - 1. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except domesticated house cats.
 - 2. Any member of the family Canidae, such as wolves, hybrid wolves, coyotes, dingoes, and jackals, except domesticated dogs.
 - 3. Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.
 - 4. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.
 - 5. Any skunk, raccoon, fox or protected animal.
 - 6. Any bear, ape, monkey in excess of five pounds, or badger.
 - 7. Any other animal, bird or reptile which is commonly considered wild and not domesticated.
- C. Exceptions:
 - 1. Any person desiring to keep an animal prohibited by this Section may apply for a permit from the City. Such permit may be issued for a period not to exceed 30 days and shall specify conditions under which such animals shall be kept; provided, however, that no such permit shall be issued unless such prohibited animal is being kept by a person keeping such animal for a public zoo as a volunteer or docent. A public zoo or other institution engaged in a permanent display of animals and any bona fide research institution or veterinary hospital may be issued a permanent permit provided applicable zoning requirements are met.
 - 2. Nonpoisonous snakes, domesticated birds, hamsters, mice, rabbits, lizards, spiders and other similar small animals capable of being kept in cages. Rats, if purchased from a bona fide pet store are an exception to this Section.
 - 3. Medically prescribed companion animals.

4. Wildlife rehabilitators may only possess animals with a Minnesota Department of Natural Resources permit. Such animals will be kept in a manner as to not create unsanitary conditions or unreasonable noise.
 5. Birds and birds of prey if kept pursuant to a valid U.S. Fish and Wildlife Services permit.
- D. Impounding of Wild Animals: Any wild animal kept in violation of this Section may be impounded by the City. The animal may be destroyed or sold five days following notice to the owner of such animal of its impoundment and the provisions of this Section. Any person reclaiming any such animal shall pay the costs of impounding and boarding at the time of its release.
- E. Existing Wild Animals: Anyone keeping or maintaining any wild animal at the time this Section is adopted has thirty (30) days in which to comply with the provisions of this Section. (Ord. 1141, 6-13-1994)

501.24: OWNER OBLIGATION FOR PROPER CARE:

No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal or cause or permit any animal fight. No owner shall abandon any animal. (Ord. 1078, 6-25-1990; amd. 1995 Code) (Ord.1355, 11-19-2007)

501.25: ENFORCEMENT:

Any community service officer, reserve officer or police officer may enter upon private land where there is reasonable cause to believe this Chapter is being violated. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007) (Ord. 1453, 10-21-2013)

CHAPTER 502 GENERAL OFFENSES

SECTION:

- 502.01: Offenses Involving the Person
- 502.02: Offenses Involving Property
- 502.03: Offenses Involving Public Health and Safety
- 502.04: Offenses Involving Public Officials

502.01: OFFENSES INVOLVING THE PERSON:

- A. Vagrancy: Minnesota Statute section 609.725 relating to vagrancy is incorporated by reference in this Chapter. (1990 Code)
- B. Trespassing: No person shall trespass upon:
 - 1. The private premises of any other person within the City.
 - 2. Any premises privately owned but open to the use of the general public for their patronage during specified business hours. No person shall, before or after said hours, remain on or return to said premises after having been requested to leave by the owner of said premises or the owner's authorized representative.
 - 3. Any premises privately owned but open to the use of the general public for their patronage. No person shall, during business hours, remain on said premises after having been requested to leave by the owner of said premises or the owner's authorized representative.
 - 4. Any public or private premises in the City where entrance to or exit from the premises is regulated or controlled by coin or token operated gates, turnstiles or other mechanical devices. No person shall enter on or exit from said premises without making the required coin or token deposit. (Ord. 556, 8-14-87)
- C. Lurking: No person shall lurk, lie in wait or conceal himself in any house or other building, or in any yard or premises with the intent to commit any offense prohibited by the laws of the State or by this Code. (Ord. 244, 5-10-58; amd. 1990 Code)
- D. Inhalation of Chemicals: No person shall inhale, drink or otherwise take into their body any compound, liquid or chemical containing tuluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichoroathane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone or any other substance capable of inducing intoxication, elation, dizziness, paralysis, irrational behavior or distortion. The provisions of this Section shall not apply to any person who inhales or drinks such material pursuant to the direction or prescription of any physician. (1990 Code)
- E. Issuance of Worthless Checks: Minnesota Criminal Code section 609.535, as amended, relating to the issuance of worthless checks, is incorporated by reference in this Chapter. (Ord. 442, 11-9-64)
- F. Wrongful Appropriation: No person shall willfully take, use, transfer, conceal or retain the possession of goods, wares or merchandise offered or exposed for sale in any store or other business establishment with the intent of converting said property to the taker's own use and without paying the purchase price. (Ord. 647, 5-10-71)
- G. Theft: Minnesota Criminal Code section 609.52, as amended, relating to theft, is incorporated by reference in this Chapter. (Ord. 442, 11-9-64)

502.02: OFFENSES INVOLVING PROPERTY:

- A. Destruction or Injury to Property: No person shall intentionally damage any real property, personal property, residence, building or motor vehicle of another or throw any stone or other missile at such property. (Ord. 403, 9-9-63)
- B. Tampering with Outdoor Warning System: No person not duly authorized by the City Manager shall use, operate, alter, interfere or tamper with any of the sirens, switch boxes, installations or equipment of the outdoor warning system of the City. (Ord. 244, 55-10-58; amd. 1995 Code)
- C. Damage to Political Signs: No person shall damage or remove legal political signs without proper authority. (Ord. 1054, 1-23-89; amd. 1995 Code)

502.03: OFFENSES INVOLVING PUBLIC HEALTH AND SAFETY:

- A. Abandoned Ice Boxes: No person shall leave in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an airtight snap lock or other device without first removing the snap lock or doors from the ice box, refrigerator or container. (Ord. 244, 5-10-58)
- B. Dumping of Solid Waste: No person shall dump or deposit solid waste at any place within the City. (1995 Code)
(Ord. 1388, 2-22-2010)

502.04: OFFENSES INVOLVING PUBLIC OFFICIALS:

- A. Resisting Arrest; Obstructing Process:
 - 1. No person shall willfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of his/her office.
 - 2. No person shall intentionally obstruct, hinder or prevent the lawful execution of any legal process, civil or criminal. (Ord. 403, 9-9-63; amd. 1990 Code)
- B. Disobeying Order of Police Officer: No person shall fail or refuse to comply with any lawful order or direction of any police officer within the City. (Ord. 556, 8-14-67)
- C. False Crime Reports; False Information: No person shall report or cause to be reported to the Police Department by telephone, in writing or by any other means of communication any felony, gross misdemeanor or misdemeanor knowing that no such felony, gross misdemeanor or misdemeanor has, in fact, been committed, nor shall any person, in reporting a felony, gross misdemeanor or misdemeanor which has actually been committed, knowingly give false information about the same to the Police Department. (Ord. 244, 5-10-58)
- D. Obstructing Council and City Employees:
 - 1. False Statements: Make or submit any false report, petition or statement to the City Council, any City employee or any committee or commission established by the City Council while in the performance of their duties.
 - 2. Interference: Interfere with or obstruct the City Council, any City employee or any committee or commission established by the City Council while in the performance of their duties. (Ord. 685, 11-21-72)
- E. Fire Violations: No person shall give or make or cause to be given or made an alarm of fire without probable cause, or neglect or refuse to obey a reasonable order of the Chief at a fire or interfere with the Fire Department in the discharge of its duties. No person other than a member of the Fire Department shall leave any vehicle standing within three hundred feet (3009) of a fire. No person shall drive a vehicle of any kind over a fire hose line on a street whether the same is in service at the time or not. (Ord. 690, 1-15-73)

CHAPTER 503 WEAPONS

SECTION:

- 503.01: Discharge or Display Prohibited
- 503.02: Handguns Prohibited
- 503.03: Transporting Weapons Prohibited
- 503.04: Switchblade Knives Prohibited
- 503.05: Dangerous Weapon Defined
- 503.06: Dangerous Weapons Prohibited
- 503.07: Licenses, Repealed
- 503.08: Sale to Minors Under Eighteen
- 503.09: Exception
- 503.10: Use of Bow and Arrow

503.01: DISCHARGE OR DISPLAY PROHIBITED:

No person shall shoot, discharge or display any gun of any description whether it is loaded with powder, loaded or blank cartridges, or any other explosive or bullet, pellet or shot. This section shall not apply to ceremonial honor guards displaying or discharging guns loaded with blank cartridges and acting pursuant to written authorization of the chief of police, and this section's prohibition against display shall not apply to any retailer or dealer in guns. (Ord. 1272, 10-14-2002)

503.02: HANDGUNS PROHIBITED:

No person shall carry any revolver or handgun in any holster or otherwise upon the person whether it is concealed or not concealed, except under such conditions and in such places as complies with state and federal law. (Ord. 1291, 8-11-2003) (Ord. 1291, 8-11-2003)

503.03: TRANSPORTING WEAPONS PROHIBITED:

No person shall transport in or upon any motor vehicle any firearm, air gun, gas gun or spring gun unless it is completely unloaded and contained in a gun case, or unless unloaded and contained in the trunk of the vehicle, or bow and arrow unless unstrung and contained in the trunk of the vehicle with the trunk door closed. (1990 Code)

503.04: SWITCHBLADE KNIVES PROHIBITED:

No person shall sell, offer or display for sale, give away or have in his/her possession any knife of the type commonly known as a switchblade, spring or push button knife. (1990 Code)

503.05: DANGEROUS WEAPON DEFINED:

As used in this chapter, the term "dangerous weapon" includes any object or device, the use of which as a weapon against any person would or might be dangerous to his/her life or physical wellbeing and safety including, but not limited to, any revolver or handgun, dagger,

knuckles of wood, metal or plastic, switch blade knife, club or bow and arrow. (1990 Code; amd. 1995 Code)

503.06: DANGEROUS WEAPONS PROHIBITED:

No person shall carry or wear, either on his/her person or in a motor vehicle owned or operated by him/her, any dangerous weapon not licensed pursuant to applicable state law. (Ord. 1291, 8-11-2003)

503.07: LICENSES, REPEALED

(Ord. 1291, 8-11-2003)

503.08: SALE TO MINORS UNDER EIGHTEEN:

No person shall give, sell or otherwise furnish any firearms or air guns of any kind, or any ammunition of any kind for use therein, to any minor under the age of 18 years without the written consent of the parent or guardian of said minor. Said permission shall be preserved by the person furnishing such arms or ammunition and shall be open to inspection at all reasonable times by all law enforcement officers or the judges of any court of record in the state. (1990 Code)

503.09: EXCEPTION:

This chapter shall not apply to any law enforcement officer or other persons whose duty, as prescribed by law, may be to serve warrants or make arrests, or to persons whose business or occupation may require the carrying of weapons for protection and who have obtained a license as provided in sections 503.02 and 503.07 of this chapter. (1990 Code)

503.10: USE OF BOW AND ARROW:

As used in this chapter, the term "bow and arrow" is defined as a bowed shaft of material such as metal, wood or plastic, the ends of which are pulled into a bow formation by a string, cord, wire or any other type of material and used for the purpose of propelling an arrow by means of the power developed in pulling the string against the tension of the bow and further provided that the arrow used is pointed or is equipped with a pointed head of metal, plastic or other material capable of penetrating an object when propelled by the bow.

It is unlawful for any person to shoot a bow and arrow except: in a school program, on school grounds and supervised by a member of its faculty, a community class, a City Council authorized deer hunt pursuant to City Code Section 411.04, or on a bow and arrow range specifically authorized by the Chief of Police. (Ord. 1353, 10-15-2007)

CHAPTER 504
FIREWORKS

Repealed
(Ord. 1292, 8-11-2003)

CHAPTER 505

MINORS, CURFEW

SECTION:

- 505.01: Definitions
- 505.02: Prohibited Acts
- 505.03: Exceptions
- 505.04: Enforcement

505.01: DEFINITIONS:

For the purpose of this Chapter, the following definitions shall apply:

AUTHORIZED ADULT: Any person who is at least 18 years of age and authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time.

EMERGENCY ERRAND: An errand necessary to avoid or seek help for harm or peril that is immediate, overwhelming or physical, provided the minor could not have avoided the necessity of the errand by taking advance precautions.

MINOR: Any unemancipated person under the age of 18 years.

PARENT: Any person having legal custody of the minor as natural or adoptive parent, as legal guardian, or as a person to whom legal custody has been given by order of the court.

PUBLIC PLACE: Any public street, highway, roadway, park, public recreation, entertainment or civic facility or other place open to the public within the City. (Ord. 1154, 10-10-94)

505.02: PROHIBITED ACTS:

- A. It shall be unlawful for any minor under the age of 16 to be in a public place within the City during the period ending at five o'clock (5:00) A.M. and beginning at 10:00 P.M. every day of the week.
- B. It shall be unlawful for any minor who is 16 or 17 years of age to be in any public place within the City during the period ending at 5:00 A.M. and beginning at 12:00 midnight every day of the week.
- C. It shall be unlawful for a parent or authorized adult of a minor to knowingly, or by inefficient control, permit such minor to be in any public place within the City during the hours prohibited by subsections A and B above under circumstances not constituting an exception to this Chapter as set forth herein. The term "knowingly" includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a minor under such person's care.
- D. It shall be unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly permit any minor to remain in such place during the hours prohibited by subsections A and B above under circumstances not constituting an exception to this Chapter as set forth herein. (Ord. 1154, 10-10-94)

505.03: EXCEPTIONS:

- A. The following shall constitute valid exceptions to the operation of the curfew:
 - 1. At any time, if a minor is accompanied by his/her parent or an authorized adult.

2. At any time, if a minor is upon an emergency errand.
 3. At any time, the minor is upon some necessary errand by permission or direction of said parent, guardian or other adult person having the care and custody of said minor, which permission shall be in written form and signed by such parent, guardian or other adult person having the care and custody of the said minor.
 4. At any time, where the presence of said minor in said place or places is connected with or required by some legitimate business, trade or profession or occupation in which said minor is permitted by law to be engaged.
 5. If the minor is legally employed, for a period from 45 minutes before or after work, while going directly between his/her home and place of employment.
 6. At any time the minor is engaged in interstate travel.
 7. At any time the minor is exercising First Amendment rights protected by the United States Constitution (or those similar rights protected by Article I of the Constitution of the State of Minnesota), such as free exercise of religion, freedom of speech, and a right of free assembly.
 8. At any time the minor is married in accordance with the law or had disability of nonage removed by a court of competent jurisdiction.
 9. At any time the minor is homeless or uses a public or semipublic place as his/her usual place of abode.
 10. At any time the minor is on the boulevard or sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor has not complained to the Police Department about the minor's presence.
 11. At any time the minor is attending, or returning by a direct route to his/her current residence from, a specific activity at a public or semipublic place which is open to the general public and supervised by adults at least 21 years of age; provided further, that any such activity begins no later than 10:00P.M.; provided further, that the minor possesses written permission from his/her parent or legal guardian authorizing the minor to attend or engage in that specific activity.
 12. Attending an official school, religious or recreational activity supervised by adults at least t 21 years of age and sponsored by the City, a school, church, civic organization or other similar entity, which organization takes responsibility for the minor as an invitee, or going to or returning from, any such activity without any detour; provided further, that the minor possesses written permission from his/her parent or legal guardian authorizing the minor to attend or engage in that specific activity.
- B. It is a defense to prosecution under Section 505.02 that the owner, operator or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave. (Ord. 1154, 10-10-94)

505.04: ENFORCEMENT:

Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in a public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 505.03 is present. (Ord. 1154, 10-10-94)

CHAPTER 506

FALSE ALARMS - SECURITY AND ALARM SYSTEMS

SECTION:

- 506.01: Purpose
- 506.02: Definitions
- 506.03: User Fees
- 506.04: Payment of Fees

506.01: PURPOSE:

The purpose of this Chapter is to provide regulations for the use of burglary, fire and safety alarms, including establishment of use fees for false alarms. (Ord. 1076, 4-23-1990)

506.02: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

ALARM SYSTEM: 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. Automobile alarm devices shall not be considered an alarm system under the terms of this Chapter.

ALARM USER: The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility where an alarm system is maintained.

FALSE ALARM: An alarm signal eliciting a response by public safety personnel when a situation requiring a response does not exist and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence of the user of an alarm system or its employees or agents. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps or violent conditions of nature nor do they include alarms caused by third persons over whom the user has no control.

PUBLIC SAFETY PERSONNEL: Duly authorized City employees. (Ord. 1076, 4-23-1990)

506.03: USER FEES:

- A. False Alarms: The user of an alarm system who reports multiple false alarms to the Police Department or Fire Department in a single calendar year will be charged a fee as established by the City Fee Schedule in Section 314.05. (Ord. 1399, 11-22-2010)
- B. Appeal: An alarm user required by the City to pay a user fee as a result of a false alarm may make a written appeal of the false alarm user fee to the Chief of Police or Fire Chief, as appropriate, within ten days of notice by the City of the false alarm charge. An adverse decision by the Chief of Police or Fire Chief may be appealed to the City Manager within ten days of receipt of the Chief of Police's or Fire Chief's decision. The City Manager will have authority to make a final determination as to whether or not the user is to be charged a user fee for the false alarms. (Ord. 1076, 4-23-1990)

506.04: PAYMENT OF FEES:

- A. Payment of user fees provided for herein must be paid to the City Treasurer within 30

days from the date of notice by the City to the alarm user. Failure to pay the fee within 30 days will result in the imposition of a penalty of ten percent of the user fee.

- B. All unpaid user fees and penalties shall be certified as an assessment against the property on which the alarm was located and shall be collected each year along with the taxes on such property. (Ord. 1076, 4-23-1990)

CHAPTER 507

DRUGS, CONTROLLED SUBSTANCES

SECTION:

507.01: Prohibited Drugs and Marijuana

507.02: Drug Paraphernalia

507.01: PROHIBITED DRUGS AND MARIJUANA:

- A. Possession: Except as authorized by Minnesota Statutes, section 152.01, et seq., as amended, no person shall possess or have in their possession or control any controlled substance.
- B. Controlled Substances: Controlled substances are defined as all of the substances listed in Minnesota Statutes section 152.02, as amended, and also marijuana (cannabis sativa L).
- C. Automobiles: A person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his/her person or keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, any controlled substance as defined above is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.
- D. Violations: Any person violating any of the subsections of this Section is guilty of a misdemeanor; further, upon a finding of guilty or a plea of guilty to any violation of this Section, the Court may impose sentence pursuant to the provisions of Minnesota Statutes section 152.18, as amended, except that such period of probation may be for a period of up to one year. (Ord. 729, 4-29-74; amd. 1995 Code)

507.02: DRUG PARAPHERNALIA:

- A. Definitions:
 - 1. "Drug Paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Minnesota Statutes chapter 152, which includes, but is not limited to:
 - a. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - b. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
 - c. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
 - d. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
 - e. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
 - f. Diluents and adulterants such as quinine hydrochloride, mannitol, mannite,

dextrose and lactose used, intended for use or designed for use in cutting controlled substances.

g. 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.

h. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.

i. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

j. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.

k. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.

l. 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, such as:

(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, that 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.

(13) Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all the other logically relevant factors, the following:

a. Statements by an owner or by anyone in control of the object concerning its use.

b. Prior convictions, if any, of the owner or of anyone in control of the object of any State or Federal law relating to any controlled substance.

c. The proximity of the object in time and space to the direct violation of this Section.

d. The proximity of the object to controlled substances.

e. The existence of any residue of controlled substances on the object.

f. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person in control knows, or should reasonably know, intend to use the object to facilitate a violation of this Section; the innocence of an owner or of anyone in control of the object, as a direct violation of this Section shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

g. Instructions, oral or written, provided with the object concerning its use.

h. Descriptive materials accompanying the object which explain or depict its use.

i. National and local advertising concerning its use.

j. The manner in which the object is displayed for sale.

k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community such as a licensed distributor or dealer of

tobacco products.

l. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

m. The existence and scope of legitimate uses for the object in the community.

n. Expert testimony concerning its use.

2. Other Terms: The terms "controlled substance", "manufacturing", "marijuana" and "person" are defined as specified in Minnesota Statute section 152.01 and any amendment thereto.

B. Offenses and Penalties:

1. Possession of Drug Paraphernalia: It is unlawful for any person to use or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.

2. Manufacture or Delivery of Drug Paraphernalia: It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.

3. Advertisement of Drug Paraphernalia: It is unlawful for any person to place or cause to be placed in any newspaper, magazine, handbill or other publication any advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

4. Penalty: Any person who violates subsections 1, 2 or 3 of this subsection is guilty of a misdemeanor.

C. Forfeiture: Upon final conviction for violation of the provisions of this Section, all drug paraphernalia seized as evidence shall be turned over to the Chief of Police. Any such evidence which is adaptable to police purposes may be kept and used by the Police Department. Such evidence which is usable or adaptable for use in a lawful manner may be sold by the Chief of Police at a public auction-sale following at least two weeks' published notice of such sale. Such evidence which would be dangerous or unlawful to reintroduce into channels of private sale or use may, in the discretion of the Chief of Police, be destroyed. (Ord. 929,8-8-83)

CHAPTER 508

UNCLAIMED PROPERTY

SECTION:

508.01: Sale of Unclaimed Property

508.02: Donation of Unclaimed Bicycles

508.01: SALE OF UNCLAIMED PROPERTY:

The Chief of Police is authorized to administer the disposal of property lawfully coming into the possession of the City and remaining unclaimed by the owner after 60 days. Disposal shall be by sale to the highest bidder at public auction or sale including electronic auction. A notice specifying the date, time and place of any auction or sale shall be published in a newspaper of general circulation throughout the City at least one week prior to such auction or sale. The net proceeds of sale shall be placed in the City's General Fund, subject to the right of the former owner to payment of the net proceeds upon application and presentation of satisfactory proof of ownership within six months of the sale. Net proceeds means the sale price less all costs of handling, storage or sale. (Ord. 849, 6-11-79) (Ord. 1380, 12-15-2008)

508.02: DONATION OF UNCLAIMED BICYCLES:

The Chief of Police is further authorized to administer the disposal of bicycles lawfully coming into possession of the City and remaining unclaimed by the owner after a 60 day waiting period. In addition to the disposal methods provided in Roseville City Ordinance Section 508.01, disposal of unclaimed bicycles may be a donation to a nonprofit organization that has a significant mission of community service or to another public corporation for the public use.

A notice specifying the date of the donation, the identity of the donee, and a general description of the bicycles shall be published in a newspaper of general circulation throughout Roseville at least six months prior to such a donation. At any time prior to the donation date, and upon satisfactory proof of ownership, the bicycle shall be returned to its owner. (Ord. 1346, 4-9-2007)

CHAPTER 509

SOCIAL HOSTING

SECTION:

- 509.01: Purpose and Findings
- 509.02: Authority
- 509.03: Definitions
- 509.04: Prohibited Acts
- 509.05: Exceptions
- 509.06: Enforcement
- 509.07: Severability
- 509.08: Penalty

509.01: PURPOSE AND FINDINGS

The Roseville City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Roseville City Council finds that:

- A. Events or gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- C. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- D. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent is present and condone the activity, and in some circumstances provide the alcohol.
- E. Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and this Chapter is necessary to help further combat underage consumption.
- F. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

509.02: AUTHORITY

This Chapter is enacted pursuant to Minn. Stat. §145A.05.

509.03: DEFINITIONS

For the purpose of this Chapter, the following terms shall have the meanings stated:

ALCOHOL: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE: Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more

of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

EVENT or GATHERING: Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

HOST: To aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

PARENT: Any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or step-parent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

PERSON: Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

RESIDENCE or PREMISES: Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

UNDERAGE PERSON: Any individual under 21 years of age.

509.04: PROHIBITED ACTS

- A. It is unlawful for any person(s) to;
 1. Host or allow an event or gathering;
 2. At any residence, premises, or on any other private or public property;
 3. Where alcohol or alcoholic beverages are present;
 4. When the person knows or reasonably should know that an underage person will or does:
 - a. Consume any alcohol or alcoholic beverage; or
 - b. Possess any alcohol or alcoholic beverage with the intent to consume it; and
 5. The person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- B. A person is criminally responsible for violating subsection A of this section if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
- C. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

509.05: EXCEPTIONS

- A. This Chapter does not apply to conduct of an underage person specifically authorized by his or her parent while present in the parent's household or when the underage person and his or her parent are guests in the household of another.
- B. This Chapter does not apply to legally protected religious observances.
- C. This Chapter does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503, Subd. 1(a) (1).
- D. This Chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

509.06: ENFORCEMENT

This Chapter can be enforced by any police officer.

509.07: SEVERABILITY

If any section, subsection, sentence, clause, phrase, word, or other portion of this Chapter is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Chapter, which remaining portions shall continue in full force and effect.

509.08: PENALTY

Violation of this Chapter is a misdemeanor.

(Ord. 1360, 3-03-2008)

CHAPTER 510

BACKGROUND CHECKS

SECTION:

510.01: Purpose

510.02: Criminal History Employment Background Investigations

510.01 PURPOSE:

The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of background checks for licensing, employment and volunteer positions described in Section 104.

510.02 CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS

- A. The Roseville Police Department is authorized, as the exclusive entity within the City, to do a criminal history background investigation on applicants for the following licenses and full-time, part-time and volunteer positions with the City:
1. all licenses and positions that include work with children or vulnerable adults;
 2. all licenses and positions that include access to private or confidential data;
 3. all licenses and positions that require the operation of City-owned motorized vehicles, regardless of whether the vehicle is operated on public streets;
 4. all licenses and positions that include the physical handling or management of monies, securities, bonds or public funds;
 5. all licenses and positions that include the handling or dispensing of hazardous materials, alcoholic beverages, or equipment or instruments capable of transmitting infectious diseases;
 6. all other licenses and positions as otherwise expressly required by City Code.
- B. In conducting the criminal history background investigation, in order to screen applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing or hiring authority, including the City Council, Mayor, the City Manager, Human Resources Manager, City Attorney, and other city staff involved in the licensing and hiring processes.
- C. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information.
- D. Except for the licenses and positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant on the basis of the applicant's prior conviction unless the crime is directly related to the license or position sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

1. The grounds and reasons for the denial.
 2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
 3. The earliest date the applicant may reapply.
 4. That all competent evidence of rehabilitation will be considered upon reapplication.
- (Ord. 1378A, 10-27-2008)
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CHAPTER 511

REPEAT NUISANCE SERVICE CALL

SECTION:

- 511.01: Purpose and Application
- 511.02: Definition of Nuisance Conduct
- 511.03: Repeat Nuisance Service Call Fee
- 511.04: Notice
- 511.05: Delinquent Payment and Fee Recovery
- 511.06: Enforcement
- 511.07: Right to Appeal
- 511.08: Legal Remedies Nonexclusive
- 511.09: Exceptions and Affirmative Defenses

511.01: PURPOSE and APPLICATION:

The purpose of this Chapter is to protect the public safety, health and welfare and to prevent and abate repeat service response calls by the City to the same property or location for nuisance service calls, as defined herein, which may prevent police, public safety, or other city services from reaching other residents of the City.

It is the intent of the City, by the adoption of this Chapter, to impose and collect service call fees from the owner or occupant, or both, of property to which City officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the City. The repeat nuisance service call fee is intended to cover cost over and above the cost of providing normal law or code enforcement services and police protection.

This Chapter shall apply to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the City.

This Chapter shall apply to any repeat nuisance service calls as set forth herein made by a City of Roseville employee, including a police officer, community service officer, firefighter, and/or code enforcement employee.

511.02: DEFINITION OF NUISANCE CONDUCT:

For purposes of this Chapter, the term "nuisance conduct" means any activity, conduct or condition occurring within the City that annoys, injures or endangers the reasonable safety, health, morals, comfort or repose of any member of the public, or will tend to alarm, anger or disturb others. Nuisance conduct includes but is not limited to the following:

- A. Any activity, conduct, or condition defined as a public nuisance under any provision of the City Code or Minnesota State laws;
- B. Any activity, conduct, or condition in violation of any provision contained in Title 4,5,6 or 9 of the City Code;
- C. Any conduct, activity or condition constituting a violation of Minnesota state laws prohibiting or regulating prostitution, gambling, controlled substances or use of firearms;

and/or

- D. Any conduct, activity, or condition constituting disorderly conduct as defined under Chapter 609 of Minnesota Statutes.

511.03: REPEAT NUISANCE SERVICE CALL FEE

The City may impose a repeat nuisance service call fee upon the owner or occupant of private property if the City has rendered services or responded to the property on three or more occasions within a period of (365) days in response to or for the abatement of nuisance conduct. The repeat nuisance service call fee shall be as established by the City Fee Schedule in Section 314.052 of the City Code.

511.04: NOTICE

No repeat nuisance service call fee may be imposed against an owner or occupant (or both with the owner and occupant each being responsible for a separate repeat nuisance service call fee) of property without first providing such owner or occupant with written notice of the previous nuisance service calls prior to the latest nuisance service call rendered by the City upon which the fee is imposed. The written notice shall:

- A. Identify the nuisance conduct that has occurred on the property, and the dates of the nuisance conduct activity or condition;
- B. State that the owner or occupant may be subject to a repeat nuisance service call service fee if a third nuisance call is rendered to the property for any further nuisance conduct;
- C. State that the City has the right to seek other legal remedies or actions for abatement of the nuisance conduct; and
- D. Be served upon such owner and/or occupant by certified mail at the last known address of such person. Service of such notice shall be deemed complete upon mailing.

511.05: DELINQUENT PAYMENT and FEE RECOVERY

The repeat nuisance service call fee shall be due within thirty (30) days after a billing statement is mailed by the City to the owner and/or occupant of the property responsible for the payment of the fee at such person's last known address. If the fee is not paid within such 30 day period, it will be deemed delinquent and a ten percent (10%) penalty shall be added to the repeat nuisance service call fee. If the repeat nuisance service call fee becomes delinquent, the City shall have, in addition to all other remedies available at law or in equity for the collection of such fee, the following remedies:

- A. Seek a monetary judgment and collection thereof from such owner and/or occupant, or
- B. Assess the property which was the subject of the nuisance conduct pursuant to Minn. Stat. § 429.101.

Failure of a person to pay a repeat nuisance service call fee shall be grounds for the denial of a license which is related to the nuisance conduct for which the repeat nuisance service call fee was imposed.

511.06: ENFORCEMENT

The City Council authorizes the Police Chief, Fire Chief, or the Community Development Director, or their designees (collectively referred to herein as the "City Enforcement Officials"), to administer and enforce this Chapter.

511.07: RIGHT TO APPEAL

When the City mails the billing statement by certified mail for the repeat nuisance service call fee, the City will inform the owner and/or occupant of their right to request a hearing.

The owner and/or occupant upon whom the fee is imposed must request a hearing within ten (10) business days of the mailing of the billing statement, excluding the day the statement is mailed. The request for a hearing must be in writing and mailed or hand-delivered to the City Manager's Office. The hearing will occur within fourteen (14) days of the date of the request. If the owner and/or occupant fails to request a hearing within the time and in the manner required under this Section, the right of such person to a hearing is waived.

The hearing shall be conducted by a hearing officer selected by the City Manager in an informal manner and the Minnesota Rules of Civil Procedure and Rules of Evidence shall not be strictly applied. After considering all evidence submitted, the hearing officer shall make written Findings of Fact and Conclusions regarding the nuisance conduct and the imposition of the repeat nuisance service call fee. The Findings of Fact and Conclusions shall be served upon the owner and/or occupant by certified mail within ten (10) days of the hearing.

If the owner and/or occupant fails to appear at the scheduled hearing, the right of such person to a hearing is waived and the repeat nuisance service call fee shall be payable in accordance with Section 511.05 above. If the hearing officer determines that the repeat nuisance service call fee is warranted, the person or persons responsible for the fee shall pay the fee within ten (10) business days following the date that the written Findings of Fact and Conclusions are mailed. If the repeat nuisance service call fee is not paid within said ten (10) day period, it shall be deemed delinquent and the provisions of Section 511.05 pertaining to delinquent payments shall apply.

511.08: LEGAL REMEDIES NONEXCLUSIVE

Nothing in this Chapter will be construed to limit the City's other available legal remedies, including criminal, civil, injunctive or others, for any violation of the law which may constitute nuisance conduct.

511.09: EXCEPTIONS AND AFFIRMATIVE DEFENSES

MEDICAL EMERGENCIES: Repeat nuisance service call fees shall not be imposed for any medical-related emergency response except for medical-related emergencies that are violations of Minn. Stat. Section 609.78 Subd. 4 (Misuse of 911).

DOMESTIC ASSAULT INCIDENTS: Repeat nuisance service call fees shall not be imposed against the victim for a response to circumstances involving domestic assault incidents or order for protection violations.

VICTIM OF NUISANCE CONDUCT: A repeat nuisance service call fee shall not be imposed against the victim of the nuisance conduct for which a response nuisance service call was made.

RENTAL PROPERTIES: At the discretion of the City Enforcement Officials, repeat nuisance service call fees may be waived against an owner or occupant of rental property who has:

- A. Commenced eviction proceedings against the tenant or tenants responsible for the nuisance conduct, conditions or characteristics, or
- B. Entered into and complied with a memorandum of understanding with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.

COMMERCIAL BUSINESS PROPERTY: At the discretion of the City Enforcement Officials, repeat nuisance service call fees may be waived against an owner or occupant of property upon which a commercial business is being operated who has entered into and complied with a memorandum of understanding with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.

(Ord. 1396, 9-20-2010)