

CHAPTER 8
PUBLIC PROTECTION

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SECTION 1
GENERAL PROVISIONS

SECTION:

8-1-1: Violation a Misdemeanor

8-1-1: VIOLATION A MISDEMEANOR. Every person violated a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise state in specific provisions hereof.

SECTION 2

REFUSE, JUNK AND NUISANCES

SECTION:

- 8-2-1: General Provisions
- 8-2-2: Abatement of Exterior Public Nuisances and Other Violations
- 8-2-3: Maintenance of Private Property
- 8-2-4: Radio and Television Interference
- 8-2-5: Obstructions to Visibility
- 8-2-6: Public Nuisances
- 8-2-7: Noise Violations

8-2-1: GENERAL PROVISIONS.

- A. Findings. The Council finds that unregulated deposit and storage of junk and unregulated storage and non-mandatory collection of refuse are not only a potential, but immediate, habitat for rodents, the spread of noxious weeds and other hazardous conditions of decay which are unsanitary, unhealthy, and ecological blight. The Council further finds that such hazardous conditions must not only be halted in the future but also corrected for the present. The Council recognizes that the regulations, prohibitions and remedies provided for herein are bold steps but absolutely essential to the health of the residents and ecology of the community.
- B. Definitions. The following term, as used in this Section, shall have the meanings stated:
 - 1. "Refuse" means and includes all organic and inorganic (1) material resulting from the manufacture, preparation of serving of food or food products; (2) spoiled, decayed or waste food from any source; (3) bottles, cans, glassware, paper or paper products, crockery, ashes, rags and discarded clothing; (4) tree, lawn or bush clippings and weeds; (5) furniture, household furnishings or appliances, or parts or components thereof; or (6) human or household waste of all kinds not included in any other portion of this definition.
 - 2. "Junk" means and includes all (1) unregistered, unlicensed or inoperable (including, but not limited to, the lack of component parts) motor vehicles, motorized vehicles or equipment, bicycles, boats, outboard motors, or trailers, or parts or components thereof; (2) inoperable (including, but not limited to, the lack of component parts) agricultural implements or parts or components thereof, machines and mechanical equipment of all kinds or parts of components thereof, and by-products or waste from

manufacturing operations of all kinds; (3) used lumber or waste demolition; or, (4) felled trees and tree branches that are not immediately processed into lumber, wood for fuel, fence components, or other such ultimate use. (Ord 89, SS, 3-21-2005)

3. "Nuisance" means and includes (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; (2) interfering with obstructing or rendering dangerous for passage, any street, public right-of-way or waters used by the public; or (3) any other act or omission declared by law to be a public nuisance. (Ord 89, SS, 3-21-2005)
4. "Residential Premises" means any building consisting of any number of dwelling units, each with individual kitchen facilities, and in the case of multiple dwelling units in such building, each unit shall be considered "residential premises".
5. "Commercial Premises" shall consist of two types: (1) any premises where a commercial, industrial or governmental enterprise of any kind is carried on where food is prepared or served from a central kitchen, including restaurants, clubs, churches, schools and health care facilities; or, (2) any premises where a commercial, industrial or governmental enterprise of any kind is carried on where food is not prepared or served.

C. Refuse Storage.

1. It is unlawful for any person to store refuse on residential or commercial premises, type (2), for a continuous period in excess of seven (7) days.
2. It is unlawful for any person to store refuse on commercial premises, type (1), for a continuous period in excess of ninety-six (96) hours.
3. It is unlawful to store organic refuse unless it is drained, wrapped (in paper or plastic) and placed in an impervious and leak-proof container with a tight-fitting cover.

D. Mandatory Collection of Refuse.

1. It is unlawful for each occupant of residential or commercial (of either type) premises to fail or refuse to subscribe for, receive and pay for (at going rates for the class of service) the refuse collection services of a garbage and refuse hauler licensed by the City.
2. It is unlawful for any person to obstruct a licensed garbage and refuse hauler in the performance of its duties.

3. If any person fails or refuses to comply with Section 8-2-1.E.1 of this Code, the City may, upon fifteen (15) days' notice in writing mailed to the owner of such premises at the address appearing on the tax rolls of the County, and as an additional and not alternate to any other remedy provided herein, subscribe and pay for the services of such hauler and certify all costs to the County Auditor to be spread upon the tax rolls as a special assessment on the subject premises.

E. Junk Storage.

1. It is unlawful to park or store junk on any premises unless it is housed within a completely enclosed building or on duly licensed junk dealer premises.
2. If any person fails or refuses to comply with Subparagraph A of this Subdivision, the City may, upon fifteen (15) days' notice in writing mailed to the owner of such premises at the address appearing on the tax rolls, and as an additional and not alternate to any other remedy provided herein, physically remove the junk, dispose of it as valueless, and certify all costs thereof to the County Auditor to be spread upon the tax rolls as a special assessment on the subject property.

F. Nuisance. It is unlawful for any person to permit or maintain a nuisance upon any premises.

G. Additional Unlawful Acts.

1. It is unlawful for any person to deposit offal or the body of a dead animal in any place other than a sanitary landfill or other facilities approved by statute of the City Code.
2. It is unlawful for any person to store, deposit or dispose of any refuse which is in flames or heated to the point of danger of fire.

H. Exception. This section shall not apply to premises on which only one unlicensed or inoperable motor vehicle is stored.

8-2-2: ABATEMENT OF EXTERIOR PUBLIC NUISANCES AND OTHER VIOLATIONS. (Ord 29, 22, 8-15-1994) (Ord 182, SS, 6-9-13)

- A. Purpose. The Council of the City of St. Francis has determined that the health, safety, general welfare, good order and convenience of the public are threatened by certain exterior public nuisances and other such violations on property within

the City limits. It is declared to be the intention of the Council to abate such nuisance, and this Section is enacted for that purpose.

- B. Application. This Section shall apply to the abatement of the refuse, junk, nuisances, and other violations maintained exterior to the principal structure as identified in:
1. Refuse as identified in Section 8-2-1-B-1.
 2. Junk as defined in Section 8-2-1-B-2.
 3. Outside storage of materials and all other materials deemed to create a general public nuisance as described in Section 8-2-1-B-3.
 4. Public nuisances enumerated in Section 8-2-6.
 5. Zoning issues to be remedied by Section 10-3-9-C-3.
- C. Hearing Officer. The position of Hearing Officer is hereby created. The City may contract with third parties for the furnishing of all services and set the rate of compensation therefore. The Hearing Officer shall be an individual trained in law; however, it shall not be required that the Hearing Officer be currently licensed to practice law in the State of Minnesota. The Hearing Officer shall have the following duties:
1. Set dates and hear all contested cases following appeals of order of the City or other duly authorized agents.
 2. Take testimony from all interested parties.
 3. Make complete record of all proceedings including findings of fact and conclusions of law.
 4. Affirm, repeal or modify the order of the City or other duly authorized agents.
- D. Inspection, Investigation and Right of Entry. The City or duly authorized agents shall cause to be inspected all public and private properties within the City which might contain an exterior public nuisance as defined in City Code as often as practicable to determine whether any such conditions exist. The City or duly authorized agents shall also investigate all reports of exterior public nuisances located within the City. The City or other duly authorized agents may enter upon all public and private properties for the purposes of conducting inspections for exterior public nuisances. If the property owner and/or occupants of any property refuses said inspector(s) right of entry for inspection, the City may seek an administrative search warrant or other order of the District Court for said purpose of entry and inspection.
- E. Abatement of Violation. Upon a determination by the City or other duly authorized agent that a violation as identified in Section 8-2-2-B exists on any

public or private property within the City, said official shall order the exterior public nuisance to be abated in accordance with this Section.

F. Procedure for Removal of Violation. Whenever the City or other duly authorized agent finds with reasonable certainty that a violation as identified in Section 8-2-2-B exists on any public or private property in the City, said official shall use the following procedure:

1. Notice. The City or other duly authorized agents shall notify the affected property owner by first class mail that the violation must be abated within a reasonable period of time, not less than twenty (20) days from the date of service of the notice. (Service by mail shall be deemed complete upon mailing.) The order shall set forth the following:
 - a. The specific nature of the violations and requirements for compliance.
 - b. That the property owner may, within twenty (20) days of the date of order, request a hearing before the Hearing Officer and by what procedure such hearing may be requested.
 - c. That failure to abate the violation or request a hearing within the applicable time period will result in summary abatement procedures, and that the cost of abatement will be assessed against the subject property.
2. Hearing. Any property owner who feels aggrieved by an order of the City or other duly authorized agent issued pursuant to this Section may request a hearing before the Hearing Officer. Such request shall be filed in writing with the City within twenty (20) days after the date of service of the notice by the City or other duly authorized agent. The City shall notify the property owner of the date, time, and place of the hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Officer receives notice of the request, unless a later date is mutually agreed to by the Hearing Officer, the property owner and the City. Both the property owner and the City may appear at the hearing with counsel and may call such witnesses and present such evidence as is determined by the Hearing Officer to be relevant. Within ten (10) days after such hearing, the Hearing Officer shall affirm, repeal, or modify the order of the City or other duly authorized agent. The Hearing Officer's order shall be accompanied by written findings of fact, and may include a finding of fact as to the absence of value of the refuse, junk, or other material to constitute a violation. Any person aggrieved by the decision of the Hearing Officer may appeal that decision to the City Council by filing a notice of such appeal with the City within twenty (20) days of receiving notice of the Hearing Officer's decision. At its next available regular

meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Officer and shall affirm, repeal or modify that decision. If the Council affirms the Hearing Officer's decision declaring that an exterior public nuisance exists, the City shall abate the exterior public nuisance after twenty (20) days following the Council's final determination, unless the property owner obtains a court order to the contrary within said twenty (20) days.

3. Disposition of Property. The City maintains the right to dispose of all property that it removes from public and private properties through abatement procedures as outlines in this Section. Disposal of property deemed to have value shall occur thirty (30) days after the property is secured, unless the property owner obtains a court order to the contrary and/or pays all costs associated with the removal and storage of said property within said thirty (30) day time period. The City maintains the right to immediately dispose of refuse, junk, or other materials deemed to be without value.
 4. Assessment. The City or other duly authorized agent shall keep a record of the costs of abatements done under this Section and shall provide regular reports to the City Clerk or other appropriate officer regarding all work performed for which assessments are to be made, stating and certifying the description of the land, lots or parcels involved and the amount assessable to each. The amounts to be assessed shall include up to an additional twenty-five (25) percent to cover any administrative costs associated with the abatements. On or before September 1 of each year, the City Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under the other pertinent statutes, for certification to the County and collection the following year along with current taxes. Such assessment shall be payable in no more than ten (10) equal annual installments, pursuant to Minnesota Statutes, Section 429.01, Subd. 2.
- G. Severability. Every sub-section, provision or part of this Section is declared separable from every other sub-section, provision or part to the extent that if any sub-section, provision or part of this Section shall be held to be invalid, such holding shall not invalidate any other sub-section, provision or part thereof.
- H. Non-exclusiveness. Nothing in this Section shall be deemed a waiver or limitation of any statutory right and/or power of the City as to hazardous buildings, properties or materials, nor shall this Code Section be deemed to otherwise limit the right and/or power of the City to conduct other administrative and/or regulatory searches and inspections including, but not limited to, health inspections, fire scene and arson inspections and regulated business and

industries inspections, nor shall this Section be deemed to be an exclusive remedy of the City regarding the abatement of exterior public nuisance.

Source: City Code

Effective Date: 06-01-1990

8-2-3: MAINTENANCE OF PRIVATE PROPERTY.

- A. It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than six inches; to remove all public health or safety hazards there from; to install or repair water service lines thereon; and to treat or remove insect-infested or diseased trees thereon.
- B. If any such owner or occupant fails to assume the primary responsibility described in Subdivision 1 of this Section, and after notice given by the City Clerk/Treasurer has not within seven days of such notice complied, the City may cause such work to be done and the expense thus incurred shall be a lien upon such real estate. The City Clerk/Treasurer shall certify to the County Auditor of Anoka County a Statement of the Amount of the cost incurred by the City. Such amount together with the interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

8-2-4: RADIO AND TELEVISION INTERFERENCE. It is unlawful for any person to maintain, use or operate any apparatus or device whether electrical, mechanical or of any other type, so as to cause interference with radio or television reception. This Section shall not apply to electro-medical devices provided that they are equipped so far as reasonably possible with apparatus tending to reduce such interference.

8-2-5: OBSTRUCTIONS TO VISIBILITY. It is unlawful to erect or maintain any structure or vegetation within a radius of twenty (20) feet from the corner created by the projections of the curb lines at intersecting streets. Trees are not obstructions to vision if branches are trimmed to the trunks and to a height of nine (9) feet above the surface of any street. Nor shall traffic control signs or signals be considered obstructions.

8-2-6: PUBLIC NUISANCES. No person shall create, commit, or maintain a public nuisance. No person shall willfully omit or refuse to perform any legal duty in relation to the removal of a public nuisance. No person shall rent or permit to be used any premises, building, or portion thereof, knowing that it is intended to be used for committing or maintaining a public nuisance. No person shall willfully prevent, hinder, oppose, or obstruct a public official in the performance of his duties in carrying out the

provisions of this Section or in removing or abating a public nuisance. Unless otherwise permitted by Code, the following are hereby declared to be public nuisances:

- A. The following are hereby declared to be nuisances affecting health:
1. The exposed accumulation of decayed or unwholesome food or vegetable matter.
 2. Decayed or unwholesome food offered for sale to the general public.
 3. All diseased animals running at large.
 4. All ponds or pools of stagnant water not serving a legitimate storm water management function.
 5. All ponds or pools of polluted or poisonous water.
 6. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death in a manner consistent with Section 8-2-1-G-1 of the City Code.
 7. Accumulations of waste, refuse, or other debris.
 8. Accumulations of manure outside of a legitimate agricultural function.
 9. Privy vaults, garbage cans, and other such waste receptacles which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.
 10. All noxious weeds, poisonous vegetation such as poison ivy, and other rank growths of vegetation upon public or private property.
 11. Weeds, grass, brush, or plants constituting a fire hazard.
 12. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities.
 13. The depositing or accumulation of refuse, sewage, waste, garbage, rubbish, poisonous, or injurious substances at unlicensed or unauthorized properties.
 14. The habitation of temporary structures, accessory buildings, vehicles, dwellings with inadequate sanitary facilities, and other such structures unauthorized or inadequate for a residential use.

15. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, animal waste, toxic material, or other such potentially harmful substances.
 16. The placement, depositing, or permitting to be deposited in any unsanitary manner on public or private property, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
 17. It is unlawful for any person to discharge to any natural outlet or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of Chapter 3 of the City Code.
 18. Any offensive trade or business as defined by statute not operating under local license.
- B. The following are hereby declared to be nuisances affecting morals and decency:
1. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law.
 2. Betting, bookmaking, and all apparatus used in those occupations.
 3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.
 4. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place.
 5. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.
- C. The following are hereby declared to be nuisances affecting peace and safety:
1. All trees, hedges, fences, signs, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.
 2. All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.

3. Any person participating in any party of other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person.
4. All unnecessary and annoying vibrations.
5. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law.
6. Radio aerials or television antennae erected or maintained in a dangerous manner.
7. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.
8. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance.
9. The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk.
10. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way.
11. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
12. Wastewater cast upon or permitted to flow upon streets or other public properties.
13. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation.
14. Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.
15. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.

16. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance.
17. The depositing of garbage or refuse on a public right-of-way or on adjacent private property.
18. Reflected glare or light from private exterior lighting exceeding the requirements of Section 10-16-8.
19. Maintaining or permitting the existence of any structure of part of any structure which due to fire, wind, or other natural disaster, physical deterioration, or any other cause, is no longer habitable as a dwelling or is no longer useful for any other purpose for which it may have been intended.
20. The existence of any vacant dwelling, garage, or other building, unless such buildings are kept secured and otherwise protected from unauthorized entry.
21. The accumulation of any piles of wood not neatly stacked or secured in a stable manner.
22. A truck or other vehicle that deposits mud, dirt, sticky substances, litter, or other such material on any street or highway.
23. All other conditions or things that are likely to cause injury to the person or property of another.
24. Causing sand, soil, waste, rubbish, vegetation, or such other materials to be deposited into a storm sewer system. (Ord. 190, Effective 1/18/14)
25. Accessing property through a public right-of-way without the use of driveway in a manner that causes disturbance to the vegetation in the right-of-way and/or erosion. (Ord. 190, Effective 1/18/14)

8-2-7: NOISE VIOLATIONS.

- A. Prohibited Noises. The following are declared to be nuisances affecting public health, safety, peace or welfare:
 1. Any distinctly and loudly audible noises that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or

affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance).

2. All obnoxious noises, motor vehicle or otherwise, in violation of Minnesota Rules, Chapter 7030, as may be amended from time to time, are hereby incorporated into this ordinance by reference.
3. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.
4. The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
5. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.
6. The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

B. Hourly Restriction of Certain Operations.

1. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 AM and 10:00 PM on any weekday or between the hours of 9:00 AM and 9:00 PM on any weekend or holiday. Snow removal equipment is exempt from this provision.
2. Refuse Hauling. No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 AM and 10:00 PM on any weekday or between the hours of 9:00 AM and 9:00 PM on any weekend or holiday.
3. Construction Activities. It is unlawful for any person to engage in or permit construction activities creating audible noise off-site involving the use of hand held tools including but not limited to tools such as hammers, saws, wrecking bars; or electrical, diesel, or gas-powered tools including but not limited to saws, drills, or sanders except between the hours of 7:00 a.m. and 9:00 p.m. on any weekday and Saturday or between the hours of 9:00

a.m. and 8:00 p.m. on any Sunday or holiday. Operations and acts performed exclusively for emergency work to preserve the safety, welfare or public health of the citizens of the city or for emergency work necessary to restore public service or to eliminate a public hazard shall be exempt.

4. Radios, Music Devices, Paging Systems, and the Like. The operation of any device referred to in Section 8-2-5-A-6 of this Ordinance between the hours of 10:00 PM and 7:00 AM in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
- C. Noise Impact Statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.

SECTION 3

ANIMALS

SECTION:

- 8-3-1: Dog Licensing and Regulation
- 8-3-2: Animals and Fowl – Keeping, Transporting, Treatment, Housing
- 8-3-3: Animal Waste
- 8-3-4: Non-Domestic Animals
- 8-3-5: Keeping of Bees

8-3-1: DOG LICENSING AND REGULATION.

A. Definition. For the purpose of this Section:

1. “Owner” means the license holder or any other person or persons, firm, association, or organization or corporation owning, keeping, possessing, having an interest in, having care custody or control of or harboring a dog. Any person keeping or harboring a dog for five (5) consecutive days shall for the purposes of this Section be deemed an owner thereof. (Ord 17, SS, 5-3-1993)
2. “Own” means to have a property interest in, or to, harbor, feed, board, keep or possess.
3. “Dangerous Animal” means a dog which has caused damage to property or injury to a person, or which animal, by its actions, exhibits a propensity for causing imminent danger to persons.
 - a. Without provocation, inflicted substantial bodily harm on a human being on public or private property; (Ord 17, SS, 5-3-1993)
 - b. Killed a domestic animal without provocation while off the owner’s property; or (Ord 17, SS, 5-3-1993)
 - c. Been found to be a potentially dangerous, and after the owner was noticed that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals. (Ord 17, SS, 5-3-1993)
4. “Dog” means both male and female and includes any animal of the dog kind.
5. “Potentially Dangerous Dog” shall mean any dog that:

- a. When unprovoked, inflicts bites on a human or domestic animal on public or private property; (Ord 17, SS, 5-3-1993)
 - b. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or, (Ord 17, SS, 5-3-1993)
 - c. Has a know propensity, tendency or disposition to attack unprovoked, causing injury, or otherwise threatening the safety of humans or domestic animals. (Ord 17, SS, 5-3-1993)
6. “Proper Enclosure” shall mean securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage or other structure that would allow the dog to exit of its own violation, or any house or structure in which windows are open or in which doors or window screens are the only obstacles that prevent the dog from exiting. (Ord 17, SS, 5-3-1993)
7. “Substantial Bodily Harm” shall mean bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member. (Ord 17, SS, 5-3-1993)
- B. Running at Large Prohibited. It is unlawful for the owner of any dog to permit such animal to run at large. Any dog shall be deemed to be running at large with the permission of the owner if off the property of its owner and not under restraint. For the purposes of this Section, “under restraint” means the animal is controlled by a leash not exceeding six (6) feet in length, or at heel beside a person of suitable age and discretion, and obedient to that person’s commands, or effectively confined within a motor vehicle, building or enclosure. A dog shall not be deemed to be running at large if engaged in wild game or animal hunting, or when engaged in obedience training, and under the control of its owner or a responsible person.
- C. License Required and Number of Dogs Restricted.
1. Licenses. It is unlawful for the owner of any dog, six (6) months of age or more, to fail to obtain a license therefore from the City. All dogs kept, harbored, or maintained in the City of St. Francis shall be licensed and registered. Applications for licenses shall be made to the City Clerk upon forms provided by the Clerk. Said application shall require the owner, among the other information required by the City Clerk, to supply the

name, age, predominant breed, sex, color and markings of each dog sought to be licensed. In addition, when the applicant or owner has been convicted of a violation to Section 8-3-1.L of this Code relative to the dog sought to be licensed, the application shall require proof of public liability insurance as set forth in Section 8-3-1.S of this Code. Upon submission of the application and a certificate of evidencing compliance with the terms and provisions of the license fee, the City Clerk shall issue a license, which license shall be effective until the next 31st day of December of the following year.

2. Number of Dogs Allowed.

- a. The number of dogs permitted shall not exceed three (3) dogs over the age of three (3) months per dwelling unit in the Urban Service Area and on rural parcels less than five (5) acres in size. Properties located within the Urban Service Area of the City shall be limited to a maximum of two (2) dogs housed outside the principal structure. (Ord 17, SS, 5-3-1993; Ord 92, SS, 6-19-2005; Ord 160, SS, 8-10-11)
- b. On parcels five (5) acres or more in size in the Rural Service Area, the number of dogs permitted shall not exceed four (4) dogs over the age of three (3) months per dwelling unit unless in receipt of an interim use permit for a kennel in the A-1, A-2, or A-3 Districts of the Zoning Ordinance. In no instance shall the number of dogs exceed fifteen (15) with the interim use permit. (Ord 160, SS, 8-10-11)

D. License Issuance, Term and Renewal. Every owner or keeper of a dog shall cause the same to be vaccinated by a licensed veterinarian with anti-rabies vaccine at least once in every twenty-four (24) month period prior to the time such dog shall reach the age of six (6) months and at least once every twenty-four (24) months thereafter. (Ord 17, SS, 5-3-1993)

E. Adoption of Fees. All fees for the impounding and maintenance of a dog, including penalties for the late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by Resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Clerk/Treasurer and open to investigation during regular business hours.

F. Tag Required. All licensed dogs shall wear a collar and have a tag firmly affixed thereto evidencing a current license. Upon application, a duplicate for a lost tag will be issued by the City. Tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the

dog or the owners leaving the City prior to expiration of the license period. (Ord 17, SS, 5-3-1993)

- G. Dog Pound. Any dog found in the City without a license tag, running at large, or otherwise in violation of this Section, shall be placed in the Dog Pound, and an accurate record of the time of such placement shall be kept on each dog. Every dog so placed in the Dog Pound shall be held for redemption under Section 8-3-1.1 of this Code by the owner for at least five (5) regular business days. A “regular business day” is one during which the pound is open for business to the public for at least four (4) hours between 8:00 AM and 7:00 PM. Impoundment records shall be preserved for at least six (6) months and shall show: (1) the description of the dog by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the dog was seized; (3) the date of seizure; (4) the name and address of the person from whom any dog three (3) months of age or over was received; and (5) the name and address of the person to whom any dog three months of age or over was transferred. If unclaimed, such dog shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the dog, or a statement by the dog’s owner after seizure specifies that the dog should not be used for research, such dog shall not be made available to any such institution but may be destroyed after the expiration of the five (5) day period. (Ord 17, SS, 5-3-1993)
- H. Notice of Impounding. Upon the impounding of any dog, the owner shall be notified by the most expedient means, or if the owner is unknown, written notice shall be posted for five (5) days at the City Hall describing the dog and place and time of taking.
- I. Redemption of Dog Release from Dog Pound. Dogs shall be released to their owners, as follows:
1. If such dog is owned by a resident of the City, after a license is obtained, if unlicensed, and payment of the impounding fee, maintenance, and immunization fee and proof of ownership. (Ord 17, SS, 5-3-1993)
 2. If such dog is owned by a person not a resident of the City, after immunization of any such animal for rabies, and payment of the immunization fee, impounding fee and maintenance. (Ord 17, SS, 5-3-1993)
- J. Seizure by a Citizen. It is lawful for any person to seize and impound a dog so found running at large and shall within six (6) hours thereafter notify the Police Department of said seizure. It shall be the duty of the Police Department to place said dog in the City Pound. If the name of the owner of such dog so seized is

known to the person who first takes such dog into custody, he or she shall inform the Police Department of the name of the owner, and the address if known.

- K. Immobilization of Dogs. For the purpose of enforcement of this Section any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog.
- L. Disturbing the Peace/Other Unlawful Acts. It is unlawful for the owner of any dog to: (Ord 17, SS, 5-3-1993)
1. Fail to have the license tag issued by the City firmly attached to a collar worn at all times by the licensed dog; or,
 2. Own a dangerous dog, or
 3. Interfere with any police officer, or other City employee, in the performance of their duty to enforce this Section; or
 4. Own, keep, have in possession, or harbor any dog which howls, yelps, or barks to the reasonable annoyance of another person or persons. Any person violating this subdivision, who upon first requested by a police officer or the animal control officer to stop or prevent the annoyance, and refuses to comply with the request will be issued a citation or arrested in accordance with Minnesota Rules of Criminal Procedure, and, if the officer deems it necessary to stop the annoyance, may have the dog taken to the City Dog Pound. Any dog placed in the dog pound may be reclaimed by the owner upon payment of the fee prescribed, and if not reclaimed may be disposed of in the manner provided in this Section. (Ord 17, SS, 5-3-1993)
- M. Rabies Control – Generally.
1. Every Animal which bites a person shall be promptly reported to the Chief of Police and shall thereupon be securely quarantined at the direction of the Chief of Police for a period of fourteen (14) days, and shall not be released from such quarantine except by written permission of the City. In the discretion of the Chief of Police, such quarantine may be on the premises of the owner or at the veterinary hospital of their choice. If the animal is quarantined on the premises of the owner, the City shall have access to the animal at any reasonable time of study and observation of rabies symptoms. In the case of the stray animal or in the case of an animal whose ownership is not known, such quarantine shall be at the animal pound, or at the discretion of the Chief of Police the animal may be confined in a veterinary hospital designated by him. The owner of the

animal shall be responsible for all costs associated with the quarantine of the animal. (Ord 17, SS, 5-3-1993)

2. The owners, upon demand made by the Chief of Police or by any other City Employee empowered by the Council to enforce this Section, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for the purpose of supervised quarantine. The expenses of the quarantine shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in this Section and upon compliance with licensing provisions set forth in this Section.
 3. When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the City shall immediately send the head of such animal and rabies data report to the State Health Department for pathological examination and shall notify all persons concerned of the results of such examination.
 4. The City shall issue such proclamation and take such action when rabies is suspected or exists as is required by Minnesota Statutes.
- N. Reports of Bite Cases. It is the duty of every physician, or other practitioner, to report to the Chief of Police the names and addresses or persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
- O. Animals in Heat. Except for controlled breeding purposes, every female animal in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female cannot come in contact with other animals.
- P. Nuisances. Keeping, maintaining, or harboring a dog that has been permitted to run loose or has caused damage to or loss of private property belonging to a person other than the thereof and members of the owners household on three (3) or more occasions within a period of twelve (12) consecutive months constitutes a nuisance. The following events shall be considered in determining whether or not there has been a violation of this Section which constitutes a nuisance: (Ord 17, SS, 5-3-1993)
1. Conviction under Section 8.05, Subd. 2, involving the permitting of a dog to run loose. (Ord 17, SS, 5-3-1993)
 2. Payment to a person by or on behalf of the owner for damages to or destruction of private property or for personal injury. (Ord 17, SS, 5-3-1993)

3. An acknowledgement by the owner or keeper of an animal that it has caused such damage or personal injury. (Ord 17, SS, 5-3-1993)
4. Records of the City of St. Francis or any other City which show impoundment of the dog for the immediate preceding twelve (12) month period. (Ord 17, SS, 5-3-1993)

Q. Abatement. Such nuisance shall be abated by the owner or keeper of such animal by the disposition of the animal within fourteen (14) days after receipt of notice to the owner or keeper thereof. "Disposition" shall mean the destruction of the animal or its permanent removal from the City. Said notice shall be sent by the Chief of Police or his designate by registered mail. If the owner or keeper of the animal fails to comply within the above-specified period, the animal control office is authorized and directed to capture and immediately dispose of such animal. The owner or keeper of the dog shall immediately make the animal available to the animal control officer. (Ord 17, SS, 5-3-1993)

R. Appeals. Any owner who feels aggrieved by the order of the Chief of Police may request a hearing before the City Council by filing an appeal with the City Clerk/Treasurer within fourteen (14) days after receipt of the notice. The appeal shall be filed in such form as the City shall provide. On the filing of such appeal, no further action shall be taken until the matter has been heard. Upon receipt of the request, the City Clerk/Treasurer shall place the matter before the Council at its next regular meeting. The owner may appear, with counsel if he/she chooses, and present evidence in opposition to the order. Following such hearing the Council shall make a determination of facts and shall, based upon such determination, affirm, repeal, or modify the Chief's order. The Council shall also establish a date for compliance with the order as affirmed or modified, which date shall be not less than five (5) days thereafter. Upon expiration of the time limit, the animal control officer shall abate the nuisance. (Ord 17, SS, 5-3-1993)

S. Insurance Required. Evidence of a surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the City in the sum of at least \$50,000.00, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$50,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog must be filed with the City Clerk each year upon renewal of the dog license in the following instances: (Ord 17, SS, 5-3-1993)

1. Nuisance Abatement. For a period of two (2) years after having been ordered to abate any nuisance pursuant to this Section. (Ord 17, SS, 5-3-1993)

2. Conviction of failure to restrain an attack by a dog pursuant to this Section, where the Court failed to order destruction of the dog. (Ord 17, SS, 5-3-1993)
 3. Where the dog has been declared dangerous pursuant to this chapter. (Ord 17, SS, 5-3-1993)
- T. Failure to Restrain an 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 domestic animal. Violation of this section shall be a misdemeanor. The Court upon a finding of the defendant's guilt hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on written order containing one or more of the following findings of fact: (Ord 17, SS, 5-3-1993)
1. The animal is dangerous as defined in the Subd. 1; or, (Ord 17, SS, 5-3-1993)
 2. The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent unprovoked injury to persons or other domestic animals. If the Court does not order the destruction of the dog, the Court shall, as an alternative, order the defendant to provide, and show proof to the Court of insurance as set forth in the Subd. (Ord 17, SS, 5-3-1993)
- U. Destruction of Dangerous Animals. The Chief of Police or his designate shall have authority to order the destruction of dangerous dogs as defined in Section 8-3-1.A of this Code. (Ord 17, SS, 5-3-1993)
- V. Appeals. If an owner requests a hearing within five (5) days of the receipt of the Declaration of Dangerous Dog classification for determination as to the dangerous nature of the dog, the City Clerk/Treasurer shall place the matter before the City Council at its next meeting. Notice of the Declaration of Dangerous Dog classification shall be sent by certified mail or posting of such notice on owner's last known residence if the owner(s) cannot be found. The owner may appear with counsel if he/she chooses, and present evidence in opposition of the designation of the animal as dangerous. Following the hearing, the Council shall make a determination of facts and shall make such order as it deems proper. If such hearing cannot be held within the statutory fourteen (14) days, the owner must either comply with the terms of the Statute Section 347.50-347.54 or keep the dog at a licensed kennel in a confined pen until the hearing is held. If the Declaration of Dangerous Dog is upheld, the dog shall remain at a licensed kennel in a secured, confined pen until the dog is either destroyed or all of the dangerous dog requirements of the state statute and local ordinances are complied with and a license is issued by the City Clerk. If the Council concludes that the dog is dangerous and the owner does not immediately comply with the

requirements of the dangerous dog statute, the Council may order the animal control officer to take the dog into custody for destruction. If the dog is ordered into custody for destruction, the owner shall immediately make the dog available to the animal control officer and failure to do so shall be a misdemeanor. (Ord 17, SS, 5-3-1993; Ord 99-43, 9-7-1999)

- W. Harboring a Dangerous Animal. Any person who harbors an animal after it has been found to be dangerous and ordered into custody for destruction pursuant to this Subd. shall be guilty of a misdemeanor. (Ord 17, SS, 5-3-1993)
- X. Stopping an Attack. If any Police Officer or animal control officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means he/she deems appropriate to bring the attack to an end and prevent further injury to the victim. (Ord 17, SS, 5-3-1993)
- Y. Removal of Excrement. It is unlawful for any person who owns or had custody of a dog to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property unless such person immediately removed the excrement and places it in a proper receptacle. The provisions of this Section shall not apply to seeing-eye dogs under control of a blind person or dogs while being used in City Police activity. (Ord 17, SS, 5-3-1993)
- Z. Animal Control Officer. There is hereby established the position of Animal Control Officer. He/She shall be appointed by the City Council. Nothing contained herein shall prevent the City Council from contracting with a person to provide such services. (Ord 17, SS, 5-3-1993)
- AA. Duties of Animal Control Officer. The Animal Control Officer shall perform the following duties: (Ord 17, SS, 5-3-1993)
 - 1. Capture , seize and deliver to any designated pound any dog found: running at large within the City; unlicensed; or not wearing the metal tag provided for in this chapter. (Ord 17, SS, 5-3-1993)
 - 2. Pick-up and dispose of the carcasses of every dead animal. (Ord 17, SS, 5-3-1993)
 - 3. Investigate all cases of animal bites reported to him/her and supervise the quarantine of any such animal to assure that it is kept under observation for a period of ten (10) days. (Ord 17, SS, 5-3-1993)
 - 4. Investigate all reports of dangerous or potentially dangerous dogs referred to him/her, complete the dangerous/potentially dangerous animal form and refer the same to the County Auditor, report to the Chief of Police weekly

on the activities of the Animal Control Officer within the City. (Ord 17, SS, 5-3-1993)

- BB. No Interference with Officer. It shall be unlawful for any person to molest or in any way interfere with any peace officer, animal control officer, or any of their duly authorized assistants, or with any duly authorized agent while engaged in performing work under the provisions of this chapter. (Ord 17, SS, 5-3-1993)

8-3-2: ANIMALS AND FOWL – KEEPING, TRANSPORTING, TREATMENT, HOUSING.

- A. It is unlawful for any person to keep, stable, board, or harbor horses, colts, ponies, mules, goats, sheep, cattle, pigs, and other farm-type animals, mink, chickens, ducks, pigeons, geese, and other fowl, whether owned or not, unless the person has sufficient contiguous real estate to house and enclose said animals or fowl.
- B. All points of housing and fence enclosures in which animals or fowl are kept must be at least one hundred (100) feet from any residential structure used for human habitation or well. (Ord 86, SS, 6-7-2004)
- C. A sturdy wood, metal or electrical fence must keep the animals and/or fowl confined.
- D. No above mentioned animals or fowl may be kept on a parcel of real estate smaller in area than five (5) acres, except for the keeping of pigeons and doves as specified in Section 8-3-1.E of this Code. In determining such real estate parcel size and number of animals or fowl, one (1) acre thereof shall be considered as being used for residence, lawns, etc., and shall be excluded. The area used for the on-site sewage treatment system, including the alternate drainfield location, shall not be used to keep animals. In addition to the above minimum area requirements, at least one (1) acre of pasture must be available for one animal other than fowl and at least one (1) acre for each additional animal other than fowl kept on the premises. (Ord 86, SS, 6-7-2004)
- E. No more than twenty fowl of any type may be kept on such five (5) acre parcels with one (1) acre additional required for each additional ten fowl. The keeping of racing and fancy pigeons/doves shall be permitted on parcels of land as small as two and one-half (2½) acres in size in the rural service area of the City. The keeping of pigeons and doves for competitive racing and sporting purposes shall be limited to a maximum of one hundred fifty (150) birds. (Ord 86, SS, 6-7-2004)
- F. Pasture fences or animal or fowl enclosures must be at least ten (10) feet inside the property lines unless fences on the line are agreed to in writing by adjoining

property owner or owners. Such line fence agreement must be renewed in writing when a new adjoining owner takes over.

- G. Animal and fowl manure and other waste shall not be allowed to accumulate to create offensive odors. Accumulations of manure and other waste shall be removed at such periods as will insure that no objectionable aroma exists and the premises shall not be allowed to become unsightly or harbor rodents, flies, or insects.
- H. Farms as defined in the City Code are exempt from the provisions of this Section.
- I. Properties that do not conform with this Section shall be considered as non-conforming uses. Non-conforming uses shall be brought into compliance with this Section within five (5) years from the effective date of this and the above Subdivisions; however, this provision shall only apply to real estate area, and number of animals, and location of fences and enclosures, and shall in no way allow any change or any increase in such prior use, and upon death or disposition of any animals or fowl so held under prior use, same shall not be replaced; and any discontinuance of such prior use for a period of one month longer shall be deemed a cessation of such use and a use thereafter shall be completely controlled by all of the provisions of this Section. (Ord 86, SS, 6-7-2004)
- J. It is unlawful for any person to violate any provisions of this Section. (Ord 21, 10-1-1967)
- K. It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner.
- L. It is unlawful for any person to keep any animal in any structure infested by rodents, vermin, flies or insects.
- M. It is unlawful for any person to allow any animal, as herein defined, or any other animal under his control, to run at large. (Ord 86, SS, 6-7-2004)

8-3-3: ANIMAL WASTE.

- A. Definitions. For the purpose of this Section:
 - 1. "Owner" means any person who harbors, feeds, boards, possesses, keeps or has custody of an animal.
 - 2. "Animal" means a dog, cat or other animal.
- B. Unlawful Acts. It is unlawful for any owner to:

1. Suffer or permit an animal to defecate upon public property, or the private property of another, without immediately removing the excrement and disposing of it in a sanitary manner.
2. Suffer or permit an animal to be upon public property, or the private property of another, unless such animal is in the custody of a person of suitable age and discretion having in his/her possession equipment and supplies for excrement removal.
3. Permit animal excrement to accumulate for a period in excess of seven (7) days on premises occupied by him/her without removal and sanitary disposal.

8-3-4: NON-DOMESTIC ANIMALS. (Ord 93, SS, 9-19-2005)

- A. Non-domestic animals shall mean those 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 large cat family (family felidae) including but not limited to; lions, tigers, cougars, lynx, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
 2. Any naturally wild member of the canine family (family canidae) including but not limited to; wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 3. Any cross breed 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 but not limited to; any skunk (whether or not de-scented), raccoon, squirrel, or prairie dog, 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 but not limited to; rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 6. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart.

- B. Animals such as Bears, Elk, Caribou, and Buffalo may be permitted within the City upon the issuance of a Conditional Use Permit. A Conditional Use Permit for keeping the above described animals shall not be considered on properties of less than five (5) acres in size.
- C. It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of this Code shall have thirty days in which to remove the animal from the City after which time the City may impound the animal as provided for in this Section.
- D. An exception shall be made to the 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 laboratory, educational facilities, or a licensed show or exhibition.
- E. Impounding. Any unlicensed animal running at large is hereby declared a public nuisance. Any police officer 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 animal, if known. In the case the owner is unknown, the officer shall post notice at the City office that if the dog or other animal is not claimed within the time specified, it will be sold or otherwise disposed of. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal including dogs and cats running at large.
- F. Animals Presenting a Danger to Health and Safety of the City. If the reasonable belief of any person or police officer, 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, the officer may destroy the animal in a proper and humane manner. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement under §100.05. If the animal is destroyed, the City shall charge the animal owner for the actual cost of disposing of the animal. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper in accordance with §100.05, Subd. 3.

8-3-5: KEEPING OF BEES: (Ord 173, SS, 10/7/12)

- A. Bees shall not be kept on parcels smaller than five (5) acres in size.
- B. No parcel shall have more than one hive or colony housing structure not to exceed three (3) feet in size in any dimension unless it is an agricultural use.
- C. All hives shall be of the removable frame type.
- D. All hives shall be kept one hundred (100) feet from any property line.

SECTION 4

CRIMES AND OFFENSES

SECTION:

- 8-4-1: Maintenance of Individual Sewage Systems
- 8-4-2: Unlawful Use and Furnishing of Tobacco
- 8-4-3: Dangerous Weapons and Articles
- 8-4-4: Dangerous Trespasses and Other Acts
- 8-4-5: Disorderly Conduct
- 8-4-6: Curfew
- 8-4-7: Solicitors
- 8-4-8: Abandoning a Motor Vehicle
- 8-4-9: Loitering

8-4-1: MAINTENANCE OF INDIVIDUAL SEWAGE SYSTEMS. It is unlawful for the owner or tenant of any premises to permit an individual sewage disposal system to overflow, or expose the contents thereof above ground.

8-4-2: UNLAWFUL USE AND FURNISHING OF TOBACCO.

- A. It is unlawful for any person, under the age of eighteen (18) years, to use tobacco in any form.
- B. It is unlawful for any person to furnish tobacco, by any manner or means and in any form, to any person under the age of eighteen (18) years.

8-4-3: DANGEROUS WEAPONS AND ARTICLES.

- A. Acts Prohibited. It is unlawful for any person to:
 - 1. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another; or,
 - 2. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or,
 - 3. Manufacture or sell any unlawful purpose weapon known as a slung-shot or sand club; or,
 - 4. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or,

5. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or,
 6. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,
 7. Permit, as a parent or guardian, any child under fourteen (14) years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or,
 8. Furnish a minor under eighteen (18) years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.
 9. Possess, sell, transfer, or have in possession for sale or transfer, any weapon commonly known as a throwing star, nun chuck, sharp stud or splat gun. For the purpose of this Subparagraph, (1) a "throwing star" means a circular metallic devise with any number of points projecting from the edge, (2) a "nun chuck" means a pair of wood sticks or metallic rods separated by chain links attached to one end of each such stick or rod, (3) a "sharp stud" means a circular piece of metal attached to a wrist band, glove, belt or other material which protrudes one-fourth inch, or more, from the material to which it is attached, and with the protruding portion pyramidal in shape, sharp or pointed, and (4) a "splat gun" means a weapon which, by means of compressed air or gas, emits a projectile containing paint or other substances.
- B. Exception. Nothing in Section 8-4-3.A of this Code shall prohibit the possession of the articles herein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.
- C. Discharge of Firearms and Explosives. It is unlawful for any person to fire or discharge, within the area served by any City utility, any cannon, gun, pistol or other firearm, firecracker, sky rocket or other fireworks, air gun, air rifle, or other similar device commonly referred to as a B-B gun, or within five hundred (500) feet of a residence in the rest of the City. (Ord 75, SS, 6-16-2003)
- D. Exception. Nothing in Section 8-4-3.C of this Code shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of his duty, or to a person in the lawful defense of his person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.
- E. Exposure of Unused Container. It is unlawful for any person being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or

other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges or latches.

- F. Use of Bow and Arrow. It is unlawful for any person to shoot a bow and arrow within the area served by any City utility, except in the Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council, or within five hundred (500) feet of a residence in the rest of the City.

8-4-4: DANGEROUS TRESPASSES AND OTHER ACTS. It is unlawful for any person to:

- A. Smoke in the presence of explosives, or inflammable materials, or in a building, or area, in which "No Smoking" notices have been prominently posted; or,
- B. Interfere with or obstruct the prevention or extinguishing of any fire, or disobey the lawful orders of a law enforcement officer or fireman present at the fire; or,
- C. Show a false light or signal or interfere with any light, signal or sign controlling or guiding traffic upon a highway, railway track, or navigable water; or,
- D. Place an obstruction upon a railroad track; or,
- E. Expose another or his property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest or coerce; or,
- F. Trespass or permit animals under his/her control to trespass upon a railroad track; or,
- G. Permit domestic animals or fowls under his/her control to go upon the lands of another within the City; or,
- H. Interfere unlawfully with any monument, sign or pointer erected or marked to designate a point of a boundary, line or political subdivision, or a tract of land; or,
- I. Trespass upon the premises of another, and without claim of right refuse to depart there from on demand of the lawful possessor; or.
- J. Occupy or enter the dwelling of another, without claim of right, or consent of the owner, or the consent of one who has the right to give consent, except in an emergency situation; or,

- K. Enter the premises of another with the intent to take or injure any fruit, fruit trees or vegetables growing thereon without the permission of the owner or occupant; or,
- L. Without the permission of the owner tamper with or get into or upon a motor vehicle, or ride in or upon such motor vehicle knowing it was taken and is being driven by another without the permission of the owner.

8-4-5: DISORDERLY CONDUCT. It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following:

- A. Engage in brawling or fighting; or,
- B. Disturb an assembly or meeting, not unlawful in its character; or,
- C. Engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or,
- D. Willfully and lewdly expose his/her person or the private parts thereof, or procure another to so expose himself; and any open or gross or lewdness or lascivious behavior, or any act of public indecency; or,
- E. Voluntarily enter the waters of any river or public swimming pool without being garbed in a bathing suit sufficient to cover his person and equal to the standards generally adopted and accepted by the public; or,
- F. Urinate or defecate in a place other than (a) if on public property then in a plumbing fixture provided for that purpose, or (b) if on the private property of another then in a plumbing fixture provided for that purpose, or (c) if on private property not owned or controlled by another, then within a building; or,
- G. Cause the making or production of an unnecessary noise by shouting or by any other means or mechanism including the blowing of any automobile or other vehicle horn; or,
- H. Use a sound amplifier upon streets and public property without prior written permission from the City; or,
- I. Use a flash or spotlight in a manner so as to annoy or endanger others; or.
- J. Cause defacement, destruction, or otherwise damage to any premises or any property located thereon; or,

- K. Strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose; or,
- L. Enter any motor vehicle of another without the consent of the owner or operator; or,
- M. Fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of this premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his/her official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

8-4-6: CURFEW.

- A. Definition. As used in this Section “minor” means a person under the age of eighteen (18) years.
- B. Unlawful Acts. (Ord 53, SS, 7-6-1998)
 - 1. It is unlawful for any person under the age of twelve (12) years to be or loiter upon the streets or public places between the hours of 9:00 PM on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 AM of the following day or between the hours of 10:00 PM on any Friday or Saturday and 5:00 AM of the following day.
 - 2. It is unlawful for any person twelve (12) to fourteen (14) years of age to be present upon the streets or public places between the hours of 10:00 PM on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 AM of the following day or between the hours of 11:00 PM on any Saturday or Sunday and 4:00 AM of the following day.
 - 3. It is unlawful for any person over the age of fourteen (14) but under the age of eighteen (18) to be present upon the streets or public places between the hours of 11:00 PM on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 AM of the following day or any time between 12:01 AM and 5:00 AM on any Saturday or Sunday.
 - 4. It is unlawful for nay person operating, or in charge of, any place of amusement, entertainment or refreshment, or other place of business to allow or permit any minor to be or loiter in such place in violation of this Section unless such minor is accompanied by a person of lawful age having such minor in charge. Thus subparagraph shall not be construed

to permit the presence, at any time, of any person under age in any place where his presence is otherwise prohibited by law.

- C. Exceptions. Such curfew shall not apply to any minor student who is lawfully attending, going or returning from school, church or community sponsored athletic, musical or social activities or events.

8-4-7: SOLICITORS.

A. Purpose. This Section is not intended to in any way hinder, delay or interfere with legitimate business or organizational activities. The Council finds, however, that solicitors have used public streets and their direct contact with residents of the City for the illegitimate solicitation practices or harassment, nuisance, theft, deceit, or menacing, troublesome or unlawful activities. This Section is intended to ferret out and control: (1) businesses and organizations using solicitation as a means of concealing unlawful activities; and (2) businesses and organization which, though its activities be lawful or even commendable, use such illegitimate practices in solicitation; and, (3) individual natural persons who, though they represent lawful businesses and organizations, use such illegitimate solicitation practices. The Council further finds that a large number of the residents of the City are employed as their livelihood and means of support by manufacturing plants and other businesses on shifts rotating between night and day, and to disturb them during their sleeping hours for the purpose of solicitation is a source of nuisance or even harassment and should be subject to control.

B. Definitions. The following terms, as used in this Section, shall have the meaning stated:

1. "Solicitor" means any person making the solicitation, including such common terms as "peddler", "transient merchant" and "canvasser".
2. "Solicitee" means the person solicited.
3. "Goods" means any tangible thing of value including money if the selling price exceeds the face value thereof. The term includes such chattels as are furnished or used at the time of sale or subsequently in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable there from.
4. "Services" means work, labor, or services of any kind.
5. "Established place" means real estate in the City owned, leased on a month-to-month or term-certain longer than thirty (30) days. The term

includes a booth, compartment, or area leased or assigned during and for the length of an event or occasion.

6. “Business solicitation” means an attempt by a solicitor, engaging in transactions of the same kind, to sell or distribute for a consideration any goods or services primarily for personal, family, or household purposes, when either the solicitor or person acting for him contact the solicitee by telephone or in person, other than at the established place of business of solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the business firm or organization he represents, and the identity or kinds of goods, services or things of value offered; or, (2) an attempted solicitation in which the solicitee has first initiated the contact with the solicitor; or, (3) an attempted solicitation of a newspaper subscription in which the solicitor is a minor child engaged in both the delivery and sale of the newspaper; or, (4) an attempted solicitation for the sale of products of a farm or garden occupies or cultivated by the solicitor, when facts of such occupancy or cultivation are proven by the solicitor.
7. “Contribution solicitation” means an attempt by a solicitor to obtain money from a solicitee for any cause or purpose, when either the solicitor or person acting for him contacts the solicitee by telephone or in person other than at the established place of meeting, business, service, or activity of the organization represented by the solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the organization he/she represents, and the identity of the services performed or offered by the organization, or, (2) an attempted solicitation in which solicitee has first initiated the contact with the solicitor or the organization represented by him.

C. Prohibited Solicitation Practices.

1. It is unlawful for any solicitor to engage in solicitation for any unlawful business or organizational purpose or activity.
2. It is unlawful for any solicitor to practice harassment, nuisance, theft, deceit, or menacing, troublesome or otherwise unlawful activities during the course of solicitation.
3. It is unlawful for any solicitor to enter, or attempt to gain entrance, to residential premises displaying at such entrance a sign at least three and three-quarters ($3\frac{3}{4}$) inches long and three and three-quarters ($3\frac{3}{4}$) inches high with the words “Peddlers and Solicitors Prohibited” or “Solicitors Prohibited” in type not smaller than forty-eight (48) point.

4. It is unlawful for any solicitor to refuse to leave business premises when requested by the owner, lessee, or person in charge thereof.
 5. It is unlawful for any person to engage in contribution solicitation without completion of licensing or registration as herein provided.
 6. It is unlawful for any person to engage in business solicitation without a license issued by Anoka County and without registering such license with the City.
- D. Duration of Contribution Solicitation Registration. Registration of contribution solicitation shall expire sixty (60) days after registration is approved.

Source: City Code

Effective Date: 06-01-1990

8-4-8: ABANDONING A MOTOR VEHICLE. It is unlawful for any person to abandon a motor vehicle on any public or private property without the consent of the person in control of such property. For the purpose of this Section, a “motor vehicle” is as defined in Minnesota Statutes, Chapter 169.

8-4-9: LOITERING. (Ord 45, SS, 6-3-1996)

- A. Petty Misdemeanors. Whoever commits any of the following acts is guilty of a petty misdemeanor:
1. Lingering about the doorway of any building, or sitting or lingering upon the steps, window sills, railing, fence, or parking area adjacent to any building in such a manner so as to obstruct or partially obstruct ingress to or egress from such building or in such a manner to annoy the owner or occupant.
 2. Remaining for more than five (5) minutes on any private business premises which is posted with a conspicuous sign containing the words “No Loitering” when: (a) the business establishment is closed; or (b) the person charged does not visibly demonstrate any intent to conduct business at the establishment or to leave the premises after having conducted such business.
 3. Remaining for more than five (5) minutes on any public business premises which is posted with a conspicuous sign containing the words “No Loitering” when such premises neither has been nor will be open for business within thirty (30) minutes.

4. Remaining for more than five (5) minutes on any public or private non-business premises which is posted with a conspicuous sign containing the words "No Loitering".
 5. Lingering for any length of time upon any public or private premises or move in a slow deliberate manner without purpose or otherwise interfere with, obstruct or render dangerous or unreasonable for passage, any public highway, sidewalk, parking area or right-of-way after having been warned within the preceding four (4) months, either orally or in writing, by the owner, agent, manager or person in charge thereof, or by any law enforcement agent or official, that such conduct will result in a charge under this section.
- B. Misdemeanors. Whoever commits any of the following acts is guilty of a misdemeanor:
1. Failing or refusing to vacate or leave any premises after being requested or ordered either orally or in writing, to do so by the owner, agent, manager or person in charge thereof, or by any law enforcement agent or official or returning at any time thereafter to any such premises after having been so requested or ordered to vacate such premises.
 2. Any of the acts described in Section 8-4-9.A of this Code within one (1) year of being found guilty of any violation of Section 8-4-9 of this Code.
- C. Premises. For purposes of this Section, premises shall include any yard, lot, parcel, sidewalk, boulevard, street, highway, alley, park, playground, restaurant, café, church, school, any car, or other motor vehicle, parking lot, drive-in, building used for business, commercial or industrial purposes, washroom or lavatory, apartment hallway or other location whether public or private in the City of St. Francis. Business premises include all premises, whether public or private, which include a facility that has established open and closed hours. Non-business premises include all other premises in the City of St. Francis.

Source: City Code
Effective Date 06-01-1990

SECTION 5

PARKS

SECTION:

8-5-1: Rules and Regulations Governing City Parks

8-5-1: RULES AND REGULATIONS GOVERNING CITY PARKS.

- A. Adoption. The Council may by resolution adopt, and from time to time amend, rules and regulations governing City parks. It is unlawful to violate such rules and regulations as are conspicuously sign-posted in such parks.
- B. Other Traffic, Rules and Regulations. The Council may by resolution adopt, and from time to time amend, rules and regulations governing City parks. It is unlawful to violate such rules and regulations as are conspicuously sign-posted in such parks, playgrounds, recreational areas or athletic fields as they apply, and it is unlawful for any person to violate the same when so sign-posted.

SECTION 6

ALARM SYSTEMS AND EMERGENCY RESPONSE SERVICES

SECTION:

8-6-1: Alarm Systems

8-6-2: Charges for Emergency Response Fire Services

8-6-1: ALARM SYSTEMS. (Ord 3, SS, 3-4-1991)

- A. Definitions. The following terms, as used in this section shall have the meaning as stated:
1. Alarm System. An alarm installation designed to be used for the prevention or detection of burglary, robbery or fire and located in a building, structure or facility.
 2. Alarm User. The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility wherein an alarm system is maintained.
 3. False Alarm. An audio, visual or electronically transmitted alarm signal eliciting a response by fire and police personnel when a situation requiring a response does not, in fact exist, and which is caused by the activation of the alarm system through mechanical failure, pet movement, alarm malfunction, improper installation or the inadvertence of the owner or lessee of the alarm system or of his/her employees or agents. 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.
 4. Public Safety Personnel. Duly authorized City employees or their designees.
- B. False Alarm Fees. An alarm system which reports more than three (3) false alarms to the City in a single calendar year will cause the user to be charged a user fee for each alarm in excess of three (3) per calendar year. A fee schedule will be set by Council resolution based upon the number of false alarms reported per calendar year.
- C. Payment of Fees. Payment of use fees provided for in Section 8-6-1.A of this Code must be paid to the city within thirty (30) days from the date of notice by the City to alarm user. Failure to pay the fee within thirty (30) days will cause the

alarm user to be delinquent and subject to certification by the City Clerk to the Anoka County Auditor for collection with taxes due against the property on which the alarm system is installed.

- D. Appeals. Any alarm user which is 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 City council within ten (10) days of notice by the City of the false alarm charge.

8-6-2: CHARGES FOR EMERGENCY RESPONSE FIRE SERVICES.

- A. Findings, Purpose, and Intent. This ordinance is adopted for the purpose of authorizing the City of St. Francis to establish and charge user service charges for Fire Services as described in this Section.

- B. Definitions. The following terms shall apply in the interpretation and application of this ordinance.

1. "Motor Vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes any vehicle propelled or drawn by a self-propelled vehicle. This includes semi trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles or park trailers.
2. "Motor Vehicle Owner" means any person, firm, association, or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period of greater than thirty (30) days.
3. "Excavator" means a person who conducts excavation.
4. "Underground Pipeline Utility" means an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute gas, oil, petroleum products, and other similar substances.
5. "Person" means the state, a public agency, a local governmental unit, an individual, corporation, partnership, association, or other business or public entity or a trustee, receiver, assignee, or personal representative of any of them.

- C. Conflicts. In the event of any conflict between the provisions of this ordinance and applicable provisions of State law, rules or regulations, the latter shall prevail.

D. Emergency Response Service Charges.

1. The collection service charges shall be as authorized in Minnesota Statute 366.011 and 415.01.
2. Collection of unpaid service charges shall be as authorized in Minnesota Statute 366.012.
3. The service charges shall be as follows:
 - a. Vehicle Accident.
 - 1) Any incident response to an accident involving a motor vehicle where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of the patients. This would include but not be limited to:
 - a) Extrication.
 - b) Medical Care.
 - c) Absorbing Liquid Spills.
 - d) Vehicle System Safety.
 - e) Vehicle Stabilization.
 - f) Traffic Control.
 - 2) An invoice for \$500 will be sent to the motor vehicle owner or owner's insurance company. In the event the owner cannot provide insurance information and is charged for the offense, the city shall collect the fee through the criminal process as defined in the Minnesota State Statutes.
 - 3) If there is more than one motor vehicle involved for which Fire Department service is provided, each motor vehicle owner or insurer will be invoiced an equal share of the \$500 service charge.
 - b. Fires Along a Railroad Right of Way or Operating Property.
 - 1) Any incident response to a fire or fire hazard emergency caused by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property as defined in Minnesota Statute 219.761.
 - 2) An invoice will be sent to the railroad responsible for the railroad right-of-way or operating property. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

- c. Grass Fires Within Trunk Highway Right-of-Way.
 - 1) Any incident response to a grass fire within the right-of-way of a trunk highway or outside of the right-of-way of a trunk highway if the fire originated within the right-of-way of a trunk highway as defined in Minnesota State Statute 161.465.
 - 2) An invoice will be sent to the commissioner of transportation. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

- d. Technical Rescue.
 - 1) Any incident response to a rescue on the water, ice, confined space, trench, high or low level where specialized equipment and training are required and where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of the persons in need of rescue.
 - 2) An invoice will be sent to the persons, corporation or business owner receiving rescue service. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

- e. Underground Pipeline Utility Breaks.
 - 1) Any incident response to an underground pipeline utility break if caused by an excavator or person other than a homeowner or resident.
 - 2) An invoice will be sent to the excavator or person responsible for the pipeline utility break. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

- f. Hazardous Material.
 - 1) Any incident response to the release of hazardous material from its container, or the threat of a release of a hazardous material from its container, chemical reaction, or other potential emergency as the result of a hazardous material where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions or protect the public.

- 2) An invoice will be sent to the person responsible for the hazardous material or transportation of the hazardous material. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident, specialized equipment and material used on the incident.

g. Fire as the Result of Negligence

- 1) Any incident response to a fire that resulted from an act of negligence. Examples of this would include but not be limited to methamphetamine labs, commercial and industrial operations where hot work is performed and reasonable care is not exercised, and burning of debris by contractors or homeowners that results in subsequent fires to wild land or structures.
- 2) An invoice will be sent to the person responsible for the negligent fire. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

h. Arson Fire.

- 1) Any incident response to a fire where a person is charged under Minnesota Law.
- 2) The fire investigator responsible for the incident investigation will forward all costs encumbered by the Fire Department in association with the incident to the court for reimbursement through restitution.

E. Incident Invoice Schedule.

Engine	Crew of Five	\$400 per hour
Water Tender	Crew of Two	\$200 per hour
Grass Truck	Crew of Two	\$200 per hour
Rescue Truck	Crew of Two	\$100 per hour
Fire Fighter	One	Current hourly rate

SECTION 7

DISPOSAL OF ABANDONED MOTOR VEHICLES UNCLAIMED PROPERTY AND EXCESS PROPERTY

SECTION:

- 8-7-1: Disposal of Abandoned Motor Vehicles
- 8-7-2: Disposal of Unclaimed Property
- 8-7-3: Disposal of Excess Property
- 8-7-4: Persons Who May Not Purchase – Exception

8-7-1: DISPOSAL OF ABANDONED MOTOR VEHICLES.

A. Definitions.

1. The term “abandoned motor vehicle” means a motor vehicle as defined in Minnesota Statutes, Chapter 169, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight hours on private property without the consent of the person in control of such property, or in an inoperable condition such that it has no substantial potential further use consistent with its usual function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the City. A classic car or pioneer car, as defined in Minnesota Statutes, Chapter 168, shall not be considered an abandoned motor vehicle within meaning of this Section. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with the City Code, shall not be considered abandoned motor vehicles within the meaning of this Section.
2. The term “vital component parts” means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.

B. Custody. The City may take into custody and impound any abandoned motor vehicle.

C. Immediate Sale. When an abandoned motor vehicle is more than seven (7) model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction, and shall not be subject to the notification, reclamation, or title provisions of this Section

D. Notice.

1. When an abandoned motor vehicle does not fall within the provision of Subparagraph C of this Subdivision, the City shall give notice of the taking within ten (10) days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under Section 8-7-1.E of this Code, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents shall be deemed a waiver by them of all rights, title and interest in the vehicle and consent to the sale of the vehicle and contents at a public auction pursuant to Section 8-7-1.F of this Code.
2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

E. Right to Reclaim.

1. The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of notice required by this Subdivision.
2. Nothing in this section shall be construed to impair any lien of garage keeper under the laws of this State, or the right of the lien holder to foreclose. For the purposes of this section "garage keeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

F. Public Sale.

1. An abandoned motor vehicle and contents taken into custody and not reclaimed under Section 8-7-1.E of this Code shall be sold to the highest bidder at public auction for sale, following one notice published at least seven (7) days prior to such auction for sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipts shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a

vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

2. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Subdivision. Any remainder from the proceeds of the sale shall be held for the owner of the vehicle or entitled lien holder for ninety (90) days and then shall be deposited in the General Fund of the City.
- G. Disposal of Vehicles Not Sold. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this Subdivision.
- H. Contracts and Disposal.
1. The City may contract with any qualified person for collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.
 2. Where the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the City for the costs incurred under the contract which have not been reimbursed.
 3. If the City utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

8-7-2: DISPOSAL OF UNCLAIMED PROPERTY.

- A. Definition. The term "abandoned property" means tangible or intangible property that has lawfully come into the possession of the City in the course of municipal operation, remains unclaimed by the owner, and has been in the possession of the City for at least sixty (60) days and has been declared such by a resolution of the Council.
- B. Preliminary Notice. If the City Clerk/Treasurer knows the identity and whereabouts of the owner, he/she shall serve written notice upon him/her at least thirty (30) days prior to a declaration of abandonment by the Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom

are known by the City Clerk/Treasurer notice shall also be served upon him/her. Such notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of thirty (30) days from the date of such notice.

- C. Notice of Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the City Clerk/Treasurer shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of such property. The text of such notice shall also state the time, place and manner of sale of all such property, except cash and negotiables. Such notice shall be published once at least three (3) weeks prior to sale. Sale shall be made to the highest bidder at public auction or sale conducted in the manner directed by the Council in its resolution declaring property abandoned and stated in the notice.
- D. Fund and Claims Thereon. All proceeds from such sale shall be paid into the General Fund of the City and expenses thereof paid there from. The former owner, if he makes claim within eight (8) months from the date of publication of the notice herein provided, and upon application and satisfactory proof of ownership, may be paid in the amount of cash or negotiables or, in the case of property sold, the amount received therefore, less a pro rata share of the expenses of storage, publication or notice, and sale expenses, but without interest. Such payment shall be also made from the General Fund.

8-7-3: DISPOSAL OF EXCESS PROPERTY. (Ord 33, SS, 1-3-1995)

- A. Declaration of Surplus and Authorizing Sale of Property. The City Administrator may, from time to time, inform the Council that certain personal property or real property owned by the City is no longer needed for a municipal purpose and should be sold or disposed of in the manner stated herein. (Ord 104, SS, 11-20-2006) (Ord. 190, Effective 1/18/14)
 - 1. Surplus Personal Property with a Total Estimated Value of Less than Three Thousand Dollars (\$3,000.00). Property with an estimated value of less than three thousand dollars (\$3,000.00) may be sold by the City Administrator on the open market upon prior notice to the Council. In addition to the open market sales option, damaged or obsolete material may be sold for salvage value, traded in, recycled or thrown away in the City Administrator's discretion. (Ord. 190, Effective 1/18/14)
 - 2. Surplus Personal Property with a Total Estimated Value of Three Thousand Dollars (\$3,000.00) But Less Than Ten Thousand Dollars (\$10,000.00). If property is declared surplus by the Council and assigned an estimated value less than ten thousand (\$10,000.00), the City

Administrator may sell or dispose of surplus property through negotiated sale, quotation, auction or other means as provided by the Council. (Ord 104, SS, 11-20-2006) (Ord. 190, Effective 1/18/14)

3. Surplus Personal Property with a Total Estimated Value between Ten and Fifty Thousand Dollars (\$10,000.00 and \$50,000.00). If the amount of the property is estimated to exceed fifty thousand dollars (\$50,000.00), the City Administrator will follow the direct negotiation or quotation requirement of the Uniform Municipal Contracting Law. (Ord 104, SS, 11-20-2006) (Ord. 190, Effective 1/18/14)
4. Surplus Personal Property with a Total Estimated Value in Excess of Fifty Thousand Dollars (\$50,000.00). If the amount of the property is estimated to exceed fifty thousand dollars (\$50,000.00), the City Administrator will follow the sealed bid requirements of the Uniform Municipal Contracting Law. (Ord 104, SS, 11-20-2006) (Ord. 190, Effective 1/18/14)
5. Receipts from Sales of Surplus Personal Property. All receipts from sales of surplus property under this Section shall be placed in the General Fund.
6. Surplus real property shall be offered for public sale as directed by Council in a commercially reasonable manner. Net cash proceeds of any sale of real property shall be used in accordance with the City Charter.
7. In the alternative to the procedures outlined in Section 8-7-3.A.1 through 8-7-3.A.4 of this Code, the City may utilize an electronic selling process in which purchasers compete to purchase the surplus supplies, materials, or equipment at the highest price in an open and interactive environment. (Ord 104, SS, 11-20-2006) (Ord. 190, Effective 1/18/14)
8. This section does not limit the City's authority to sell surplus property to the National Government, the State or any other political subdivision. (Ord. 190, Effective 1/18/14)

8-7-4: PERSONS WHO MAY NOT PURCHASE – EXCEPTION.

- A. No employee of the City who is a member of the administrative staff, department head, a member of the Council, or an advisor serving the City in a professional capacity, may be a purchaser of property under this Section. Other City employees may be purchasers if they are not directly involved in the sale, if they are the highest responsible bidder, and if at least one week's published or posted notice of sale is given.
- B. It is unlawful for any person to be a purchaser of property under this Section if such purchase is prohibited by the terms of this Section.

SECTION 8

PARTY PERMIT AND REGULATIONS

SECTION:

- 8-8-1: Definition
- 8-8-2: Permit Required
- 8-8-3: Party Permit Application
- 8-8-4: Permit Fee
- 8-8-5: Permit Conditions
- 8-8-6: Enforcement

8-8-1: DEFINITION. As used in this Section, the term “party” means a gathering of twenty (20) or more natural persons, at any place for any purpose, except:

- A. A permanent place of worship, stadium, athletic field, area, auditorium, coliseum, or other permanent place of assembly, provided, (1) that such assembly is held pursuant to a regularly scheduled daily, weekly, monthly or other publicly advertised or noticed announcement by the person who owns or has control of the premises, and (2) the gathering does not exceed two-hundred fifty (250) natural persons or the seating capacity of such facility where it is held.
- B. A hearing or other assembly held by a government agency or pursuant to law.
- C. So-called PIONEER DAYS or other summer festival.
- D. A gathering of fifty (50) natural persons or less who are members of the same family or to such number of persons gathered on residential premises of one of the persons in attendance at a so-called block or neighborhood party and held during daylight hours and to which the public is not invited.

8-8-2: PERMIT REQUIRED. It is unlawful for any person to conduct, maintain, promote, advertise, manage, attend, or on land owned or under his control, permit a party for which a city party permit has not been issued.

8-8-3: PARTY PERMIT APPLICATION.

- A. All applications for party permits shall be in writing and made on forms supplied by the City, fully completed in every detail, and under oath.
- B. All applications anticipating attendance of one hundred (100) natural persons, or less, and eight hours or less in duration, shall be made at least fourteen (14)

days in advance of the proposed event and those anticipating attendance of more than one hundred (100) natural persons or more than eight hours in duration shall be made at least thirty (30) days in advance of the proposed event.

- C. Application forms shall contain, but not be limited to, the name and address of the sponsor, the number expected to attend, the type of enclosure, water supply, toilet facilities, solid waste disposal, medical care (if any), illumination, parking, camping, security, fire protection, noise control, and telephones.
- D. Incomplete applications shall forthwith be returned by the City Clerk/Treasurer to the sponsor. Applications for attendance of one hundred (100) natural persons or less and duration of eight hours or less shall be review by the Chief of Police and Fire Chief and, if they both approve and waive submission to the Council, the City Clerk/Treasurer shall issue the permit. All other applications shall be submitted to the Council at its next regular meeting.

8-8-4: PERMIT FEE. The Permit fee, which may be graduated, shall be established by Council resolution.

8-8-5: PERMIT CONDITIONS. Before the issuance of a party permit the Council may attach any and all conditions it deems necessary or proper for protection of attendees or the City.

8-8-6: ENFORCEMENT. Any illegal act by any person in attendance at a party, or in the premises of the party, or any violation of any condition of the permit, or any misrepresentation in the application, shall render the permit void and may, upon Council action, cause a forfeiture of any bond posted as a condition. If persons have gathered pursuant to a void permit they shall be ordered to disperse. It is unlawful for any person to fail to disperse when so ordered by a peace officer.

SECTION 9

REDUCING HEALTH RISK EXPOSURE AT CLANDESTINE DRUG LAB SITE AND CHEMICAL DUMP SITES

(Ord 33, SS, 1-3-1995)

SECTION:

- 8-9-1: General Provisions
- 8-9-2: Administration
- 8-9-3: City Council Review
- 8-9-4: Violations and Penalties

8-9-1: GENERAL PROVISIONS.

- A. Purpose and Intent. The purpose of this Ordinance is to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dumpsite may exist. The City Council finds that such sites may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the site, now and in the future. Based upon professional reports, assessments, testing and investigations, the City Council finds that such hazardous chemicals can condense, penetrate, and contaminate the land, surfaces, furnishings, buildings, and equipment in or near structures or other locations where such sites present health and safety risks to occupied residences, buildings and structures and to the general housing stock of the community.
- B. Interpretation and Application. In their interpretation and application, the provisions of this Code shall be construed to protect the public health, safety and welfare. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Should any court of competent jurisdiction declare any section or subpart of this Ordinance to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the provision declared invalid.
- C. Fees. Fees for the administration of this Ordinance may be established and amended periodically by ordinance of the City Council.
- D. Definitions. For the purpose of this Ordinance, the following terms or words shall be interpreted as follows:

1. Child shall mean any person less than eighteen (18) years of age.
2. Chemical dumpsite shall mean any place or area where chemicals or other waste materials used in a clandestine drug lab have been located.
3. Clandestine drug lab shall mean the unlawful manufacture or attempt to manufacture controlled substances.
4. Clandestine drug lab site shall mean any place or area where law enforcement had determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include motor vehicle and trailers, dwellings, accessory buildings, accessory structures, multi-family structures, a chemical dumpsite or any land.
5. Controlled substance shall mean a drug, substance or immediate precursor in Schedule I through V of Minn. Stat. § 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.
6. Hazardous waste shall mean waste generated, including equipment, from a clandestine drug lab. Such wastes shall be treated, stored, transported or disposed of in a manner consistent with the Minnesota Department of Health, Minnesota Pollution Control, and Anoka County Health Department rules and regulations.
7. Manufacture, in places other than a pharmacy, shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, re-labeling, filling, or by other process of drugs.
8. Owner shall mean any person, firm or corporation who owns, in whole or in part, the land, buildings or structures associated with a clandestine drug lab site or chemical dumpsite.
9. Public health nuisance. All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance pursuant to Minn. Stat. § 463.15, et seq.; § 412.221, et seq.; and 145A.01, et seq.

8-9-2: ADMINISTRATION.

- A. Law Enforcement Notice to Other Authorities. Law Enforcement authorities that identify conditions associated with a clandestine drug lab site or chemical dump site that places neighbors, visiting public, or present and future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions, must promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner if known, and conditions found.
- B. Declaration of Property as a Public Health Nuisance. If law enforcement determines the existence of a clandestine drug lab site or chemical dumpsite, the property shall be declared a public health nuisance.
- C. Notice of Public Health Nuisance to Concerned Parties. Upon notification by law enforcement authorities, the City Building Official shall promptly issue a Declaration of Public Health Nuisance for the affected property and post a copy of the Declaration at the portable entrance to the dwelling or property. The Building Official shall also notify the owner of the property by mail and notify the following parties:
1. Occupants of the property;
 2. Neighbors at potential risk;
 3. The Anoka County Sheriff's Office, Anoka County Community Health and Environmental Services;
 4. Other state and local authorities, such as MPCA and MDH, which are known to have public and environmental protection responsibilities that are applicable to the situation.
 5. The Building Official may notify any financial institution with an interest of record of the Declaration of Public Health Nuisance and shall notify such financial institution should the property owner fail to arrange for timely and appropriate assessment and clean up.
 6. The Building Official may notify the insurance company with a policy known to be applicable to the subject property and shall notify such insurance company should the property owner fail to arrange for timely and appropriate assessment and clean up.
 7. The Building Official may cause a certified copy of the Declaration of Public Health Nuisance to be filed with the Office of the Anoka County Recorder or Registrar of Titles. Upon abatement of the nuisance as

required herein, the Building Official shall cause a notice of successful abatement or removal of Declaration of Public Health to be so recorded.

D. Property Owner's Responsibility to Act – Order for Abatement. The Building Official shall also issue an order to the owner to abate the public health nuisance, including the following:

1. That the owner, tenant, occupants or other persons in possession of the premises shall immediately vacate those portions of the property, including building and structure interiors, or dump site, which may place such persons at risk. No person shall reside in or occupy any premises or property subject to an order for abatement until such time as the Building Official has determined that the contamination has been reduced to an acceptable level and that the cleaning was conducted in accordance with Minnesota Department of Health guidelines.
2. Promptly contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and remediation testing and follow-up testing and determine that the property risks are sufficiently reduced in accordance with Minnesota Department of Health guidelines. The property owner shall notify the City of actions taken and reach an agreement with the City on the clean-up schedule. The City shall consider practical limitations and the availability of contractors in approving the schedule for clean-up.
3. Provide written documentation of the clean-up process, including a signed written statement that the contamination has been reduced to an acceptable level and that the clean-up was conducted in accordance with Minnesota Department of Health guidelines.

E. Property Owner's Responsibility for Costs. The property owner shall be responsible for all costs of abatement or clean-up of the site, including contractor's fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. The City shall prepare and provide to the property owner a Statement of Itemized Public Costs which shall be due and payable upon receipt. Public costs may include, but are not limited to:

1. Posting of the site;
2. Notification of affected parties;
3. Expense related to the recovery of costs, including the assessment process;
4. Laboratory fees;

5. Clean-up services, including septic systems;
6. Administrative Fees;
7. Emergency response costs;
8. Other associated costs; and
9. Any legal costs including attorney fees related to the nuisance abatement.

F. Recovery of Public Costs.

1. If, after service of notification of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean-up, the City Building Official is authorized to obtain judicial authority to proceed in a prompt manner to initiate the on-site assessment and clean-up.
2. If the City is unable to locate the property owner within ten (10) days of the Declaration of Public Health Nuisance, the City is authorized to obtain judicial authority to proceed in a prompt manner to initiate the on-site assessment and clean-up.
3. The City may abate the nuisance by obtaining judicial authority to remove the hazardous structure or building, or otherwise, according to Minnesota Statutes Chapter 463. In cases involving motor vehicles, trailers, boats or other moveable property, the City may abate the nuisance by disposal of the property through lawful authority.
4. If the City abates the public health nuisance, or otherwise incurs public costs, in addition to any other legal remedy, the City shall be entitled to recover all public costs. The City may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner as taxes and special assessments are certified and collected pursuant to Minn. Stat. § 429.101.
5. Nothing herein shall limit the authority of the City to enforce this ordinance or seek any other legal remedy to abate the nuisance through declaratory action injunction, nuisance declaration or otherwise.

G. Authority to Modify or Remove Declaration of Public Health Nuisance.

1. The Building Official is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.

2. Such modifications or removal of the Declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants are sufficiently abated or corrected in accordance with Minnesota Department of Health guidelines.

8-9-3: CITY COUNCIL REVIEW. The owner of the property or any party with a legal interest in the property who has been issued a Declaration of Public Health Nuisance, an Order for Abatement, or a Statement of Public Costs may appeal the Declaration of Public Health Nuisance, the Order for Abatement or the Statement of Public Costs to the City Council. The appeal shall be in writing filed with the City Clerk and Anoka County Community Health and Environmental Services, specifying the grounds for the appeal and the relief requested. The appeal must be filed within ten days of the issuance of the item from which appeal is taken. The City Council shall hear the appeal at the next available City Council meeting. Upon review, the City Council may affirm, modify or reverse the action taken. The filing of an appeal shall suspend the terms of the Declaration of the Public Health Nuisance, Order for Abatement, or Statement of Public costs, whichever is applicable. However, in the instance of an appeal from an Order for Abatement, the appeal shall not suspend that part of the order prohibiting occupancy of the property.

8-9-4: VIOLATIONS AND PENALTIES. Any persons violating any provisions of this Article is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minn. Stat. § 609.02, Subd. 3.

SECTION 10

ILLCIT DISCHARGES

SECTION:

- 8-10-1: Purpose
- 8-10-2: Scope
- 8-10-3: Definitions
- 8-10-4: Administration
- 8-10-5: Discharge to City Storm Sewer System Prohibited
- 8-10-6: Connection to Sanitary Sewer Prohibited
- 8-10-7: Nuisances
- 8-10-8: Emergency Suspension of Utility Service and Storm Sewer System Access
- 8-10-9: Non-Emergency Suspension of Utility Service and Storm Sewer Access
- 8-10-10: Violation a Misdemeanor

8-10-1: PURPOSE. The purpose of this ordinance is to control or eliminate storm water pollution associated with illicit discharges that may occur within the City.

8-10-2: SCOPE. The State of Minnesota requires illicit discharge limitations into surface waters; and the City Council desires to protect its surface waters; and to provide long-term planning to minimize the impact of illicit pollutants on storm water and groundwater; and to encourage "best management practices" for the control of these illicit discharges. This Ordinance develops regulations to manage illicit storm water discharge within the City.

8-10-3: DEFINITIONS. As used this Code, the following words and terms shall have the meanings stated:

- A. Contaminated. Containing a harmful quantity of any substance.
- B. Contamination. The presence of or entry of any substance which may be deleterious to the public health and/or the quality of the water into the public storm water system, Waters of the State, or Waters of the United States.
- C. Cosmetic Cleaning. Cleaning done for cosmetic purposes to the exterior of buildings, motorized vehicles, parking lots, recreational vehicles or similar activity. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

- D. Harmful Quantity. The amount of any substance that will cause pollution of waters of the City, State or Nation that will cause lethal or sub-lethal adverse effects on the representative, sensitive aquatic monitoring organisms residing in waters.
- E. Mobile Commercial Cosmetic Cleaning. Power washing, steam cleaning and any other mobile cosmetic cleaning operation of vehicles and/or exterior surfaces engaged for commercial purposes.
- F. National Pollutant Discharge Elimination System (NPDES). The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the federal Clean Water Act.
- G. Notice of Intent (NOI). A written notice to the Minnesota Pollution Control Agency that the City plans on meeting the MS4 permit requirements.
- H. Point Source. Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- I. Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any Waters of the State or the storm sewer system, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
- J. Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into groundwater, subsurface soils, surface soils, the storm sewer system or the Waters of the State.

8-10-4: ADMINISTRATION. The City of St. Francis Director of Public Works and the Director's authorized representatives are authorized to administer, implement, and enforce the provisions of this Ordinance.

8-10-5: DISCHARGE TO CITY STORM SEWER SYSTEM PROHIBITED.

- A. A person commits a violation if the person introduces or causes to be introduced into the St. Francis storm sewer system any discharge that is not composed

entirely of storm water. The following are considered exempt discharge activities:

1. A discharge authorized by, and in full compliance with a site specific NPDES permit such as a storm water management plan permit for construction activities.
2. A discharge or flow resulting from fire fighting by the Fire Department.
3. Agricultural storm water runoff.
4. A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine or any other chemical used in line disinfection.
5. A discharge or flow from lawn watering, or landscape irrigation.
6. A discharge or flow from a diverted stream flow or natural spring.
7. A discharge or flow from uncontaminated pumped groundwater or rising groundwater.
8. Uncontaminated groundwater infiltration.
9. Uncontaminated discharge or flow from a foundation drain, sump pump, or footing drain.
10. A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container.
11. A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant.
12. A discharge or flow from a riparian habitat or wetland.
13. A discharge or flow from cold water (or hot water with prior permission of the Director) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance.
14. Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited.

- B. No exemption shall be allowed under Section 10-9-4-A if:
1. The discharge or flow in question has been determined by the City to be a source of a pollutant or pollutants to the waters of the State or to the storm sewer system.
 2. Written notice of such determination has been provided to the discharger.
 3. The discharge has continued after the expiration of the time given in the notice to cease the discharge.
- C. A person commits a violation if the person introduces or causes to be introduced into the storm sewer system any harmful quantity of any substance.

8-10-6: CONNECTION TO SANITARY SEWER PROHIBITED. A person commits an offense if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.

8-10-7: NUISANCES.

- A. An actual or threatened discharge to the storm sewer system that violates or would violate this Ordinance is hereby declared to be a nuisance.
- B. A line conveying sewage or designed to convey sewage that is connected to the storm sewer system is hereby declared to be a nuisance.

8-10-8: EMERGENCY SUSPENSION OF UTILITY SERVICE AND STORM SEWER SYSTEM ACCESS.

- A. Providing there are State regulations restricting the interruption of service, the City may, without prior notice, suspend water service, sanitary sewer service, and/or storm sewer system discharge access to a person discharging to the storm sewer system, Waters of the State, or Waste Water Treatment Plant when such suspension is necessary to stop an actual or threatened discharge which:
1. Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or
 2. Presents or may present imminent and substantial danger to the storm sewer system or Waters of the State.
- B. When the St. Francis Director of Public Works determines that City-provided water and/or sanitary sewer service needs to be suspended pursuant to Section

8-10-8.A of this Code, the Director of Public Works is empowered to order such suspension.

- C. As soon as is practicable after the suspension of service or storm sewer system discharge access, the Director of Public Works shall notify the violator of the suspension in person or by certified mail, return receipt requested, and shall order the violator to cease the discharge immediately. When time permits, the Director should also attempt to notify the violator prior to suspending service or access.
- D. If the violator fails to comply with an order issued under Section 8-10-8.C of this Code, the Director may take such steps is deemed necessary to prevent or minimize damage to the storm sewer system or Waters of the State, or to minimize danger to persons.
- E. The City shall not reinstate suspended services or storm sewer system access to the violator until:
 - 1. The violator presents proof, satisfactory to the Director, that the non-complying discharge has been eliminated and its cause determined and corrected; and
 - 2. The violator pays the City for all costs the City incurred in responding to abating, and remediating the discharge or threatened discharge; and
 - 3. The violator pays the City for all costs the City will incur in reinstating service or access.
- F. A violator whose service or access has been suspended or disconnected may appeal such enforcement action to the Director, in writing, within ten days of notice of the suspension.
- G. The City may obtain a lien against the property to recover its response costs.
- H. The remedies provided by this Section are in addition to any other remedies set out in this chapter. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.

8-10-9: NON-EMERGENCY SUSPENSION OF UTILITY SERVICE AND STORM SEWER ACCESS.

- A. The City may terminate the City-provided water supply, sanitary sewer connection, and/or storm sewer system access any person discharging to the storm sewer system in violation of this ordinance, if such termination would abate or reduce the illicit discharge.

- B. The Director of Public Works will notify a violator of the proposed termination of its water supply, sanitary sewer connection, and/or storm sewer system access. The violator may petition the Director for a reconsideration and hearing before the City Council.
- C. The City shall not reinstate suspended services or storm sewer system access to the discharger until:
 - 1. The violator presents proof, satisfactory to the Director, that the non-complying discharge has been eliminated and its cause determined and corrected; and
 - 2. The violator pays the City for all costs the City will incur in reinstating service or storm sewer system access.
- D. The remedies provided by this Section are in addition to any other remedies set out in this ordinance. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.
- E. A person commits a violation if the person reinstates water service, sanitary sewer service, and or storm sewer system access to premises terminated pursuant to this ordinance, without the prior approval of the Director of Public Works.

8-10-10: VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Section 11

8-11-1: OFFENSES RELATING TO DRUG PARAPHERNALIA:

(Ord 217, SS 03/21/16)

- A. Use or Possession Prohibited. It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this subsection is a petty misdemeanor.
- B. Delivery or Manufacturing Prohibited. A person may not deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, if that person knows or should reasonably know that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, enhance, 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 Minnesota Statutes Chapter 152. Any violation of this subsection is a misdemeanor.
- C. Definitions:

DRUG PARAPHERNALIA:

1. Except as otherwise provided in subsection 2 of this definition, "drug paraphernalia" means all equipment, products, and materials of any kind, which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, enhancing, converting, producing, processing, preparing, 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.
2. "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes.
3. The term paraphernalia includes, without limitation:
 - 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, including quinine hydrochloride, mannitol, 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, grinders, and mixing devices used, intended for use, or designed for use in compounding, manufacturing, producing, processing, or preparing 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 or products or materials used or intended for use in manufacturing, producing, processing, or preparing controlled substances.
- k. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing controlled substances to include, but not limited to, marijuana, cocaine, hashish, or hashish oil into the human body, including:
 - (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) Objects, sometimes commonly referred to as roach clips, used to hold burning material, for example, 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.

- I. Ingredients or components to be used or intended or designed to be used in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance, whether or not otherwise lawfully obtained, including anhydrous ammonia, nonprescription medications, methamphetamine precursor drugs, or lawfully dispensed controlled substances.

D. Drug Paraphernalia Guidelines: In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.
3. The proximity of the object, in time and space, to a direct violation of this section.
4. The proximity of the object to controlled substances.
5. The existence of any residue of controlled substances on the object.

6. Direct or circumstantial evidence of the intent of an owner, or of any person in control of the object, to deliver the object to another person whom the owner or person in control of the object knows, or should reasonably know, intends to use the object to facilitate a violation of this section. The innocence of an owner, or of any person in control of the object, as to a direct violation of this section may not prevent a finding that the object is intended or designed for use as drug paraphernalia.
7. Instructions, oral or written, provided with the object concerning the object's use.
8. Descriptive materials accompanying the object, which explain or depict the object's use.
9. National and local advertising concerning the object's use.
10. The manner in which the object is displayed for sale.
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, for example, a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.
14. Expert testimony concerning the object's use.
15. The actual or constructive possession by the owner or by a person in control of the object or the presence in a vehicle or structure where the object is located of written instructions, directions, or recipes to be used, or intended or designed to be used, in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance.

(Ord 217, SS Effective Date April 25, 2016)

SECTION 12

8-12-1. Definitions

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

A. "Child" means any person under the age of eighteen (18).

B. "Designated predatory offender" means any person who has been categorized as a Level III predatory offender under Minnesota Statutes, Sec. 244.052, any successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

C. "Permanent residence" means a place where a person abides, lodges, or resides for 14 or more consecutive days,

D. "Temporary residence" means a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

E. "School" means a public or non-public elementary or secondary school.

F. "Licensed child care center" means a group child care center currently licensed by the applicable County or the State of Minnesota.

G. "Public playground" means a publicly-owned, improved park or other outdoor area designed, equipped, and set aside primarily for children's play.

8-12-2 Temporary Regulations on Predatory Offenders

A. It shall be unlawful for any designated predatory offender to establish a permanent or temporary residence within 2,000 feet of any school, licensed child care facility, public playground, or any other place where children are commonly known to regularly congregate.

B. For purposes of determining the minimum distance separation required by this Section, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence of the designated predatory offender to the nearest outer property line of the protected property.

C. A designated predatory offender residing within a prohibited area as described in this Section does not commit a violation of this Ordinance if any of the following apply:

1. The person established the permanent or temporary residence and reported and registered the residence pursuant to Minnesota Statutes, Sec. 243.166 and 243.167 or any successor statute, prior to the effective date of this ordinance;

2. The school, licensed child care center, or public playground within 2,000 feet of the person's permanent or temporary residence was opened after the person established such residence and reported and registered the residence pursuant to Minnesota Statutes, Sec. 243.166 and 243.167, or any successor statute;

3. The residence is also, as of the effective date of this ordinance, the primary residence of the person's parents, grandparents, siblings, or spouse; or

4. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to the effective date of this ordinance.

8-12-3 Duration.

A. The regulations imposed by this Section shall be in effect for a period of one year from the date of its adoption, until the final adoption of an amendment to the City Code regarding the residency location of predatory offenders, or upon its express repeal by the City Council, whichever occurs first.

8-12-4. Enforcement

A. A violation of this Ordinance shall be a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction, or through any administrative penalties program of the City Code. (Ord. 221, SS Effective date Sept 19, 2016)