

SUB-ANALYSIS

	TITLE		PAGE
CHAPTER 10	PUBLIC PROTECTION, CRIMES AND OFFENSES		365
Section	10.01	Storage, Deposit and Disposal of Refuse.....	365
	10.02	Maintenance of Individual Sewerage Systems.....	366
	10.03-10.09	Reserved	
	10.10	Animal Licensing and Regulation.....	366
	Subd. 1	Definitions.....	366
	Subd. 2	Impoundment - Authorized, Redemption Fee of Certain Dogs	367
	Subd. 3	Disposal After Five Business Days.....	368
	Subd. 4	Dogs and Cats Adopted; Spaying or Neutering Required	368
	Subd. 5	Obstructing Animal Control Officer; Breaking into Public Animal Shelter.....	368
	Subd. 6	License Required.....	369
	Subd. 7	Licensing Fee	369
	Subd. 8	License Application	369
	Subd. 9	Tag - Duplicates, Transferability	369
	Subd. 10	Tag Attached to Collar; Removal of Collar or Tag Prohibited.....	370
	Subd. 11	Establishment of Fees	370
	10.11	Rabies Control	370
	Subd. 1	Definitions.....	370
	Subd. 2	Vaccination Requirements	370
	Subd. 3	Vaccination Identification.....	370
	Subd. 4	Vaccination Cost.....	371
	Subd. 5	Handling of Dogs or Cats Bitten by Rabid Animals.....	371
	Subd. 6	Impoundment of Dogs or Cats Without Valid Rabies Vaccination Tags.....	371
	Subd. 7	Impound Fees.....	372
	Subd. 8	Biting; Quarantine.....	372

	TITLE	PAGE
Section	10.12 Keeping of Animals	372
	Subd. 1 Definitions.....	372
	Subd. 2 Nuisance.....	373
	Subd. 3 Animal Noise	373
	Subd. 4 Animal Interference	373
	Subd. 5 Trespassing or Damage to Property by Animals Prohibited	373
	Subd. 6 Running at Large Prohibited	374
	Subd. 7 Animal Litter.....	375
	Subd. 8 Female Animal in Estrus.....	375
	Subd. 9 Maximum Number of Animals	375
	Subd. 10 Prohibited Acts - Animal Cruelty/Abuse/Neglect.....	376
	Subd. 11 Dangerous Dogs or Potentially Dangerous Dogs.....	376
	Subd. 12 Vehicular Transport and Containment.....	377
	10.13 Farm Animals and Non-Domesticated Animals	377
	10.14 Deer Feeding.....	379
	10.15 Hunting Deer by Bow and Arrow	380
	Subd. 1 Purpose and Intent.....	380
	Subd. 2 Definitions.....	380
	Subd. 3 Application.....	381
	Subd. 4 Regulations	382
	Subd. 5 Exceptions.....	382
	Subd. 6 Chief of Police to Report	382A
	Subd. 7 Penalty.....	382A
	10.16-10.19 Reserved	
	10.20 Shade Tree Protection and Disease Control.....	383
	10.21 Storage of Wood	384
	10.22 Open Burning and Air Pollution Control.....	385
	10.23 Minnesota Uniform Fire Code	387
	10.24 Maintenance of Private Property.....	387
	10.25 Obstructions on Public Property	388
	10.26 Junk Cars, Furniture, Household Furnishings and Appliances Stored on Public or Private Property (See Codifier's Note).....	389

	TITLE	PAGE
Section	10.27 Hazardous Conditions - Junked and Abandoned Vehicles, Furniture, Household Furnishings and Appliances Stored on Public or Private Property.....	389
	10.28-10.39 Reserved	
	10.40 Hazardous Conditions (See Codifier's Note)	396
	10.41 Unlawful Trespass.....	396
	10.42 Dangerous Weapons and Articles	396
	10.43 Dangerous Trespasses and Other Acts	398
	10.44 Disorderly Conduct	398
	10.45 Disorderly Conduct - Noisy Parties	399
	10.46-10.59 Reserved	
	10.60 Curfew.....	405
	10.61 Tobacco.....	408
	10.62-10.69 Reserved	
	10.70 Public Nuisance (See Codifier's Note).....	414
	10.71 Permitting a Public Nuisance (See Codifier's Note)	414
	10.72 Abandoning a Motor Vehicle (See Codifier's Note)	414
	10.73 Rules and Regulations Governing Public Parks	414
	10.74-10.79 Reserved	
	10.80 Unnecessary Noise	419
	10.81 Obscenity Prohibited.....	419
	10.82 Fire, Burglary and Safety Alarm Regulations and Requirements	420
	10.83-10.98 Reserved	
	10.99 Violation a Misdemeanor.....	428

CHAPTER 10

PUBLIC PROTECTION, CRIMES AND OFFENSES

SECTION 10.01. STORAGE, DEPOSIT AND DISPOSAL OF REFUSE.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Refuse" - Includes all organic material resulting from the manufacture, preparation or serving of food or food products, and spoiled, decayed or waste foods from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, tree or lawn clippings, leaves, weeds and other waste products, except human waste or waste resulting from building construction or demolition.

B. "Residential Dwelling" - Any single building consisting of one through four dwelling units with individual kitchen facilities for each.

C. "Multiple Dwelling" - Any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each.

D. "Commercial Establishment" - Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, and schools where food is prepared or served.

Subd. 2. Storage.

A. It is unlawful for any person to store refuse on residential dwelling premises for more than one week. All such storage shall be in five to thirty gallon metal or plastic containers with tight-fitting covers, which shall be maintained in a clean and sanitary condition; provided, that tree leaves, weeds and grass clippings may be stored in plastic bags and tree limbs must be stored in bundles weighing no more than seventy-five pounds and no longer than four feet.

B. It is unlawful for any person to store refuse on multiple dwelling premises for more than one week. Such storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted.

C. It is unlawful for any person to store refuse on commercial establishment premises for more than forty-eight hours. Such storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted.

D. It is unlawful to store organic refuse unless it is drained and wrapped.

Subd. 3. Deposit. It is unlawful for any person to deposit refuse from any source, rubbish, offal, or the body of a dead animal, in any place other than a sanitary landfill.

Subd. 4. Fire Danger. It is unlawful for any person to store, deposit or dispose of any refuse which is in flames or heated to the point where it could cause danger of fire in other refuse.

Subd. 5. Disposal. The Council may, by resolution, adopt, and from time to time amend, adjust and revise such rules, regulations, rates and charges as it deems necessary or proper for the operation and management of a sanitary landfill. It may give notice of any such action as it deems necessary.

SEC. 10.02. MAINTENANCE OF INDIVIDUAL SEWERAGE 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.

Source: City Code
Effective Date: 06-01-2000

(Sections 10.03 through 10.09, inclusive, reserved for future expansion.)

SEC. 10.10. ANIMAL LICENSING AND REGULATION.

Subd. 1. Definitions. For the purposes of this Section:

A. “Animal” - Includes all mammals, reptiles and fowl kept, harbored, controlled or owned by a person or persons residing in Two Harbors or business or licenses doing business in Two Harbors.

B. “Animal control authority” - The Lake County Humane Society’s lead animal control officer or designees.

C. “Animal control officer” - Any employee or volunteer as designated by the Lake County Humane Society who is responsible for animal control enforcement within the City.

D. “Cat” - Includes any male or female domesticated feline animal.

E. “City” - The City of Two Harbors.

F. “City Council” - The City Council of the City of Two Harbors.

G. “Dog” - Includes any male or female domesticated dog animal.

H. “Dangerous dog” and “potentially dangerous dog” - Shall be defined as stated in Minnesota Statutes, Section 347.50 (2011), as it may be amended from time to time.

I. “Owner-guardian” - Any person keeping or harboring an animal for five consecutive days shall, for the purposes of this Section, be deemed to be an owner-guardian thereof.

J. “Service dog” - Service dog means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Subd. 2. Impoundment - Authorized; Redemption Fee of Certain Dogs.

A. Police officers and animals control officers shall have the authority to seize, take up and impound all animals:

1. Which may be found running at large by that officer or a private citizen contrary to the provisions of this Section. It shall also be the duty of the animal control officers to see that animals required to be licensed are in fact so licensed;

2. Which constitutes animal cruelty pursuant to Minnesota Statutes, Section 343.01, et. seq., (2011) as it may be amended from time to time;

3. Which constitute a nuisance under this Section;

B. The animal control officer shall provide notice to an owner-guardian of the impoundment whenever possible and shall hold such animals until they are claimed by their owner-guardian or until disposed of in accordance with this Section. All unclaimed animals shall be held for not less than five business days before being disposed of by the animal control authority.

C. Any animal impounded under the provisions of this Section shall be released only upon proof that it has been vaccinated in accordance with Section 10.11, Subd. 2, Vaccination Requirements, and the payment of the expenses of taking and keeping the animal (“Impound and Boarding Fee”). The impound and boarding fee shall be set by the City Council by resolution. If the animal is unlicensed, in addition to the applicable impound and boarding fee, the animal shall not be released without payment of the prescribed license fee. The City Council shall set the amount of the license fee by resolution.

D. If it is the opinion of a licensed veterinarian that a critically injured or diseased animal will unnecessarily suffer, such animal may be humanely euthanized prior to the five day holding period even though attempts to locate or notify the owner-guardian have been unsuccessful. The owner-guardian shall be responsible for the cost of euthanization and/or the reasonable costs of the care and treatment.

E. The animal control officer shall provide necessary and humane care for all animals impounded and the expenses thereof shall be paid by the owner-guardian or the person claiming the same.

Subd. 3. Disposal After Five Business Days.

A. After the waiting period prescribed by Subd. 2, the animal control authority may make provision for the humane euthanasia or adoption of such animals which remain unclaimed.

B. The animal control authority may dispose of other animals, for which the waiting period is not applicable, immediately.

C. The Lake County Humane Society shall, by formal board action, recommend to the City Council for approval fees for animal control services required to be performed by this Section. Such fees may include, but are not limited to disposal fees, placement fees and service calls within and without the City. All such fees shall be collected by the Lake County Humane Society on behalf of the City and be promptly remitted to the City.

Subd. 4. Dogs and Cats Adopted; Spaying or Neutering Required.

A. All dogs and cats placed for adoption by the Lake County Humane Society or other non-profit organizations such as: animal humane societies, animal placement agencies or animal rescue groups, must be spayed or neutered prior to the adopting party taking possession of the animal. In addition, every adopted animal must be examined by a licensed veterinarian and vaccinated against rabies if over four months old. Animals known to be infected with a contagious disease or condition shall not be placed for adoption until the animal is in good health and no longer contagious.

B. The animal control authority is authorized to establish a cooperative program to perform sterilizations and vaccinations pursuant to this Section before the adopting party takes custody of an animal.

C. Nothing in this Section shall be construed to authorize the animal control authority to sterilize an animal that has been reclaimed by its owner-guardian, or for which the period to reclaim as owner-guardian has not expired.

D. Upon review of the adoption application the animal control authority is authorized to deny an adopting party an animal if the adopting party demonstrated an unwillingness or inability to abide by terms of the adoption agreement and/or this Section.

E. At the close of each adoption of an animal, the animal adoption organization shall give the adopting party a certificate containing a description of the animal adopted, health records for the animal, the amount of the adoption fee and the names and addresses of both the adoption organization and adopting party. Copies of the above adoption information must be kept for a period of two years and open for inspection by the animal control authority.

Subd. 5. Obstructing Animal Control Officer; Breaking Into Public Animal Shelter.

A. No person shall intentionally obstruct, hinder, prevent or interfere with an animal control officer or shelter volunteer while the officer or volunteer is engaged in the performance of animal control duties.

B. No person shall break open or in any manner, directly or indirectly, assist in breaking open any animal shelter in the city, release or attempt to release there from any animal impounded.

C. No person except for the animal control authority shall release or cause to be released any animal impounded at the Lake County Humane Society.

Subd. 6. License Required. No person within the city shall own or possess any dog or cat over eight weeks of age without obtaining a license therefor and having complied with the provisions set forth in this Section.

Subd. 7. Licensing Fees.

A. The owner-guardian of a dog or cat shall pay a yearly license fee for each such dog or cat. The City Council shall, by resolution, set such license fees.

B. Any properly identified service dog shall be issued a dog license at no charge upon providing proof of certification of training as a service dog.

Subd. 8. License Application.

A. Dog or cat licenses may be obtained at the Lake County Humane Society or at the City Hall of the City during regular business hours.

B. Before the first day of January of each year, it shall be the duty of the City to send to all dog or cat owners who hold a valid license a notice that licenses required herein are due on January first and informing such persons of the penalties for failure to procure such license. Dog and cat licenses shall be issued on a yearly basis. Each license shall be in effect beginning on the first day of January and expiring on the last day of December of that calendar year. All dog and cat licenses issued after the first day of January and before the last day of December shall expire on the last day of December of that same calendar year. License fees for new residents owning a cat or dog are due and payable when such owner begins residency.

C. When application is made for a license on a spayed female, or a neutered male, said application shall require the owner-guardian to supply the name, age, breed, sex, color and markings, and present a statement from a qualified veterinarian to the effect that the operation was performed and giving the date thereof.

D. Owner-guardians or persons claiming an impounded and unlicensed cat or dog shall complete a license application and purchase a cat or dog license prior to the release of the animal subject to the vaccination requirements of Section 10.11, Subd, 2, Vaccination Requirements.

Subd. 9. Tag--Duplicates, Transferability. When a license is issued under the provisions of this Section, the animal control authority shall deliver to the person securing the same a metal tag, bearing the number of the license and the year thereof. The shape and style of such tag shall be changed

each year. Duplicate metal tags, in case of loss, may be issued by the animal control authority for the fees set forth in this Section. The City Council shall, by resolution, set the fee amount to obtain a duplicate metal tag. No tag shall be transferred from one dog or cat to another.

Subd. 10. Tag Attached to Collar; Removal of Collar or Tag Prohibited. No person owning, possessing or harboring any dog or cat shall permit the same to be outside its owner's dwelling without a substantial collar of leather or other durable material to which collar shall be securely attached the metal license tag. No person shall remove the collar or tag from any dog or cat without the consent of the person to whom the license for such dog or cat is issued.

Subd. 11. Establishment of Fees. All fees and charges for matters governed by this Section, other than any adoption fee referenced in Subd. 4 of Section 10.10, shall be set by resolution of the City Council based on a recommendation by the Lake County Humane Society.

Source: Ordinance No. 75
Effective Date: 06-29-2012

SEC. 10.11. RABIES CONTROL.

Subd. 1. Definitions. For the purposes of this Section:

A. "Rabies control authority" - Refers to and means any duly authorized person or persons responsible for the enforcement of this Section in accordance with the directions of the Lake County Health Department.

B. "Vaccination against rabies" - Refers to and means the inoculation of a dog or cat with a rabies vaccine. Such vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine.

Subd. 2. Vaccination Requirements.

A. Every dog or cat six months of age and older, shall be vaccinated against rabies.

B. Every dog or cat which is not vaccinated at the time of its acquisition or transportation into the city shall be vaccinated within thirty (30) days of acquisition or arrival, whichever is applicable, unless such dog, cat is under six months of age.

C. Every dog or cat shall be revaccinated thereafter in accordance with the current "Compendium of Animal Rabies Vaccines, Part II: Vaccines Marketed in U.S. and NASPHV recommendations," prepared by the National Association of State Public Health Veterinarians, Inc.

Subd. 3. Vaccination Identification. A metal or durable plastic current rabies vaccination tag, issued by the attending veterinarian, shall be securely attached to the collar or harness of the dog or cat by the owner-guardian. Whenever the dog or cat is out of doors, whether on or off the owner's premises, the collar or harness with the vaccination tag must be worn. In addition, the owner-guardian may be requested to provide a current certificate of rabies vaccination issued by the veterinarian.

Subd. 4. Vaccination Cost. The cost of rabies vaccination shall be borne by the owner-guardian of the dog or cat, whichever is applicable.

Subd. 5. Handling of Dogs or Cats Bitten by Rabid Animals.

A. The following rules shall apply in the case of dogs or cats known to have been bitten by rabid animals. For the purposes of this Section, any bat, skunk, civet cat, raccoon or fox that bites a dog or cat shall be deemed a rabid animal, unless proven otherwise.

B. If the bitten (exposed) dog or cat has not been vaccinated in accordance with the provisions of this Section, said bitten exposed dog or cat shall be euthanized immediately. If the owner-guardian is unwilling to euthanize the bitten (exposed) dog or cat said animal shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of six (6) months. Before release of the dog or cat to its owner-guardian, it shall be vaccinated against rabies one (1) month prior to its release at the owner's expense.

C. If the bitten (exposed) dog or cat has been vaccinated in accordance with the provisions of this Section, said bitten dog or cat shall be revaccinated immediately and shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of forty (40) days following revaccination. If the bitten (exposed) dog or cat is not revaccinated immediately, it shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of six (6) months.

Subd. 6. Impoundment of Dogs or Cats Without Valid Rabies Vaccination Tags.

A. Any dog or cat found off the owner's premises and not wearing a valid rabies vaccination tag may be impounded. All impounded dogs or cats shall be given proper care and maintenance.

B. Impoundment of all animals shall be in accordance with the provisions of this Section. Each dog or cat impounded pursuant to this Section shall be kept at least five (5) days after the impoundment thereof, unless conditionally reclaimed by its owner-guardian as herein provided. Any dog or cat which is impounded pursuant to this Section may be conditionally reclaimed by its owner-guardian by payment of the applicable impound and boarding fee and by compliance with the rabies vaccination requirements of this Section within seventy-two (72) hours of release.

C. Upon claiming any dog or cat which has not previously been vaccinated, the owner-guardian shall make a cash deposit with the animal control authority, which shall be refunded upon the owner-guardian filing proof that the dog or cat has been vaccinated within seventy-two (72) hours of release; otherwise the cash deposit shall be forfeited. The City Council shall, by resolution, set the amount of the cash deposit.

D. If the owner-guardian of a dog or cat impounded because of the absence of a valid rabies vaccination tag claims that his or her animal has been vaccinated, such owner-guardian may reclaim his or her dog or cat upon production of proof of vaccination, payment of the applicable impound and boarding fee and acquisition of a valid rabies vaccination tag.

E. If a dog or cat impounded pursuant to this Section is unclaimed by its owner-guardian at the end of five (5) days, such animal may be disposed of in accordance with provisions of this Section.

Subd. 7. Impound Fees. Impoundment fees shall be borne by the owner-guardian as provided in this Section.

Subd. 8. Biting; Quarantine.

A. When any person has been bitten by a dog or cat the owner-guardian or custodian of the dog or cat having been so notified, shall immediately quarantine the dog or cat at owner's home or other suitable place of confinement within the City or such other place as directed by the animal control authority. If a dog or cat which has bitten is running at large and has been apprehended by the animal control officer and if, upon apprehension, the dog or cat not wearing a rabies vaccination tag or other identification which reasonably reveals its ownership, the animal control officer, after consultation with the rabies control authority, may impound the dog or cat until the ten (10) day quarantine period is completed.

B. If the dog or cat has not been claimed after five (5) days, the animal control authority shall keep the dog or cat impounded for the full quarantine period. The period of quarantine shall commence immediately after a person has been bitten and such period shall last for ten (10) consecutive days thereafter. If on or before the tenth day the dog or cat shows clinical signs suggestive of rabies, the dog or cat, after consulting with the rabies control authority, may be euthanized and submitted to the rabies control authority for rabies examination.

C. It is the duty of every licensed veterinarian to report to the animal control authority every diagnosis of an animal suspected of being rabid.

Source: Ordinance No. 75
Effective Date: 06-29-2012

SEC. 10.12. KEEPING OF ANIMALS.

Subd. 1. Definitions. For the purposes of this Section:

A. **“Estrus”** - A periodic state of sexual excitability during which the female animal is willing to mate with the male and is capable of becoming pregnant.

B. **“Nuisance”** - The word “nuisance” shall mean:

1. An owner-guardian allowing the accumulation of animal feces in an open outside area or inside a structure causing unpleasant, offensive odors to reasonably cause the annoyance of another person or persons;

2. An owner-guardian allowing or failing to prevent the animal from continually and/or repeatedly causing the disturbance by loud and frequent or habitual vocalizations;

3. An owner-guardian allowing or failing to prevent the animal from continually and/or repeatedly causing damage to property of one other than the owner-guardian.

C. “Tether” - To secure an animal by means of a metallic cable, rope, or other material to a fixed object, thereby confining the animal to a specified area.

Subd. 2. Nuisance. No person shall keep any animal in such a manner as to constitute a nuisance.

Subd. 3. Animal Noise.

A. No person shall harbor or keep any dog, which, by loud and frequent or habitual barking, yelping or howling, shall cause unreasonable annoyance of another person or persons.

B. It shall be unlawful for any person harboring or keeping any animal when that animal creates any noise which is plainly audible to any person, including animal control officers and licensed police officers, at the property line of the building or premises where the animal is being kept and which noise occurs repeatedly over at least a seven (7) minute period in duration.

Subd. 4. Animal Interference.

A. No person shall harbor or keep any animal, which shall cause annoyance to people passing upon the streets, sidewalks or other public places in the City by physical interference with any such people.

B. Persons owning or harboring a restrained animal on private property shall further restrict the animal on that private property in a manner which prevents that animal from having physical contact with an invitee when that animal has bitten or acted in an aggressive and vicious manner which prohibited safe passage of an invitee. Invitees shall have the right of safe passage onto private property for the purpose to perform their assigned duties.

An invitee for the purposes of this Section shall include but is not limited to the following: United States postal workers, City employees, state and county employees, parcel post delivery persons, food and product delivery persons and newspaper delivery persons, acting within the scope of their assigned duties and required to enter onto private property for the purpose of performing these duties.

C. Tethering. No animal shall be tethered so as to allow it access to any public sidewalk, public alley or public street.

Subd. 5. Trespassing or Damage to Property by Animals Prohibited.

A. No owner-guardian or person having charge of any animal shall allow the same to enter or remain upon the property of another person without the consent of that person.

B. No owner-guardian or person having charge of any animal shall allow the same to commit damage to property of one other than the owner's.

Subd. 6. Running at Large Prohibited. No owner-guardian or person having charge of any animal shall permit any animal to run at large within the City. Except as authorized in this Section, an animal shall be considered to be at large if:

A. The animal departs from the private property of the owner-guardian or other person caring for that animal and is not under physical control of the owner-guardian, a member of the immediate family or other responsible person caring for that animal. If the animal is under control by a leash, the leash must be of suitable strength not exceeding six feet in length.

B. The animal remains on the private property of the owner-guardian or other person caring for that animal and the animal is not effectively contained within a fenced area (including an area surrounded with an underground electronic fencing system), or when the animal is on any unfenced area or lot abutting a street, alley, public park, school grounds or public place without being effectively tethered to a fixed object.

C. An animal is not in violation of this Section if:

1. Such animal remains on the private property of the owner-guardian or other person caring for that animal and a competent person is outside with the animal and that animal is immediately obedient to that person's command;

2. Such animal is tethered in accordance with this Section;

3. Such animal is a police animal engaged in activities by the City;

4. Such animal is a tracking animal and is being used by or with the permission of the City;

5. Such animal is a service dog serving a disabled person.

D. Underground electronic fencing system.

1. An underground electronic fencing system used to restrain an animal on private property shall keep an electronically restrained animal a minimum distance of ten (10) feet from any adjacent public sidewalk, public alley or public street.

2. An animal designated as being a dangerous animal or a potentially dangerous animal under Minnesota Statutes, Section 347.50 shall not be primarily restrained by an underground electronic fencing system.

3. The property owner or person in control of the property operating an underground electronic fencing system for the purpose of restraining an animal shall be required to maintain the underground electronic fencing system in an effective and proper working order.

E. A person using a fencing system as the primary means of restraint for an animal may not continue to use the fencing system as the primary means of restraint for that animal if that animal has been found to be running at large.

Subd. 7. Animal Litter.

A. The owner-guardian of any animal or any person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

B. It is unlawful for any person owning, keeping or harboring an animal to cause said animal to be on property, public or private, not owned or possessed by such person without having in his/her immediate possession a device for the removal of feces and depository for the transfer of animal feces to a receptacle located on property owned or possessed by such person. A device may include a plastic or paper bag, which is used to recover animal feces.

C. It is unlawful for any person in control of, causing or permitting any animal to be on any property, public or private, not owned or possessed by such person to fail to remove feces left by such animal to a proper receptacle located on the property owned or possessed by such person.

D. For the purposes of this Subdivision, the term public property includes, without limitation; streets, sidewalks, boardwalks, trails, boulevards, playgrounds and parks.

E. The provisions of this Subdivision shall not apply to the ownership or use of any properly identified service dog, animals when used in police activities by the city, or tracking animals when used by or with the permission of the City.

Subd. 8. Female Animal in Estrus. Every female animal in estrus shall be kept confined within a building in such a manner that the animal cannot come in contact with any intact male animal except for proper breeding purposes within the building. The female animal in estrus may be taken from the confined area on a secure leash controlled by a person of sufficient age or into a confined outdoor enclosure within the owner's property in order for the animal to urinate and/or defecate.

Subd. 9. Maximum Number of Animals.

A. No more than three dogs of over the age of eight weeks shall be kept, harbored or maintained within any individual dwelling unit or on any lot or other parcel of property in the City without a maximum dog exception license. The number of dogs permitted above may be increased by obtaining such license issued by the animal control authority. Such license shall specify any restrictions, limitations, conditions or prohibitions which the animal control authority deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety. Such license may be modified from time to time or revoked by the animal control authority for failure to conform to such restrictions, limitations or prohibitions. Such modification or revocation shall be effective from and after ten days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such dogs;

B. No more than three (3) cats of over the age of eight (8) weeks shall be kept, harbored or maintained within any individual dwelling unit or on any lot or other parcel of property in the City without a maximum cat exception license. The number of cats permitted above may be increased by obtaining such license issued by the animal control authority. Such license shall specify any restrictions, limitations, conditions or prohibitions which the animal control authority deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety. Such license may be modified from time to time or revoked by the animal control authority for failure to conform to such restrictions, limitations or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such cats;

C. License application. Maximum dog and/or cat exception licenses shall be issued on a yearly basis. Each license shall be in effect beginning on the first day of January and expiring on the last day of December of that calendar year. All such licenses issued after the first day of January and before the last day of December shall expire on the last day of December of that same calendar year. The City Council shall, by resolution, set such license fees. Those owner guardians who have in excess of three (3) licensed dogs and/or three (3) licensed cats prior to the effective date of this Section may apply and will be automatically granted a maximum dog and/or cat exception license for those dogs and/or cats. Those owner-guardians not in compliance with the license requirements on the effective date of this Section, even if they are over the approved amount, are allowed a sixty (60) day amnesty period from the effective date of this section to get their dogs and/or cats licensed. After licensing and within the sixty (60) day period, owner-guardians may keep their dogs and/or cats until such dogs and/or cats are transferred to a new owner-guardian or until such dogs and/or cats pass away.

D. Any owner-guardian denied a maximum dog and/or cat exception license or having such license revoked may appeal the decision to the City Administrator who will review the decision and determine the validity of such license denial and determine what, if any, other course of action to take.

E. Any owner-guardian aggrieved by a decision of the City Administrator may appeal to the City Council by filing written notice of said appeal to the City Administrator within fifteen (15) days after the City Administrator's decision is rendered.

Subd. 10. Prohibited Acts - Animal Cruelty/Abuse/Neglect. Situations involving animal cruelty, abuse, and/or neglect shall be governed by the provisions of Minnesota Statutes, Section 343.20, et. seq., (2011) as it may be amended from time to time.

Subd. 11. Dangerous Dogs or Potentially Dangerous Dogs. Situations involving dangerous dogs or potentially dangerous dogs shall be governed by the provisions of Minnesota Statutes, Section 347.50, et. seq., (2011) as it may be amended from time to time.

Subd. 12. Vehicular Transport and Containment.

A. Transport of any dog or cat in the bed of a pickup truck or other motorized vehicle with similar attributes of open cargo areas is prohibited unless the dog or cat is properly secured and confined inside of a commercially designed container intended for the safe transport of dog and cats or otherwise secured so as not to allow the dog or cat the ability to escape or be thrown from said vehicle.

B. No person within the City shall leave an animal in an unattended motor vehicle without provision of adequate ventilation, cooling or heating, and water. Vehicles containing animals adjudged to be in distress may -when attempts to contact the vehicle owner have failed - be entered by proper authorities when in their judgment said animals are perceived to be in peril. Animals removed under such actions will be taken to the Lake County Humane Society until such issue can be resolved.

Source: Ordinance No. 75
Effective Date: 06-29-2012

SEC. 10.13. FARM ANIMALS AND NON-DOMESTICATED ANIMALS.

Subd. 1. Purpose. The purpose of this Section is to prohibit the keeping of non-domesticated animals as pets within the City in order to protect the health, safety and welfare of the general public. The City Council finds that non-domesticated animals kept as pets in an urban setting present a substantial risk of harm to the general public; can increase the likelihood of disease transmission; and can cause public disturbances and health nuisances.

Subd. 2. Definitions. For the purposes of this Section:

A. “Farm animal” - A domesticated species of fowl or hoofed mammal commonly kept for agricultural purposes, which includes, but is not limited to; chickens, roosters, pot-bellied pigs, horses, cows, sheep, goats, pigs and llamas.

B. “Non-domesticated animal” - Every mammal, fowl and reptile species, including those born or raised in captivity, except the following:

1. Domestic dogs (excluding hybrids with wolves, coyotes, or jackals) properly vaccinated against rabies pursuant to law;
2. Domestic cats (excluding hybrids with ocelots or margays) properly vaccinated against rabies pursuant to law;
3. Rodents, including and limited to; hamsters, mice, gerbils, white rats or guinea pigs capable of being maintained continuously in cages;
4. Species of common cage birds;

5. Fish, unless prohibited by state or federal law; and

6. Rabbits.

Subd. 3. The Keeping of Farm Animals or Non-Domesticated Animals Prohibited.

A. No person shall own, possess or have custody on his or her premises any farm animal or non-domesticated animal.

B. No person shall keep or permit to be kept any farm animal or non-domesticated animal as a pet.

Subd. 4. Exceptions.

A. Temporary events. A traveling circus, zoological park, or show which keeps farm animals or non-domesticated animals and is in compliance with zoning requirements under the Zoning Code of the City Code.

B. Permanent exhibits. A zoological park or other institution engaged in a permanent display of farm animals or non-domesticated animals providing the use and location of the premises complies with all zoning requirements.

C. Veterinary hospitals. Any bona fide veterinary hospital, acting within the scope of its business, is exempt from Section.

D. Wildlife rehabilitators. Persons keeping farm animals or non-domesticated animals as part of a bona fide institutional program to return such animals to the wild are exempt from Section provided the location of the premises complies with all zoning requirements.

Subd. 5. Impounding of Farm Animals or Non-Domesticated Animals. The impoundment of farm animals or non-domesticated animals shall be in accordance with the applicable impoundment provisions of Section 10.10.

Subd. 6. Trapping of Non-Domesticated Animals.

A. It shall be unlawful for any person to trap, hunt, take, kill or wound any non-domesticated animal within the City except as authorized by Section 10.15, Hunting Deer by Bow and Arrow, and otherwise authorized by permit of the Minnesota Department of Natural Resources and the Police Department.

B. It shall be unlawful for an owner-guardian of an animal to allow an animal to hunt, chase, take, kill, or wound any non-domesticated animal within the City.

C. Non-domesticated animals needing to be removed from the City shall be live-trapped and relocated outside of the City, whenever possible.

Source: Ordinance No. 75
Effective Date: 06-29-2012

SEC. 10.14. DEER FEEDING.

Subd. 1. Purpose. The purpose of this section is to discourage high white-tailed deer (*Odocoileus virginianus*) densities in the City. The deer population in the City has likely exceeded natural or pre-settlement deer densities as natural predators have been displaced from the City and there are few natural restrictions on the deer population. High deer densities pose a hazard to motorists, cause a reduction in natural plant life and habitat for other animals and cause damage to landscaping installed by residents and commercial landowners. The feeding of deer in the City has been shown to attract deer in residential areas causing increased damage to vegetation and landscaping to neighboring properties. High deer densities also contribute to the spread of chronic diseases among deer populations.

Subd. 2. Prohibition on Deer Feeding. No person shall feed or allow the feeding of any deer within any area of the City.

Subd. 3. Definitions. The following terms, as used in this section, shall have the meanings stated:

A. "Agricultural operation" - An operation commonly associated with the growing of produce on farms. Including but not limited to: field crops, hay pastures, fruit orchards and landscaping nurseries.

B. "Feed" or "feeding" - Any provision of grain, grain blocks, fruit, vegetables, nuts, hay, grasses, salt licks, powder or liquid deer attractants, bird feed, or other consumable material which may result in deer congregating at that location on a regular basis, placed either on the ground, in an obviously intended feeder, or in a feeder at a height of less than five (5) feet off the ground. Living food sources, such as fruit trees, vegetable gardens and other live vegetation, shall not be considered as feeding.

C. "Livestock operation" - An operation commonly associated with the keeping of farm animals.

D. "Farm Animals" - Cattle, horses, mules, donkeys, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, rabbits, guinea hens and honey bees.

Subd. 4. Exceptions From Prohibition on Deer Feeding.

A. Persons on property with an agricultural operation.

B. Persons on property with a livestock operation.

Subd. 5. Enforcement. Any employee or agent of the City who is authorized to cite another for violation of the City Code and any peace officer is authorized to enforce this Section.

Subd. 6. Penalty. The first offense of this section shall be a petty misdemeanor and the second or more offenses shall be misdemeanors.

Source: Ordinance No. 53
Effective Date: 06-10-2010

SEC. 10.15. HUNTING DEER BY BOW AND ARROW.

Subd. 1. Purpose and Intent. The purpose and intent of this section is to allow the hunting of deer by bow and arrow within the City limits in a manner that gives hunters reasonable guidelines while protecting public safety and the rights of property owners.

Subd. 2. Definitions. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definition. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. “Antlerless Deer” - Those without an antler at least three (3) inches long.

B. “Application for Archery Permit to Hunt” - The form created by the Chief of Police that must be submitted to receive a permit to hunt.

C. “Bow and Arrow” - A bow and arrow or a bow and arrow drawn, held or released by a mechanical device, but specifically does not include a crossbow.

D. “Chief of Police” - The Chief of the Police Department or his/her designee.

E. “Hunt” or “hunting” - The taking, pursuing, stalking, chasing, driving or tracking of deer while in possession of a bow and arrow.

F. “Hunter” - An individual who is eighteen (18) years of age or older and has been granted a permit to hunt deer by bow and arrow pursuant to this Section.

G. “City Hunting Areas” - The locations within the limits of the City that have been designated by the Chief of Police as areas where hunting by bow and arrow is allowed and which are identified on the City Hunting Areas Map. The Chief of Police may revise the City Hunting Areas Map at any time.

H. “City of Two Harbors Archery Deer Hunt Program Description and Regulations” - The regulations for the hunting by bow and arrow in the City, as they may be amended from time to time.

I. “City of Two Harbors Area Map” - The map designated by the Chief of Police in accordance with Section 10.15, Subd. 2G.

Subd. 3. Application.

A. Any person wishing to hunt deer by bow and arrow within the City must complete and submit to the Chief of Police an Application for Archery Permit to Hunt Form and read and sign the City of Two Harbors Archery Deer Hunt Program Description and Regulations. The Application for Archery Permit to Hunt form shall request, among other things, the following information:

1. The length of time for which the permit is requested, which shall not be greater than the bow hunting deer season established by the State of Minnesota;

2. The City of Two Harbors' deer hunt shall run concurrent with the State of Minnesota's archery hunting season;

3. The location of the property where the Hunter wishes to hunt on the City Hunting Areas Map;

4. If the hunter is not the owner of the property, a letter of permission from the owner or owners of each parcel of land upon which the hunter desires to hunt granting approval and consent for hunting thereon, provided, however, that the consent and approval of the owner of tax forfeited property shall not be required;

5. Presentation and copy of photo identification;

6. Proof of a Regular Archery License and at least one (1) State of Minnesota bonus permit issued by the DNR;

7. Proof of successful completion of the City Archery Proficiency Test;

8. Consent to criminal background check performed by the Police Department;

9. The type of bow to be used and the type of arrow to be discharged; and

10. Description of a mark to be placed on each arrow near the fletched end, which must be unique to the hunter, legible and marked in waterproof ink.

B. The granting of the permit shall be solely in the discretion of the Chief of Police who may deny any permit if he/she believes that the issuance of such permit would constitute or create a safety hazard. The Chief of Police may limit the number of permits issued for an parcel. Permits for hunting on land not owned by the hunter may be awarded on a lottery basis. In addition to any other remedies available to the City, no permit shall be issued to any hunter who has failed to report the taking of a deer in any prior year.

C. A permit shall be rescinded if a property owner who provided written consent withdraws such consent in a writing that is provided to the Chief of Police.

Subd. 4. Regulations.

A. Hunters shall abide by the City Archery Deer Hunt Program Description and Regulations and shall, in addition, comply with all the rules and regulations relating to hunting as established by the laws of the State of Minnesota.

B. No arrow shall be discharged from a bow within two hundred (200) feet of any (i) public or commercial building, (ii) public road or trail, (iii) park, (iv) school, or (v) residence, provided, however, that in the area marked "100 foot Discharge Area" on the City Hunting Areas Map, no arrow shall be discharged from a bow within one hundred (100) feet of any (i) public or commercial building, (ii) public road or trail, (iii) park, (iv) school or (v) residence.

C. Hunters shall hunt only in the area that was assigned to the hunter under the permit issued under this Section.

D. Hunters shall not attempt to shoot a deer that is beyond the effective range of the bow being discharged by that particular hunter.

E. Hunters shall not cause damage to the property of another that arises from his/her hunting activities.

F. Hunters shall not leave carcass or entrails to remain in open view to the public.

G. Hunters shall first harvest one (1) antlerless deer within the City before being allowed to receive a permit to harvest an antlered deer.

H. Any hunter that is successful in taking a deer with a bow and arrow within the City shall report that fact to the Chief of Police of his/her designee within twenty-four (24) hours after taking the deer. In addition to reporting harvested deer to the Chief of Police or his/her designee, the hunter must also register his/her harvested deer with the Minnesota DNR through the Big Gam Registration process as prescribed by Minnesota State law.

Subd. 5. Exceptions.

A. The provisions of this Section shall not apply to shooting a bow and arrow or other similar device within the City limits in a Physical Education Program in a school supervised by a member of its faculty, or a community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council.

B. The provisions of this Section shall not prohibit the use of any bow and arrow in the lawful defense of the person, property, family or in the defense or enforcement of the laws of the City, County, State or United States.

C. The provisions of this Section shall not prohibit the taking of deer by the Chief of Police or his/her designee by the use of any bow and arrow or any other weapon authorized by the Chief of Police or his/her designee, provided, that such taking of deer is made in compliance with all other applicable State law, rules or regulations.

Subd. 6. Chief of Police to Report.

A. Annually in February during the term of this Section, the Chief of Police shall provide a report to the Council with respect to the operation and effect of this Section.

B. This report shall include the number of deer taken, a description of any incidents, conflicts or problems that occurred with respect to this Section during the preceding bow hunting season, and any recommendations for the modifications or the continuation of this Section.

Subd. 7. Penalty. Any violation of this Section shall constitute a misdemeanor under the City Code and shall entitle the Chief or his/her designee to permanently terminate the hunters privilege to hunt within the City.

Source: Ordinance No. 63
Effective Date: 08-25-2011

(Sections 10.16 through 10.19, inclusive, reserved for future expansion.)

§ 10.20

SEC. 10.20. SHADE TREE PROTECTION AND DISEASE CONTROL.

Subd. 1. Diseased or Dangerous Conditions of Trees. Upon the discovery of any destructive or communicable disease or other pestilence to spread disease or insect infestations, the Tree Inspector shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated. The notice shall require the property owner to eradicate, remove or otherwise control the condition within a reasonable time specified in the notice.

Subd. 2. Unlawful Conditions of Private Trees (Nuisance). It is unlawful for any person to allow the following conditions to exist on their property:

A. Any tree, shrub, or wood therefrom, having a destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of trees, shrubs or plants in the City or which is capable of causing an epidemic spread of a communicable disease or insect infestation.

B. The roots of any tree or shrub, which cause the surface of the public street, curb or sidewalk to be upheaved or otherwise disturbed.

C. Any tree, shrub, or portion thereof which, by reason of location or conditions, constitutes an imminent danger to the health, safety, or well-being of the general public.

Subd. 3. Responsibility for Public Nuisance Fixed. Where a nuisance exists upon property, the owner, occupant or agent, and all other persons having control of the property on which the nuisance exists, shall be deemed equally liable for the nuisance.

Subd. 4. Nuisance Abatement. The City shall serve notice upon the owner, occupant or agent of any lot, building or premises in or upon which a nuisance may be found, or upon the person who may be the cause of the nuisance, requiring the person to abate the nuisance as provided herein. Failure to serve notice shall not relieve the person from the obligation to abate the nuisance.

Subd. 5. Expense of Abatement. In case of neglect or refusal of any person to abate any nuisance, the City may abate the nuisance. The expense of the abatement shall be collected from the person so offending. The City may collect the expense of the abatement in the same manner as a special assessment against the property.

Subd. 6. Right of Inspection. The Tree Inspector or his/her designee has the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance.

§ 10.20

Subd. 7. Transporting Wood Prohibited. It is unlawful for any person to transport elm wood into or through the City unless the same is debarked, or in the months of April, May or June, to transport oak wood without first securing a permit from the Tree Inspector. The Forester shall grant a permit only when the purpose of this Section will be served thereby, and only when no reasonable alternative is available.

Subd. 8. Storage of Elm Wood Prohibited. It is unlawful for any person to keep or store elm wood in the City, unless the bark has been removed, between May 15th and September 15th of each year.

Subd. 9. Interference With Actions of the Tree Inspector or his/her Agents. It is unlawful for any person to prevent, delay, or interfere with the Tree Inspector, or any of his/her agents, while engaging in and about the inspecting, planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds as authorized in this Section.

SEC. 10.21. STORAGE OF WOOD.

Subd. 1. Definition. "Wood" shall include, but not be limited to, firewood and lumber, whether rough, pre-cut construction grade or finished, which is stored or kept on property in the City.

Subd. 2. Persons Exempt. This Section shall not apply to: (1) persons having property on which new construction is taking place and the wood on such property is being used for said construction, unless the said wood has remained on the property for more than six months and is not a permanent part of the new construction at the end of that time; (2) persons storing or keeping wood on property when said wood is stored or kept in neat and secure stacks in a covered structure impervious to the elements.

Subd. 3. Conditions of Outside Storage. Wood stored or kept in the City which is not contained within a covered enclosure impervious to the elements shall be stored or kept in neat and secure stacks as follows: There is no minimum width requirement for open stacks under three feet in height. Any open stacks over three feet in height shall have a height which is no more than twice its width with a maximum height of nine feet. Stacks shall be no less than five feet from any side property line on corner lots, 30 feet from any front property line or any front of a house, whichever is closer and two feet from any rear property line or any side property line of interior lots. Grass height around all wood stacks shall be maintained at a maximum height of six inches.

Subd. 4. Limited Storage. No more than 20 cords of wood shall be stored on any residential property.

§ 10.21

Subd. 5. Existing Woodpiles. Any woodpile in existence at the time of the adoption of this Section, which does not comply with the provisions of this Section shall be removed or placed in compliance with the terms of this Section within one year from the date of the adoption of this Section. Notice shall be in writing and shall be served upon the property owner either in person or by certified mail.

SEC. 10.22. OPEN BURNING AND AIR POLLUTION CONTROL.

Subd. 1. Minnesota Statutes Adopted. The provisions of Minnesota Statutes, Chapter 88 are hereby adopted by reference as though set forth verbatim herein. It is unlawful to violate a provision of this Section or of Minnesota Statutes, Chapter 88, hereby adopted by reference.

Subd. 2. Fire Warden. The Council shall by resolution designate a Fire Warden.

Subd. 3. Violation. It is unlawful for any person to burn or permit the burning of any grass, weeds, leaves, rubbish or other substance upon premises owned or occupied by the person, except as

otherwise provided by the City Code.

Subd. 4. Exceptions. The following open burning shall be excepted from the regulations of this Section.

A. Fires in barbecue grills or other authorized containers used solely for the preparation of food. In any structure containing three or more dwelling units, it is unlawful for any person to kindle, maintain or cause to be kindled or maintained any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of said structure, or to store or use any fuel, barbecue, torch or other similar heating or lighting chemicals or devices in the locations designated above. These prohibitions do not apply to electric or gas-fired barbecue grills which are permanently mounted, wired or plumbed to the building's gas or electrical system and maintain a minimum clearance of 18 inches on all sides (unless listed for lesser clearances by the manufacturer) when approved by the Fire Warden.

B. Fires set for the instruction and training of public and industrial fire fighting personnel when weather conditions are such that resultant smoke will be carried away from the neighboring residences or other affected property owners or public roadways, and that such burning will not constitute a fire, health or traffic hazard, and a special permit has been issued by the Fire Warden.

C. Fires set for the elimination of hazards which cannot be abated by any other practical means and have been issued a special permit by the Fire Warden.

§ 10.22

D. Recreational Fires defined as the burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace or barbecue pit and with a total fuel area of 3 feet or less in diameter and 2 feet in height. Recreational fires are permitted under the following conditions: a 50 foot clearance from any structure or combustible material is maintained, buckets, shovels or garden hoses are readily available, and a special permit is issued by the Fire Warden or duly authorized agent. It is unlawful to allow campfires except in pits conforming to the specifics above located in designated camp grounds.

Subd. 5. Special Permits. Special permits shall be issued by the Fire Warden based upon the following:

- A. Written application;
- B. Evidence of need;
- C. Evidence of adequate precaution for public protection and safety;
- D. Specification of location;
- E. Specification of materials to be consumed;
- F. Limitation to day(s) with wind levels below 10 mph;
- G. Written permission of the owner, lessee, or agent of the owner or lessee of the

land;

H. Agreement that the permittee shall keep the permit on his/her person at all times and shall produce the permit for inspection when requested to do so by a forest officer, Fire Warden, conservation officer, or other peace officer;

I. The permittee shall remain with the fire at all times and before leaving the site completely extinguish the fire.

Subd. 6. Revocation of Special Permits. The Fire Warden shall revoke permits issued under this Section upon finding that:

A. The permit is being used by any person other than the person to whom it was issued; or

B. The conditions or limitations set forth in said permit have been violated; or

§ 10.22

C. Violations set forth in any written notice served upon a permittee by the Fire Warden have not been corrected within the time required by the notice; or

D. The permit is being used for any premises or location other than that for which it was issued.

Subd. 7. Reporting of Fires. It is unlawful for the occupant of any property upon which any unauthorized fire is burning, whether the fire was started by the occupant or otherwise, to fail to promptly report the fire to the nearest forestry office, fire department, or other proper authority. The occupant of the premises shall be deemed prima facie guilty of negligence if the unreported fire spreads from the property or causes damage, loss, or injury to another person, that person's property, or the State.

SEC. 10.23. MINNESOTA UNIFORM FIRE CODE.

Subd. 1. Adoption. The 1994 Edition of the Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. One copy of said Code shall be marked CITY OF TWO HARBORS - OFFICIAL COPY and kept on file in the office of the City Administrator and open to inspection and use by the public.

Subd. 2. Storage of Flammable and Explosives Material. Present installations for the purpose of storage of flammable liquid, liquified petroleum gas and explosives and blasting agents may continue in the Agricultural District. Provided, however, that such installation shall not be expanded nor shall new installations for such purpose be permitted without a special permit from the Council. Prior to issuance of any such permit, an application therefor shall be investigated by the Chief of Police and the Chief of the Fire Department, and a hearing held thereon before the Council.

SEC. 10.24. MAINTENANCE OF PRIVATE PROPERTY.

Subd. 1. 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 therefrom; to install or repair water service lines upon any property which is

improved with commercial or habitable structures; and to treat or remove insect-infested or diseased trees thereon.

Subd. 2. 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 Administrator has not within seven days of such notice complied, the City may cause such work to be done and the expenses thus incurred shall be a lien upon such real estate. The City Administrator shall certify to

§ 10.24

the County Auditor of Lake County a statement of the amount of the cost incurred by the City. Such amount together with 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.

SEC. 10.25. OBSTRUCTIONS ON PUBLIC PROPERTY.

Subd. 1. Obstructions. It is unlawful for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any public property without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

Subd. 2. Fires. It is unlawful for any person to build or maintain a fire upon public property.

Subd. 3. Dumping on Public Property. It is unlawful for any person to throw or deposit on public property any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemicals thereon. It is a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on public property without first having obtained a written permit from the Council.

Subd. 4. Signs and Other Structures. It is unlawful for any person to place or maintain a sign, advertisement, or other structure on public property without first having obtained a written permit from the Council.

Subd. 5. Snow or Ice on Public Property. It is unlawful for any person not acting under a contract with the City to dump snow or ice on public property.

Subd. 6. Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.

Subd. 7. Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

SEC. 10.26. JUNK CARS, FURNITURE, HOUSEHOLD FURNISHINGS AND APPLIANCES STORED ON PUBLIC OR PRIVATE PROPERTY. (CODIFIER'S NOTE: Provisions regarding junk cars, furniture, household furnishings and appliances stored on public or private property can be found in Chapter 10, Section 10.27 of the City Code.)

Source: City Code
Effective Date: 06-01-2000

Source: Ordinance No. 6
Effective Date: 03-13-2002

SEC. 10.27. HAZARDOUS CONDITIONS - JUNKED AND ABANDONED VEHICLES, FURNITURE, HOUSEHOLD FURNISHINGS AND APPLIANCES STORED ON PUBLIC OR PRIVATE PROPERTY.

Subd. 1. Preamble. The City Council finds that the accumulation on private and public property of abandoned, unlicensed, unregistered or inoperable motor vehicles, household furniture, furnishings or appliances, or parts or components thereof, or metal, wood, glass, paper, rubber, concrete, or other material whether organic or inorganic, can facilitate the growth or spread of noxious weeds, the nesting and breeding of rodents, insects, and harmful bacteria and be a threat of fire. The City Council also finds that unless such accumulation is stored in a lawfully operated junk yard, housed within a lawfully erected building, or in a container permitted, and the contents disposed of, under the provisions of the City Code, it is a source of filth, cause of sickness, and an immediate danger to the health, safety and welfare of persons and property in the City. The City Council finds that if such unauthorized, unwholesome and dangerous accumulation is permitted to continue to pose such a threat, it is a hazardous condition and a nuisance, and must be abated. This Section is adopted to protect the residents of the City and their property and, in addition, to protect the rights of persons who may be found in violation of its provisions.

Subd. 2. Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subdivision, except where the context clearly indicates a different meaning:

A. "Abandoned motor vehicle" means a motor vehicle as defined in Minnesota Statutes, Section 168B.011, subdivision 2 that:

1. Has remained illegally: (i) for a period of more than forty-eight (48) hours on any property owned or controlled by the City, or more than four (4) hours on that property when it is properly posted; or (ii) on private property for a period of time, as determined under Minnesota Statutes, Section 168B.04, subdivision 2, without the consent of the person in control of the property; and

2. Lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions.

B. "Junk vehicle" means a vehicle that: (1) is three (3) years old or older; (2) is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission; (3) is apparently inoperable; (4) does not have a valid, current registration plate; and (5) has an approximate fair market value equal only to the approximate value of the scrap in it.

C. “Unauthorized vehicle” means a vehicle that is subject to removal and impoundment pursuant to Minnesota Statutes, Section 168B.04, subdivision 2, or Minnesota Statutes, Section 169.041, but is not a junk vehicle or an abandoned vehicle.

D. “Agency” means the Minnesota pollution control agency.

E. “Department” means the Minnesota Department of Public Safety.

F. “Impound” means to take and hold a vehicle in legal custody. There are two (2) types of impound, public and nonpublic.

G. “Impound lot operator or operator” means a person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles. “Operator” includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.

H. “Inoperable vehicle” means any motor vehicle that: (1) is not in operating conditions by virtue of missing drive train components, tires or other parts; or (2) is incapable of performing the transportation function for which it was manufactured by virtue of missing drive train components, tires or other parts; or (3) has remained in the same outside location without being moved for more than three hundred sixty-five (365) consecutive days.

I. “Motor vehicle or vehicle” has the meaning given motor vehicle in Minnesota Statutes, Section 169.011.

J. “Motor vehicle waste” means solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

K. “Nonpublic impound lot” means an impound lot that is not a public impound lot.

L. “Public impound lot” means an impound lot owned by or contracting with a unit of government under Minnesota Statutes, Section 168B.09.

M. “Unit of government” includes a State department or agency, a special purpose district, and a county, statutory or home rule charter city, or town.

N. “Vital component parts” means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including such things as the motor, drive train, and wheels.

O. “Nuisance” means maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of members of the public; or creates an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property; or interferes with, obstructs or renders dangerous for passage, any street, public right-of-way, or waters used by the public; or, any other act or omission declared by law or this Section to be a public nuisance.

Subd. 3. Exemptions. For purposes of this Section, the following vehicles are not to be considered junk, inoperable or abandoned motor vehicles:

A. A classic or pioneer car, as defined by Minnesota Statutes, Section 168.10, provided that it has substantial potential further use consistent with its usual functions and that it is kept secure within an enclosed building, or on the premises of business enterprise, operated in a lawful place and manner when necessary to the operation of such business enterprise, for storage or depository. Such business enterprises shall include automobile junk yards, auto repair and body shops, and commercial storage facilities.

B. A vehicle kept inside an enclosed garage or storage building that is permitted by the City Code.

C. A vehicle which has current registration and is registered to the owner or occupant of the real property and which is being kept for repair on the property, provided that the vehicle is not kept for longer than ninety (90) days in a disabled condition and its condition does not present a hazard and further provided that no additional disabled vehicles are present on the property.

D. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with Minnesota Statutes, Section 161.242.

E. A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ or court order is in effect.

Subd. 4. Nuisance Declared.

A. Any vehicle, abandoned motor vehicle, or unauthorized motor vehicle that is found stopped, standing, or parked in violation of any section of the Minnesota Statutes or this City Code Section, or that is found to be impeding fire fighting, snow removal, or impede the orderly flow of traffic is a nuisance.

B. Any junk motor vehicle or inoperable vehicle stored or abandoned on any public or private property contrary to this City Code Section is a nuisance.

C. The presence of one (1) or more abandoned, unlicensed, unregistered, junk or inoperable motor vehicles, the presence of junk, household furniture, furnishings or appliances, or parts or components thereof, or metal, wood, glass, paper, rubber, concrete or building materials like pipe, lumber, trusses, shingles, unless stored in a lawfully operated junk yard, housed within a lawfully erected building or in a permitted container is a nuisance.

D. Material which is incapable of performing a function for which it is designed including, but not limited to: abandoned vehicles, discarded or unused objects; equipment such as automobiles, boats and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal tires, batteries, containers and garbage that are in the public view are a nuisance.

E. Maintaining or permitting any condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of members of the public; or creates an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; or interferes with, obstructs or renders dangerous for passage, any street, public right-of-way, or waters used by the public; or, any other act or omission declared by law to be a public nuisance.

Subd. 5. Unlawful Acts. It is unlawful to maintain or permit a nuisance.

Subd. 6. Enforcement.

A. Notice of Unlawful Act. The Police Department or other City official may issue a notice of an unlawful act. Any such notice shall be personally delivered, or issued by certified mail to the owner or occupant of the real property. The notice shall notify in writing the owner or occupants of the premises that the officer issuing the notice has determined that a public nuisance is being maintained on the premises and order that such nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and that the nuisance is to be abated within fourteen (14) days. In the event that the offending party fails to correct said unlawful act within the fourteen (14) day time period, the Police Department or other City official may issue a citation for the unlawful act in violation of this Section or refer the matter to the prosecuting authority for the issuance of formal charges.

B. Citation. Notwithstanding Subparagraph A. of this Subdivision, the Police Department or other City official may issue a citation or refer the matter to the prosecuting authority for the issuance of formal charges at any time for an unlawful act in violation of this Section. In the event of a citation, such citation shall be personally delivered or issued by certified mail to the owner or occupant of the real property, or other acceptable manner as set forth by the Minnesota Rules of Criminal Procedure as they may be amended from time to time.

C. Abatement. The City may, by and through the prosecuting authority, require abatement of a nuisance as a condition to a plea agreement or sentence in reference to any citation or formal charges issued under clause (B) of this subdivision or as allowed by Subd. 9 hereof.

D. Notwithstanding clauses (A) through (C) of this subdivision, the City or the Police Department may, at any time, exercise its authority to impound motor vehicles in accordance with Subd. 10 and 11 of this City Code section.

Subd. 7. Immediate Abatement, Emergency Procedures. Nothing in this City Code Section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety. In cases of emergency, where delay in abatement resulting from the notice and procedure requirements set forth above will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The enforcement officer shall notify in writing the owner of the property of the nature of the nuisance and of the City's intention to seek summary enforcement and the time and place of the City Council meeting

to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by a delay in abatement resulting from the procedures set forth in subd. 7 and that the nuisance be abated immediately.

Subd. 8. Abatement Procedures.

A. Written notice of a violation; notice of the time, date, place and subject of any hearing before the City Council pursuant to Subd. 7 of this Chapter 10; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this Section.

B. Written notice of a violation shall be served by the officer charged with enforcement on the owner of the property either in person or by certified or registered mail. If the owner of record is unknown, or the owner or record refuses to accept notice of violation, notice of violation shall be served by posting it on the property.

C. Written notice of any motion for summary enforcement shall be made as provided for in Minnesota Statutes, Section 463.15 et. seq. (Hazardous and Substandard Building Act), as it may be amended from time to time.

D. The City Council may, after notice to the owner and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the City may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.

Subd. 9. Recovery of Costs, Abatement.

A. Personal Liability. The owner of the property on which a nuisance has been abated shall be personally liable for the cost to the City of the abatement or impoundment, including administrative costs, including reasonable attorney fees and court costs.

B. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice, or rubbish on public sidewalks, or the elimination of weeds from streets or private property, may provide for the collection of unpaid charges as a special assessment against the property benefited pursuant to Minnesota Statutes, Section 429.101, as it may be amended from time to time.

C. The City may also seek to impose a lien against the property subject to the abatement and enforce any such lien in the manner provided for the collection and enforcement of a judgment lien under applicable Minnesota Statutes.

Subd. 10. Authority for the Impoundment of Motor Vehicles.

A. The City or the Police Department may also take into custody and impound any abandoned, junk or inoperable motor vehicle in accordance with applicable State Statutes and the City Code.

B. The City or Police Department may take into custody and impound any unauthorized motor vehicle as defined by this Section and Minnesota Statutes, Section 169.041.

C. The City or Police Department may also impound a motor vehicle after it has been left unattended in one (1) of the following public or private locations for the indicated period of time:

1. In a public location not governed by Minnesota Statutes, Section 169.041:

(a) On a highway and properly tagged by a peace officer, four (4) hours;

(b) Located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; or

(c) That is a parking facility or other public property owned or controlled by a unit of government, properly posted, four (4) hours; or

2. On private property, without the permission of the owner or occupant of the property:

(a) That is single-family or duplex residential property, immediately;

(b) That is private, nonresidential property, properly posted, immediately;

(c) That is private, nonresidential property, not posted, twenty-four (24) hours; or

(d) That is any residential property, properly posted, immediately.

Vehicles impounded under this Part C are hereby declared to be unauthorized motor vehicles for the purposes of Subd. 11 hereof.

Subd. 11. Notice of Taking and Impoundment.

A. When an impounded vehicle is taken into custody, the City, Police Department, or impound lot operator taking it into custody shall give notice of the taking within five (5) days.

B. The notice shall:

1. Set forth the date and place of the taking, the year, make, model and serial number of the impounded motor vehicle if such information can be reasonably obtained and the place where the vehicle is being held;

2. Inform the owner and any lienholders of their right to reclaim the vehicle under this City Code Section and Minnesota Statutes, Section 168B.07; and

3. State that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under this City Code Section and Minnesota Statutes, Section 168B.051, subdivision 1, 1a, or 2, shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to this City Code Section and Minnesota Statutes, Section 168B.08.

C. The notice shall be sent by mail to the registered owner, if any, of an impounded vehicle and to all readily identifiable lienholders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

D. If an impounded vehicle remains unclaimed after thirty (30) days from the date the notice was sent under Part B of this Subd. 11, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

Subd. 12. Sale, Waiting Periods.

A. An impounded vehicle is eligible for disposal or sale under this City Code Section and Minnesota Statutes, Section 168B.08 fifteen (15) days after notice to the owner, if the motor vehicle is determined to be:

- 1.** A junk motor vehicle; or
- 2.** An abandoned motor vehicle; or
- 3.** An inoperable motor vehicle.

B. An impounded vehicle is eligible for disposal or sale under this City Code Section and Minnesota Statutes, Section 168B.08 forty-five (45) days after notice to the owner if the vehicle is determined to be an unauthorized motor vehicle.

Subd. 13. Right to Reclaim.

A. Payment of Charges. The owner or any lienholder of an impounded vehicle shall have the right to reclaim such vehicle upon the payment of all towing and storage charges incurred as a result of the vehicle being taken into custody within fifteen (15) days, in the case of junk or abandoned motor vehicles, and forty-five (45) days in the case of unauthorized motor vehicle after the date of the required notices.

B. Lienholder. Nothing in this Section shall be construed to impair any lien of a garagekeeper, under the laws of the State of Minnesota, or the right of a lienholder to foreclose.

Subd. 14. Disposition. Impounded vehicles may be disposed of in a manner consistent with Minnesota Statutes, Section 168B.08.

Subd. 15. Severability. If any section, sentence, clause, or other part of this Section shall be adjudged void or of no effect, for any reason whatsoever, such decision shall not affect the validity of any of the other portions of this Section.

Source: Ordinance No. 6
Effective Date: 03-13-2002

Source: Ordinance No. 74
Effective Date: 05-09-2012

(Sections 10.28 through 10.39, inclusive, reserved for future expansion.)

SEC. 10.40. HAZARDOUS CONDITIONS. (CODIFIER'S NOTE: Provisions regarding hazardous conditions can be found in Chapter 10, Section 10.27 of the City Code.)

Source: Ordinance No. 6
Effective Date: 03-13-2002

SEC. 10.41. UNLAWFUL TRESPASS. It is unlawful for any person to be upon the property or business premises of another which has been enclosed by a fence without permission of the property or business owner where "No Trespassing" signs have been prominently posted.

SEC. 10.42. DANGEROUS WEAPONS AND ARTICLES.

Subd. 1. Acts Prohibited. It is unlawful for any person to:

A. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another; or,

B. 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,

§ 10.42

C. Manufacture or sell for any unlawful purpose any weapon known as a slung-shot or sand club; or,

D. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or,

E. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or,

F. Sell or have in his/her possession any device designed to silence or muffle the discharge of a firearm; or,

G. Permit, as a parent or guardian, any child under fourteen 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,

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his/her parent or guardian or of the Police Department; or,

I. 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 purposes of this Subparagraph, (1) a "throwing star" means a circular metallic device 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 substance.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

Subd. 3. Discharge of Firearms and Explosives. It is unlawful for any person to fire or discharge 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.

Subd. 4. Exception. Nothing in Subdivision 3 of this Section 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/her duty, or to a person in the lawful defense

of his/her person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

Subd. 5. Possession and Sale of Fireworks. It is unlawful for any person to sell, possess or have in possession for the purpose of sale, except as allowed in Subdivision 4 of this Section, any firecrackers, sky rockets or other fireworks.

Subd. 6. 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.

Subd. 7. Use of Bow and Arrow. It is unlawful for any person to shoot a bow and arrow or other similar device within the City limits except in a Physical Education Program in a school supervised by a member of its faculty, or 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 in accordance with Section 10.15, Hunting Deer by Bow and Arrow.

Source: Ordinance No. 63
Effective Date: 08-25-2011

SEC. 10.43. DANGEROUS TRESPASSES AND OTHER ACTS. It is unlawful for any person to: (1) 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, (2) 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, (3) 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, (4) place an obstruction upon a railroad track; or, (5) expose another or his/her property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest or coerce; or, (6) trespass or permit animals under his/her control to trespass upon a railroad track; or, (7) permit domestic animals or fowls under his/her control to go upon the lands of another within the City; or, (8) interfere unlawfully with any monument, sign or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or a tract of land; or, (9) trespass upon the premises of another, and without claim of right refuse to depart therefrom on demand of the lawful possessor; or, (10) 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, (11) enter the premises of another with intent to take or injure any fruit, fruit trees or vegetables growing thereon without the permission of the owner or occupant; or, (12) 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.

SEC. 10.44. 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: (1) engage in brawling or fighting; or, (2) disturb an assembly or meeting, not unlawful in its character; or, (3)

§ 10.44

engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or, (4) willfully and lewdly expose his/her person or the private parts thereof, or procure another to so expose himself or herself; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or, (5) whether or not posted with signs so prohibiting, voluntarily enter the waters of any river or public swimming pool at any time when said waters are not properly supervised by trained life-saving personnel in attendance for that purpose, or enter such waters without being garbed in a bathing suit sufficient to cover his/her person and equal to the standards generally adopted and accepted by the public; or, (6) 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, (7) 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, (8) use a sound amplifier upon streets and public property without prior written permission from the City; or, (9) use a flash or spotlight in a manner so as to annoy or endanger others; or, (10) cause defacement, destruction, or otherwise damage to any premises or any property located thereon; or, (11) strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose; or, (12) enter any motor vehicle of another without the consent of the owner or operator; or, (13) 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 the 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.

SEC. 10.45. DISORDERLY CONDUCT - NOISY PARTIES.

Subd. 1. It is unlawful for any person or persons to congregate on any private lands because of, or participate in, any party or gathering of people from which noise emanates of a sufficient volume or of such nature as to disturb the peace, quiet or repose of other persons. Any owner or person in lawful possession or control of such private lands who has knowledge of the disturbance and fails to immediately abate said disturbance shall be guilty of a violation of this Section.

Subd. 2. It is unlawful for any person or persons to congregate on any private lands of another because of, or participate in, any party or gathering of people in the absence of the owner of said private lands being present, without first having obtained written permission from the landowner or other person in lawful possession of such private lands. Such written permission shall at all times be in the possession of one or more persons at the site of such congregation. The document containing the written permission must bear the signature of the landowner and date of

§ 10.45

the permitted use. Failure to display written permission upon request shall be considered prima facie evidence of an absence of permission from the owner.

Subd. 3. A violation of Subdivision 1 or 2 of this Section shall give a peace officer the authority to order all persons present, other than persons identifying themselves as the owner or person in lawful possession or control of such land, to immediately disperse. Any person who shall refuse to

leave after being ordered to do so by a peace officer shall be guilty of a violation of this Section.

Source: City Code
Effective Date: 06-01-2000

(Sections 10.46 through 10.59, inclusive, reserved for future expansion.)

(Pages 401 through 404 reserved)

§ 10.60

SEC. 10.60. CURFEW.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

1. "Curfew Hours" means: For minors 15 years of age and under, 10:00 P.M. - 5:00 A.M. on Sunday, Monday, Tuesday, Wednesday, and Thursday, and 12:00 P.M. (midnight) - 5:00 A.M. on Friday and Saturday. For any person 16 and 17 years of age, 11:00 P.M. - 5:00 A.M. on Sunday, Monday, Tuesday, Wednesday, and Thursday, and 1:00 A.M. - 5:00 A.M. on Friday and Saturday.

2. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. "Guardian" means:

A. A person who, under Court Order, is the guardian of the person of a minor; or

B. A public or private agency with whom a minor has been placed by a Court.

5. "Minor" for the purpose of this Section, means any person 18 years of age and under.

6. "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

7. "Parent" means a person who is:

A. A natural parent, adoptive parent, or step-parent of another person; or
B. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

§ 10.60

8. "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

9. "Remain" means to:

A. Linger or stay; or

B. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

10. "Serious Bodily Injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Subd. 2. Restrictions.

A. It is unlawful for any minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

B. It is unlawful for any parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours. The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of that parent or guardian.

C. It is unlawful for any owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

Subd. 3. Exceptions.

A. The following shall constitute valid exceptions to the operation of the curfew. That the minor was:

1. Accompanied by the minor's parent or guardian;

2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;

3. In a motor vehicle involved in interstate travel;

§ 10.60

4. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

5. Involved in an emergency;

6. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

7. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor;

8. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

B. It is a defense to prosecution under this Section that the owner, operator or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Subd. 4. Enforcement. Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense stated in this Section is present. If a citation is issued, parents will be given a "Report of Curfew Violation", which that parent will be asked to read and sign.

Subd. 5. Penalties.

A. Penalties. A person who violates a provision of this Section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

B. First Violation. A minor, following the first violation of this Section, is taken home to a parent or guardian and a "Report of Curfew Violations" is signed by the parent or guardian.

§ 10.60

C. Second Violation. A second violation by any minor shall be referred for prosecution by appropriate authorities. Any minor who is convicted of a violation of this Section, after the case has been referred for prosecution and any adult person having the care and custody of such minor is guilty of a misdemeanor and shall be punished by a fine not to exceed \$700.00 and/or a jail sentence not to exceed 90 days.

Subd. 6. Report. Within one year after the initial enforcement of this Section, the City Administrator and/or Police Chief shall review this Section and report and make recommendations to

the Council concerning the effectiveness of and the continuing need for this Section. The report of the City Administrator and/or Police Chief shall specifically include the following information:

A. The practicality of enforcing this Section and any problems with enforcement identified by the Police Department;

B. The impact of this Section on the community;

C. The number of persons successfully prosecuted for a violation of this Section; and

D. The City's net cost of enforcing this Section.

Subd. 7. Severability. The terms and provisions of this Section are severable. If any provision of this Section is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. It is intended that this Section be held inapplicable in such cases, if any, where its application would be unconstitutional.

SEC. 10.61. TOBACCO.

Subd. 1. Minor Defined. "Minor" means any natural person who has not yet reached the age of eighteen (18) years.

Subd. 2. Possession By Minor. It is unlawful for any minor to have in his or her possession any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check on behalf of the City.

Subd. 3. Use By Minor. It is unlawful for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco related device.

§ 10.61

Subd. 4. Procurement By Or For Minor. It is unlawful:

A. For any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco products, or tobacco related device;

B. For any person to purchase or otherwise obtain such items on behalf of a minor;

C. For any person to sell or otherwise provide any tobacco, tobacco product, or tobacco related device to any minor; and

D. For any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device.

E. This Subdivision shall not apply to minors lawfully involved in a compliance

check on behalf of the City.

Subd. 5. False Identification. It is unlawful for any minor to attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person or one in which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

Subd. 6. Exceptions and Defenses. Nothing in this Section shall prevent the providing of tobacco, tobacco products, or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual or cultural ceremony. It is an affirmative defense to the violation of this Section for a person to have reasonably relied on proof of age as described by State law.

Subd. 7. Penalty. Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco related devices shall take tobacco related education classes as directed by the Hearing Officer.

Source: City Code
Effective Date: 06-01-2000

(Sections 10.62 through 10.69, inclusive, reserved for future expansion.)

(Pages 410 through 413 reserved)

SEC. 10.70. PUBLIC NUISANCE. (CODIFIER'S NOTE: Provisions regarding public nuisance can be found in Chapter 10, Section 10.27 of the City Code.)

Source: Ordinance No. 6
Effective Date: 03-13-2002

SEC. 10.71. PERMITTING A PUBLIC NUISANCE. (CODIFIER'S NOTE: Provisions regarding permitting a public nuisance can be found in Chapter 10, Section 10.27 of the City Code.)

Source: Ordinance No. 6
Effective Date: 03-13-2002

SEC. 10.72. ABANDONING A MOTOR VEHICLE. (CODIFIER'S NOTE: Provisions regarding abandoning a motor vehicle can be found in Chapter 10, Section 10.27 of the City Code.)

Source: Ordinance No. 6
Effective Date: 03-13-2002

SEC. 10.73. RULES AND REGULATIONS GOVERNING PUBLIC PARKS.

Subd. 1. Adoption. The Council may by resolution adopt, and from time to time amend, rules and regulations governing public parks. It is unlawful to violate such rules and regulations as are conspicuously sign-posted in such parks.

Subd. 2. Hours. It is unlawful for any person to park, be in or remain in, or leave any vehicle in any park between the hours of 10:30 o'clock P.M. and 5:00 o'clock A.M. of the day following; provided, however, that this Section shall not apply to those vehicles or persons involved in organized activities which are authorized by permit issued by the City to remain in a park.

Source: City Code
Effective Date: 06-01-2000

(Sections 10.74 through 10.79, inclusive, reserved for future expansion.)

(Pages 415 through 418 reserved)

§ 10.80

SEC. 10.80. UNNECESSARY NOISE. It is unlawful for any person to use or operate any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound which is cast upon the public streets for the purposes of commercial advertising or attracting the attention of the public to any building, structure, or location except as may be licensed by the City. Further, the operation of any business or other activity which produces a constant and high level of noise is prohibited unless or except as may be further licensed by the City. Such businesses may include, but are not limited to, carnivals, chain saw sculpting, racing and similar transient and loud business pursuits.

SEC. 10.81. OBSCENITY PROHIBITED.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

1. "Nudity" means uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.
2. "Obscene performance" means a performance which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit verbal descriptions or narrative accounts of sexual conduct.
3. "Obscenities" means those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.
4. "Performance" means any play, motion picture, film, dance, or other exhibition pictured, animated, or live, performed before an audience.
5. "Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
6. "Sexual conduct" means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

§ 10.81

7. "Sexual excitement" means the condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Subd. 2. Unlawful Acts. It is unlawful for any person, for a monetary consideration or other valuable commodity or service, to knowingly or recklessly (1) exhibit an obscene performance, or (2) directly or indirectly sell an admission ticket or other means to gain entrance to an obscene performance, or (3) directly or indirectly permit admission of a person to premises whereon there is exhibited an obscene performance.

Subd. 3. Prosecution. Any prosecution under this Section shall include the following elements: (1) that the average person, applying contemporary community standards, would find the performance, taken as a whole, appealing to the prurient interest of the audience; (2) that the performance describes or depicts, in a patently offensive way, sexual conduct included in the definition of "obscene performance"; and (3) that the performance, taken as a whole, lacks serious literary, artistic, political or scientific value.

SEC. 10.82. FIRE, BURGLARY AND SAFETY ALARM REGULATIONS AND REQUIREMENTS.

Subd. 1. Purpose. This Section regulates the use of fire, burglary and safety alarms for the purpose of preventing the public safety services from misuse of public safety alarms through frequency of false alarms.

Subd. 2. Definitions. For the purpose of this Section:

1. "Alarm User" means the person using an alarm system to protect his premises, regardless of whether he owns or leases the system.
2. "Alarm System" means and includes any alarm installation designed to be used for the prevention or detection of burglary, robbery, or fire on the premises which contain an alarm installation. Automobile alarm devices shall not be considered an alarm system.
3. "False Alarm" means the occurrence of an alarm in an alarm system for any reason other than an authorized intrusion or attempted robbery, or call to an existing fire.
4. "Financial Institution" means a commercial bank, savings and loan association, credit union or establishment leasing safe deposit boxes.

§ 10.82

5. "Audible Alarm" means a device designed for the detection of smoke or fire or of an unauthorized entry on the premises, which alarm activates or generates an audible sound on or near the premises.
6. "Calendar Year" means the period January 1 through December 31 of each year.
7. "Residential Alarm User" means occupied housing units, residential homes and condominiums.

8. "Non-Residential" means commercial, industrial, business, State agencies, special purpose units of government, apartment complexes.

Subd. 3. Regulations and Requirements.

A. Alarm User Registration. Following the first false alarm within any calendar year, the alarm user shall fill out and return to the Police Department the "Alarm User Registration" form as provided within 30 days.

B. False Alarm Statement of Correction. Following the sixth false alarm within the calendar year, the alarm user shall fill out and return to the Police Department within five days the "False Alarm Statement of Corrections". This form shall contain a detailed statement of the corrective actions the alarm user has taken to prevent additional false alarms, and to notify alarm user of impending forfeitures should additional false alarms occur.

C. Audible Alarms. All audible alarms shall meet the following requirements:

1. Every person maintaining an alarm system with an audible alarm signal shall post a notice containing the name and telephone number of a person to be notified to render repairs or service to such alarm system during any hour of the day or night upon activation of such alarm system. Such notice shall be posted at the main entrance to such premises or near the alarm in such a position as to be legible from the ground level adjacent to the building.

2. Alarm systems with audible alarm signals, except for fire alarms, shall have an automatic shut-off which will silence the audible alarm signal within a period not to exceed 20 minutes.

D. In-House Annunciation Panel. Financial institutions having an alarm system with multiple sensors shall have an in-house annunciation panel providing specific annunciation of the sensors at a private monitoring location on the premises. When, in the judgment

§ 10.82

of the Police Department, no such private monitoring location is possible upon the premises, the requirements of this Subparagraph D may be waived. Compliance with this Subparagraph D is required of all alarm systems installed in financial institutions after the effective date of this Section, and within one year from effective date of this Section for currently operating alarm systems.

E. Prohibited System. No person shall install an alarm system or use, monitor, and possess an operative alarm system which utilizes taped or prerecorded messages which deliver a telephone alarm message to the Police or Fire Departments. No automatic dialing services or systems are permitted in any form, including automatic dialing of the emergency number 911.

F. Unlawful Act. It is unlawful for any person to fail or refuse to comply with the regulations set forth in this Subdivision.

Subd. 4. Schedule of Payment Rates.

A. Residential users of alarm systems shall be permitted six (6) false alarms per calendar year and pay \$50.00 per false alarm thereafter.

B. Non-residential users of alarm systems shall be permitted six (6) false alarms per calendar year and pay \$75.00 per false alarm thereafter.

C. There is hereby established a ninety (90) day grace period for all newly installed alarm systems; all false alarms occurring during this period shall not be considered part of the six allowable false alarms per year. The installation date must be verified by a dated sales receipt for the alarm system, or a dated invoice from the installer of the alarm system.

D. A false alarm is excused if prior written notification stating the exact time is given to the Police Department, and the alarm is activated for the purposes of, testing or upgrading the alarm system.

E. All payments provided for in this Subdivision shall be made to the City within 30 days after mailing a statement to the alarm user. Payments not made within 30 days are delinquent and a penalty of 10% of the amount due will be added. All delinquent charges and penalties shall be certified by the City Administrator to the County Auditor who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the property of the delinquent alarm user.

§ 10.82

F. Confidentiality. All information submitted in compliance with this Section shall be held in confidence and shall be deemed a confidential record exempt from discovery to the extent permitted by law. Subject to requirement of confidentiality, the Chief of Police may develop and maintain statistics for the purpose of ongoing alarm systems evaluation.

Source: City Code
Effective Date: 06-01-2000

(Sections 10.83 through 10.98, inclusive, reserved for future expansion.)

(Pages 424 through 427 reserved)

§ 10.99

SEC. 10.99. VIOLATION A MISDEMEANOR. Every person violates 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 stated in specific provisions hereof.

Source: City Code

Effective Date: 06-01-2000