

Chapter 8

Public Protection, Crimes, and Offenses

Section 8.01. Toilet Installation Required. It is the duty of every owner or occupant of any property within the City, having a dwelling house or business building situated thereon, which property is abutting a street in which there are City water and sewer mains, to install a toilet in such dwelling or business building and make connection thereof with such water and sewer mains, provided that such water and sewer mains are within 100 feet of the property line. The City shall serve written notice upon said owner or occupant requiring the installation of toilet facilities upon premises described in said notice, and connection thereof with the sewer and water mains, all of which shall be done within thirty (30) days after service of such written notice. Whenever any owner or occupant shall default in compliance with such written notice the Council may by resolution direct that a toilet be installed and connection made with the water and sewer mains and that the actual cost of such installation be paid in the first instance out of the General Revenue Fund, and assessed against the property so benefited. After such installation and connection is completed by order of the Council, the City shall serve a written notice of intention to make an assessment therefore. If such assessment is not paid within ten (10) days the City shall certify the amount thereof to the County Auditor in the same manner as with other special assessments, provided that the Council may by resolution provide that the assessment be spread over a term of five (5) years upon written request by the owner of the property.

Section 8.02. 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,
- 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 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 parent or guardian or of the Police Department.

I. Possess, sell, transfer, or have in possession for sale or transfer, any weapon commonly known as a throwing star, nun chuck or sharp stud. 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, and (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.

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 duty, or to a person in the lawful defense of his person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

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 except in the Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Council, or a bow and arrow range authorized by the Council.

Section 8.03. Animal Licensing and Regulation.

Subd. 1. Definition. For the purpose of this Section:

- A. “Owner” means a person who owns an animal hereby regulated.
- B. “Own” means to have a property interest in, or to, harbor, feed, board, keep or possess.
- C. “Dangerous Animal” means an animal which has caused damage to property or injury to a person, or which animal, b its actions, exhibits a propensity for causing imminent danger to persons.
- D. “Dog” means both male and female and includes any animal of the dog kind.
- E. “Animal” means a dog or cat.
- F. “Cat” means both male and female and includes any animal of the feline kind.

Subd. 2. Running at Large Prohibited. It is unlawful for the owner of any animal to permit such animal to run at large. Any dog shall be deemed to be running at large with the permission of the owner unless it is on a durable leash secured to an object which it cannot move and on the premises of the owner, or on a leash and under the control of an accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building, or enclosure. Any cat shall be deemed to be running at large with the permission of the owner unless it is on the premises of the owner, or effectively confined within a motor vehicle, building, or enclosure.

Subd. 3. License Required. It is unlawful for the owner of any animal, four (4) months of age or more, to fail to obtain a license therefore from the City.

Subd. 4. License Issuance, Term and Renewal. All animal licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies immunization of the animal for at least the term of the license. All animal licenses shall expire on December 31. Application for license renewal, accompanied by a veterinarian’s certificate, shall be made at least thirty (30) days prior to expiration of the license.

Subd. 5. Adoption of Fees. All fees for the licensing, impounding and maintenance of animals, including penalties for late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Clerk-Treasurer and open to inspection during regular business hours.

Subd. 6. Tag Required. All licensed animals shall wear a collar and have a tag firmly affixed thereto evidencing a current license. A duplicate for a lost tag may be issue by the City upon presentation of the receipt showing the payment of the duplicate license fee. Tags shall not be transferable, and no refund shall be made on any license fee because of leaving the City or death of the animal before the expiration of the license.

Subd. 7. Animal Pound. Any animal found in the City without a license tag, running at large, or otherwise in violation of this Section, shall be placed in the Animal Pound, and an accurate record of the time of such placement shall be kept on each animal. Every animal so placed in the Animal Pound shall be held for redemption by the owner for at least five regular business days. A “regular business day” is one during which the Pound is open for business to the public for at lest four hours between 8:00 o’clock A.M. and 7:00 o’clock P.M. Impoundment records shall be preserved for at least six months and shall show (1) the description of the animal by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the animal was seized; (3) the date of seizure; (4) the name and address of the person from whom any animal three months of age or over was received; and (5) the name and address of the person to whom any animal three months of age or over was transferred. If unclaimed, such animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the animal, or a statement by the animal’s owner after seizure specifies that the animal should not be used for research, such animal shall not be made available to any such institution by may be destroyed after the expiration of the five-day period.

Subd. 8. Notice of Impounding. Upon the impounding of any animal, the owner shall be notified by them most expedient means, or if the owner is unknown, written notice shall be posted for five days at the City Hall describing the animal and the place and time of taking.

Subd. 9. Release from Animal Pound. Animals shall be released to their owners, as follows:

A. If such animal is owned by a resident of the City, after purchase of a license, if unlicensed, and payment of the impounding free, maintenance, and immunization fee.

B. If such animal is owned by a person not a resident of the City, after immunization of any such animal for rabies, and payment of the impounding fee and maintenance.

Subd. 10. Seizure by a Citizen. It is lawful for any person to seize and impound an animal so found running at large and shall within six hours thereafter notify the Pound master of said seizure. It shall be the duty of the Pound master to place said animal in the City Pound. If the name of the owner of such animal so seized is known to the person who first takes such animal into custody, he or she shall inform the Pound master of the name of the owner, and the address if known.

Subd. 11. Immobilization of Animals. For the purpose of enforcement of this Section any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal.

Subd. 12. Other Unlawful Acts. It is unlawful for the owner of any animal to (1) fail to have the license tag issued by the City firmly attached to a collar worn at all times by the licensed animal, or (2) own a dangerous animal, or (3) interfere with any peace officer, or other City employee, in the performance of his duty to enforce this Section, or (4) fail to keep his dog from barking, howling or whining, or (5) fail to keep his cat from emitting loud or unusual noise.

Subd. 13. Summary Destruction. If an animal is diseased, vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after a reasonable effort or cannot be impounded without series risk to the person attempting to impound, such animal may be destroyed in a humane manner.,

Section 8.04. Animals and Fowl – Keeping, Transporting, Treatment, Housing.

Subd. 1. Definitions. As used in this Section, the following definitions shall apply.

A. “Farm Animals” – Cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, honey bees and mink,

B. “Animals” – Includes farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

Subd. 2. Keeping. It is unlawful for any person to keep or harbor any animal, not in transit, except (1) farm animals kept as part of an agricultural operation established prior to six years from the effective date of this Section, or, (2) animals kept in a laboratory for scientific or experimental purposes, or, (3) animals kept in an animal hospital or clinic for treatment by a licensed veterinarian.

Subd. 3. Animals in Transit. It is unlawful for any person to transport animals unless they are (1) confined within a vehicle, cage or other means of conveyance, or, (2) farm animals being transported in the agricultural portion of the City, or, (3) restrained by means of bridles, halters, ropes or other means of individual restraint.

Subd. 4. Treatment. It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner.

Subd. 5. Housing. It is unlawful for any person to keep any animal as herein defined, or any other animal, in any structure infested by rodents, vermin, flies or insects, or inadequate for protection against the elements.

Subd. 6. Trespasses. It is unlawful for any person to herd, drive or ride any animal over and upon any grass, turf, boulevard, City park, cemetery, garden or lot without specific permission therefore from the owner.

Source: City Code

Effective Date: 1/1/1991

(Sections 8.05 through 8.09, inclusive, reserved for future expansion.)

Section 8.10. 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. Possession or Consumption of Alcoholic Beverages. In addition to the foregoing, it is unlawful for any person to consume or possess in an unsealed container, alcoholic beverages, as that term is defined in Chapter 5 of the City Code, in the City Park.

Subd. 3. 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 10:00 o'clock P.M. and 7:00 o'clock A.M. of the day following; provided, however, that this Section shall not apply to those vehicles or persons authorized by the City to camp in such park.

Section 8.11. Curfew.

Subd. 1. Definition. As used in this Section "minor" means a person under the age of eighteen (18) years old.

Subd. 2. Unlawful Acts.

A. It is a petty misdemeanor for any minor person to be or loiter upon the streets or public places between the hours of 11:00 o'clock P.M. and 5:00 o'clock A.M. of the day following.

B. It is a petty misdemeanor for any parent, guardian, or other person having the legal care or custody of any minor to allow or permit such minor to be or loiter upon the streets or public places in violation of this Section unless such minor is accompanied by a person of lawful age having such minor in charge.

C. It is a petty misdemeanor for any person operating, or in charge of, any place of amusement, entertainment or refreshment, or other place of business, to allow or permit any minor to be or loiter in such place in violation of this Section unless such minor is accompanied by a person of lawful age having such minor in charge. This Subparagraph shall not be construed to permit the presence, at any time, of any person under age in any place where his presence is otherwise prohibited by law.

Subd. 3. Exceptions. Such curfew shall not apply to any minor student who is lawfully attending, going to or returning from school, church or community sponsored athletic, musical or social activities or events.

Section 8.12. Disorderly Conduct. It 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) 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 resentment in others; 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 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 official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

Section 8.13. Junk Cars, Furniture, Household Furnishings and Appliances Stored on Public or Private Property. It is unlawful to park or store any unlicensed, unregistered or inoperable motor vehicle, household furnishings or appliances, or parts or components thereof, on any property, public or private, unless housed within a lawfully erected building. Any violation of this Section is declared to be a nuisance and upon seven days written notice to the owner, as shown by the records in the office of the County Auditor, of private premises on which such material is found, the City may remove the same and certify the cost of such removal as any other special assessment.

Source: City Code
Effective Date: 1/1/1991

(Sections 8.14 through 8.19, inclusive, reserved for future expansion.)

Section 8.20. Excavations – Gravel Pits and Other Excavations.

Subd. 1. Excavation for the purposes of obtaining gravel, sand or similar earth materials from pits or other excavation sites within the City are hereby declared to constitute a potential danger to the inhabitants by creating an attractive nuisance to which children are particularly susceptible.

Subd. 2. It is unlawful for any person to remove any gravel, sand or other similar earth materials from pit sites or similar excavations within the City without first obtaining a permit from the Council.

Subd. 3. The Council shall issue a permit for the removal of gravel, sand or other similar earth materials only upon it being demonstrated to the Council's satisfaction that the applicant will either fill the excavation back to the original grade (or to such other grade as the Council deems to be consistent with the public safety) or, in the alternative, provide a chain link perimeter fence of sufficient height and durability to prevent a hazard or dangerous condition. Such chain link fence, and the design and specifications thereof, must be approved by the Council.

Subd. 4. Any applicant for a permit required pursuant to the terms of this Section shall include in the permit application information to satisfy the Council that, during the time period in which the gravel pit or other excavation site will be in active use, precautions be taken to avoid dangerous conditions and insure the safety and well-being of the inhabitants.

Subd. 5. The Council reserves the right to require all applicants for permits hereunder to provide a surety bond assuring full compliance by any applicant/permittee pursuant to the terms of this Section,

Subd. 6. Any permit herein granted shall be subject to revocation by the Council at any time the Council determines that a good faith effort is not being made by a permittee to assure reasonably safe conditions with respect to the subject matter of this permit, to-wit: gravel pits or other excavations. The Council shall be the agency responsible to determine that certain point in time whereat any particular gravel pit or similar excavation shall have become inactive to the extent that the Council deems it to be prudent and expedient to require the backfilling or fencing contemplated by the provisions of this Section.

*Source: City Code
Effective Date: 1/1/1991*

(Sections 8.21 through 8.98, inclusive, reserved for future expansion.)

Section 8.99. Violation a Misdemeanor. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, 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: 1/1/1991*