

## CHAPTER IX

## PUBLIC SAFETY

Section 900 - Civil defense

900.01. Act adopted. The Minnesota civil defense act, Minnesota Statutes, chapter 12, insofar as it relates to cities, is adopted by reference as part of this section as fully as if set forth herein.

900.03. Civil defense agency. Subdivision 1. Agency and director. There is created and continued, a civil defense and disaster agency under the supervision and control of a director of civil defense, hereinafter called the director. The director is appointed by the mayor for an indefinite term and may be removed by the mayor at any time. The director serves without salary but is paid actual necessary expenses. The director is responsible for the organization, administration, and operation of the civil defense agency, subject to the direction and control of the mayor.

Subd. 2. Organization and functions. The civil defense agency is organized into such divisions and bureaus, consistent with state and local defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The agency performs civil defense functions within the city and conducts such functions outside the city as may be required pursuant to Minnesota Statutes, chapter 12, or this section.

900.05. Powers and duties of director. Subdivision 1. Intergovernmental arrangements. With the consent of the mayor, the director represents the city on any regional or state organization for civil defense. The director develops proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and presents such agreements to the council for its action. Such agreements must be consistent with the civil defense plan and during a civil defense emergency, and the civil defense agency and civil defense forces must render assistance in accordance with the provisions of such agreements.

Subd. 2. Civil defense plan. The director must prepare a comprehensive general plan for the civil defense of the city and present such plan to the city council for its approval. When the council has approved the plan by resolution, all civil defense forces of the city will perform the duties and functions assigned by the plan.

Subd. 3. Reports. The director must prepare and present to the council periodically a report of activities and recommendations.

Section 905 - Fire prevention

905.01. Adoption by reference. Subdivision 1. Minnesota State Fire Code adopted. The Minnesota State Fire Code, is hereby adopted by the city of Crystal including all supplements and subsequent amendments. The purpose of this action is for prescribing regulations governing conditions hazardous to life and property from fire, maintenance of buildings and premises, explosion and other like emergencies. The MSFC incorporates by reference the 2000 Edition of the International Fire Code published by the International Code Congress and as amended by the state of Minnesota, together with appendices B, C, D and F. Not less than one copy of each has been and is now filed with the clerk of the city. (Amended, Ord. No. 2004-3, Sec. 1)

905.03. Enforcement by fire district. The Minnesota State Fire Code, as adopted herein, shall be administered and enforced by the West Metro Fire-Rescue District. All references to and duties of the bureau of fire prevention, the fire marshal, fire inspectors and required reports shall be governed by the West Metro Fire-Rescue District and not the city. (Amended, Ord. No. 2004-3, Sec. 2)

905.05. Definitions. The term "municipality" as used in the Minnesota State Fire Code means the city of Crystal. The term "fire district" means the West Metro Fire-Rescue District. (Amended, Ord. No. 2004-3, Sec. 3)

905.07. Storage of flammable liquids, liquified petroleum and explosives. Subdivision 1. Flammable or combustible liquids in outside above ground tanks. The storage of flammable or combustible liquids in outside above ground tanks is permitted within I-1 and I-2 zoning districts only.

Subd. 2. Storage of liquified petroleum gases. The storage of liquified petroleum gases is permitted in I-1 and I-2 zoning districts only.

Subd. 3. Storage of explosives and blasting agents. The storage of explosives and blasting agents is permitted in I-1 and I-2 zoning districts only.

905.09. Special use permits. Storage of flammable liquids in outside above-ground tanks, the establishment of a bulk plant for flammable liquids, the bulk storage of liquified petroleum gases, and the storage of explosives and blasting agents is not permitted within the corporate limits of the city, except in an I-1 and I-2 zoning district, after approval of the fire district and the city of Crystal building official. (Amended, Ord. No. 2004-3, Sec. 4)

905.11. Appeals. Any appeal from an order issued by the state fire marshal or fire district shall be governed by section 108 of the Minnesota State Fire Code. (Amended, Ord. No. 2004-3, Sec. 5)

905.13. Permits; fees. Permits are governed by the Minnesota State Fire Code. All permits will be issued by the building safety division of the city and must be approved by the fire district. Fees for permits are set by appendix IV of this code. (Amended, Ord. No. 2004-3, Sec. 6)

905.15. Fire lanes. Subdivision 1. Fire lanes, establishment. The fire marshal is hereby authorized to order the establishment of fire lanes on public or private property as may be necessary in order that the travel of fire equipment may not be interfered with, and that access to fire hydrants or buildings may not be blocked off. When a fire lane has been ordered to be established, it shall be marked by a sign bearing the words "NO PARKING-FIRE LANE" or a similar message. When the fire lane is on public property or a public right-of-way, the sign or signs shall be erected by the city, and when on private property, they shall be erected by the owner at the owner's expense within 30 days after the owner has been notified of the order. Thereafter, no person shall leave a vehicle unattended or otherwise occupy or obstruct the fire lane. (Amended Ord. No. 2004-3, Sec. 7)

Subd. 2. Enforcement of fire lanes. When any motor vehicle occupies or obstructs any duly designated fire lane in a manner inconsistent with its intended use for fire protection purposes, or prevents access to any fire hydrant in the normal and usual manner by fire protection personnel and equipment, the fire marshal or police department personnel may order the impoundment of the vehicle, after first making a reasonable effort in the immediate vicinity to ascertain the identity and location of the owner or other person leaving the vehicle in the fire lane. No vehicle impounded pursuant to the provisions of this section shall be released until a release is obtained from the police department and all towing and storing charges have been paid. (Added, Ord. No. 2004-3, Sec. 7)

Subd. 3. Temporary use of fire lanes. The fire marshal is hereby authorized to determine and designate on a temporary basis, those fire lanes established under this section and orders pursuant thereto, upon which parking of vehicles shall be permitted when in the fire marshal's opinion, necessary for public safety or convenience. (Added, Ord. No. 2004-3, Sec. 7)

905.17. (Repealed, Ord. No. 2004-3, Sec. 10)

905.19. (Repealed, Ord. No. 2004-3, Sec.10)

905.21. (Repealed, Ord. No. 2004-3, Sec. 10)

905.23. (Repealed, Ord. No. 2004-3, Sec. 10)

905.25. Commercial cooking ventilation systems. Subdivision 1. Periodic servicing. Commercial cooking ventilation systems, hoods, filters, grease removal devices, and ducts must be periodically cleaned prior to surfaces becoming heavily contaminated with combustible grease deposits. Commercial cooking ventilation systems, hoods, and ducts must be cleaned at least annually. Cleaning may be required more often depending on grease build-up and is up to the discretion of the code official. (Amended, Ord. No. 2004-3, Sec. 8)

Subd. 2. Permits. A person cleaning a commercial cooking ventilation system or its components as referred to in subdivision 1 for the removal of combustible grease, must first obtain a permit from the building department. Permits must be obtained a minimum of three days prior to starting work. Upon completion of cleaning, the fire district must be notified for inspection and approval of work. The permit fee is fixed in appendix IV. (Amended, Ord. No. 2004-3, Sec. 8)

905.27. Open burning. Subdivision 1. Construction projects. Open burning is allowed for the purpose of thawing frozen ground or for maintaining of interior structure temperature in connection with construction projects. This shall be considered temporary heat and will require a special use permit for code official approval before installation. All installations shall be in accordance with chapter 14, section 1403 of the MSFC. **Exception:** No permit is required for any temporary heating with a maximum cylinder size of 20 pounds or less. (Added, Ord. No. 2004-3, Sec. 9)

Subd. 2. Recreational fires. Open burning shall be allowed for the purpose of recreation. (For example, fires for warmth, for the cooking of foodstuffs, or ceremonial purposes.) No permit is required for recreational fires, but they shall adhere to the following regulations at all times.

- a) Recreational fires shall not be used for disposal of yard waste, construction materials, or common household trash. Fuel for recreational fire shall only be that of aged, dry firewood.
- b) All recreational fires must be in an approved outdoor fireplace or pit, which is at grade or below and no more than three feet in diameter. The outside edge shall be ringed with brick, rock, or other non-combustible material to prevent fire spread. Commercially manufactured steel outdoor fire pits and structures may be used provided they are not more than three feet in diameter.
- c) All recreational fires shall be kept a minimum of 15 feet from any structure or combustible materials.
- d) Recreational fires shall not be allowed if winds exceed seven miles per hour.
- e) Recreational fires shall be constantly attended by the property owner or designated adult until fire is completely extinguished. A garden hose or other adequate means of extinguishment shall be available within 15 feet of the fire for emergency purposes.
- f) When prohibited by action of the Minnesota Department of Natural Resources, recreational fires shall not be permitted.
- g) All recreational fires shall be extinguished no later than 11:00 P.M.
- h) At the discretion of the fire official, any recreational fire not adhering to the above regulations, and or that poses a dangerous condition shall be considered a public nuisance and shall be immediately extinguished. Any person or persons who fail to comply with these conditions shall be in violation of this section. (Added, Ord. No. 2004-3, Sec. 9)

Subd. 3. Open burning; use of open-flame, liquefied-petroleum gas (LP), or charcoal cooking devices on vertical apartment balconies or patios is hereby prohibited. No person shall kindle, maintain or cause any fire or open flame on any apartment balcony above ground level or ground floor patio immediately adjacent to or within ten feet of any combustible construction. No person shall store any fuel, barbecue torch or other similar heating or lighting chemicals or device in either of the above locations. **Exception:** One and two-family dwellings. (Added, Ord. No. 2004-3, Sec. 9)

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Subd. 4. Fire control costs. Every resident or nonresident person, firm or corporation shall be liable for all fighting or preventing the spread of, or extinguishing any fire caused by or resulting from their or its acts, negligence or omissions. The fire chief shall keep a record of the cost, including work done by firefighters and other city employees and equipment, and file the same with the clerk. Thereupon, the clerk shall bill the person, firm or corporation liable therefore, as prescribed in chapter 14 of the MSFC. No license of any person, firm or corporation liable for the expenses incurred in fire control as provided above, shall be renewed if the licensee is in default in payment of any bill hereunder. (Added, Ord. No. 2004-3, Sec. 9)

Section 910 - Dog control; animals

910.01. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "Animal" means a dog, domestic animal, or wild animal. (Amended, Ord. No. 2010-04, Sec. 1)

Subd. 3. "Animal control officer" means the person, entity, position, department or agency designated by the city council to enforce the provisions of this section. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 4. "Appropriate license" means a dog, private kennel, or commercial kennel license. (Amended, Ord. No. 2010-04, Sec. 1)

Subd. 5. "Owner" means any person, firm, corporation, organization, or department possessing, owning, harboring, having an interest in, or having care, custody, or control of a dog or other animal. (Amended, Ord. No. 2019-04, Sec. 1)

Subd. 6 "Commercial kennel" means any place where dogs or other animals are kept, and where the business of raising, selling, boarding, breeding, showing, treating, or grooming of dogs or other animals is conducted. The term includes pet shops, animal hospitals, kennel and other similar type operations. (Amended, Ord. No. 2010-04, Sec. 1)

Subd. 7. "Dangerous dog" means: (Added, Ord. No. 2010-04, Sec. 1)

- a) Any dog that has:
  - 1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
  - 2) killed a domestic animal without provocation while off the Owner's property; or
  - 3) been found to be potentially dangerous, and after the Owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
- b) Any dog that:
  - 1) displays evidence that it has been or will be used for fighting; and
  - 2) whose Owner is in possession of training apparatus, paraphernalia, or drugs intended to be used to prepare or train a dog for fighting.

Subd. 8. "Domestic animal" means a domesticated dog, cat, ferret, chicken or rabbit. (Added, Ord. No. 2010-04, Sec. 1, Amended Ord. No. 2013-03, Sec. 1)

Subd. 9. "Great bodily harm" has the meaning given it under Minnesota Statutes, Section 609.02, subdivision 8. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 10. "Potentially dangerous dog" means any dog that:

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

(Added, Ord. No. 2010-04, Sec. 1)

Subd. 11. "Private kennel" means any premises where more than three (3) dogs, (3) cats, or more than two (2) dogs and two (2) cats not exceeding a total of five (5) dogs and cats over three months of age, are kept or harbored within a dwelling unit. This limitation does not apply to fish, pet fowl, reptiles, or rodents which are confined or caged at all times and maintained within the dwelling unit, or chickens regulated by subsection 910.05. (Amended, Ord. No. 2010-04, Sec. 1, Amended, Ord. No. 2013-03, Sec. 1)

Subd. 12. "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 13. "Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 14. "Substantial bodily harm" has the meaning given it under Minnesota Statutes, section 609.02, subdivision 7a).

910.03. Dog licenses. Subdivision 1. Licenses. Every Owner of one or more dogs within the city must obtain the appropriate license from the city clerk, or clerk's agent, and said license or evidence thereof must be properly displayed. No license is required for a dog which is less than six months old. Kenneled dogs in commercial kennels need not be individually licensed. (Amended, Ord. No. 2010-04, Sec. 2)

Subd. 2. License term. A dog license is effective for the duration of the rabies vaccine effectiveness as specified in subsection 910.04. A dog license is not transferable to any other Owner or animal. Refunds of the dog license fee will not be made. (Amended, Ord. No. 2001-09, Sec. 1; Ord. No. 2010-04, Sec. 2)

Subd. 3. Application. Application for a dog license must be made upon forms provided by the city and be submitted together with the payment of the appropriate fees required by Appendix IV of this code. (Amended, Ord. No. 2010-04, Sec. 2)

910.04. Vaccination of dogs, cats and ferrets. Each Owner of a dog, cat or ferret within the city must vaccinate its dog, cat or ferret for rabies. The vaccination must be performed by a licensed doctor of veterinary medicine. The certificate or statement of vaccination must show that the animal has been vaccinated in accordance with the current recommendation of the National Association of State Public Health Veterinarians, Inc. and the Center for Disease Control of the United States Department of Health, Education and Welfare. The certificate or statement is prima facie proof of the required vaccination. (Added, Ord. No. 2010-04, Sec. 3)

910.05. Special rules. Subdivision 1. General. Notwithstanding the provisions of subsection 910.07, subdivision 3, a person may keep not to exceed 24 rabbits in a private kennel. The licensing procedures, fees, and rules of this section applicable to animals and private kennels apply to a private kennel for any number of rabbits maintained pursuant to the subsection. (Amended, Ord. No. 2002-14, Sec. 1)

Subd. 2. Number of domestic animals allowed. Up to three (3) dogs, (3) cats, or two (2) dogs and two (2) cats, are permitted without a kennel license in a dwelling unit. (Added, Ord. No. 2013-03, Sec. 1)

Subd. 3. Additional conditions. Rabbits kept in a private kennel pursuant to this subsection are to be kept solely for the private use and enjoyment of the licensee of the private kennel, and no sales of the rabbits, except occasional sales, are permitted. Slaughtering of rabbits on the premises where the private kennel is located or in the private kennel is prohibited. Rabbit cages or hutches within a private kennel must be housed in a screened enclosure. Violation of the provisions of this subdivision is grounds for revocation of the private kennel license.

Subd. 4. Pot-bellied pigs. Notwithstanding the provisions of subsection 910.39, a pot-bellied pig is considered a household pet for the purposes of section 910, subject to the conditions of this subdivision.

- a) A person may keep no more than one-pot-bellied pig, which must be kept solely for the private use and enjoyment of the person.
- b) A pot-bellied pig may be kept only by residents of single family detached dwellings.
- c) Every owner or keeper of a pot-bellied pig must obtain a license in accordance with the procedure for dogs under subsections 910.03 and 910.07, as supplemented by the provisions of this subdivision. Notwithstanding anything to the contrary in subsection 910.03, pot-bellied pigs of any age require a license. The provisions of subsection 910.09 regarding tags do not apply to pot-bellied pigs.
- d) All male pot-bellied pigs must be neutered by the age of three months, and all female pot-bellied pigs must be neutered by the age of one year. In addition to all other requirements for a license under subsection 910.07, an applicant for a pot-bellied pig license must present to the office of the city clerk a certificate executed by a licensed doctor of veterinary medicine showing that the animal has been timely neutered, or that the animal has not reached the age for required neutering by the date of application.
- e) All other provisions of section 910 of the city code relating to animals, including without limitation the provisions of subsection 910.13, apply to pot-bellied pigs. Pot-bellied pigs will be considered along with any other animals when determining whether a private kennel license is required or permitted under subsection 910.01, subdivision 5 and subsection 910.07. (Added, Ord. No. 2002-14, Sec. 2)

Subd. 4a. Chickens. No person shall keep on any single family or two family residential property more than four (4) total hen chickens. This is an addition to the maximum number of animals authorized by Section 910.01, Subd. 11.

- b) Three or More Dwelling Unit Properties. Chickens are not allowed on properties with three or more dwelling units.
- c) No Roosters. No person shall keep roosters, or adult male chickens, on any property within the city.
- d) No Cockfighting. Cockfighting is specifically prohibited within the city.
- e) No Slaughtering. The slaughter of chickens is prohibited in the city.
- f) Ownership Occupancy. The owner of the chickens shall live in the dwelling on the property. If the property is not owner-occupied, then the property owner must provide a written statement to the city confirming that the tenant may have chickens at the property.

- g) No Breeding. The raising of chickens for breeding purposes is prohibited in the city.
- h) No Chickens in Dwellings or Garages. Chickens over the age of four weeks shall not be kept inside of a dwelling or garage.
- i) Shelter and Enclosure Requirements. Chickens shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:
  - 1) Applicable building, property maintenance and zoning requirements of Chapters 4 and 5.
  - 2) Applicable electrical work shall be done according to applicable codes and with appropriate permits.
  - 3) The shelter shall be situated closer to the chicken owner's dwelling than to any of the neighboring dwellings but in no case closer than 5 feet to the lot line.
  - 4) Shelter and enclosure must not be located closer to an adjacent street than the owner's dwelling.
  - 5) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four (4) feet in height constructed according to the fence standards of Section 515.13 Subd. 7 shall be provided for the shelter and enclosure.
  - 6) A shelter shall not exceed 120 square feet in size and shall not exceed six (6) feet in height.
  - 7) An enclosure or fenced area for chickens shall not exceed 20 square feet per bird and shall not exceed six (6) feet in height and shall have protected overhead netting to prevent attracting predators and other animals running at large.
  - 8) An enclosure or fenced area may be constructed with wood and/or woven wire materials that allow chickens to contact the ground.
  - 9) Constructed in a workmanship-like manner to deter rodents and predators.

- j) Prevention of Nuisance Conditions. Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring the following conditions are met:
- 1) The shelter and enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors.
  - 2) Feces and discarded feed is regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed properly.
  - 3) Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.
  - 4) Chickens shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attracting predators.
  - 5) Chickens shall remain in either the shelter or enclosure at all times and shall not run at large.
  - 6) The shelter shall be winterized to protect the chickens in cold weather.
- k) Sale of Farm Poultry or Eggs. Owners must comply with all requirements and performance standards for home enterprises in Section 515.33 Subd. 3b and all Minnesota Department of Agriculture requirements for the sale of eggs.

(Added, Ord. No. 2013-03, Sec. 1)

910.07. Procedures for Commercial and Private Kennel license applications. Subdivision 1. Application. Every Owner or operator of a private or commercial kennel within the city must obtain the appropriate license from the city clerk, or clerk's agent, and said license or evidence thereof must be posted as provided below. Application for an appropriate license must be made upon forms provided by the city and be submitted together with the payment of the appropriate fees required by Appendix IV of this code. A kennel license applies solely to the named licensee and is not transferable to any other person. Refunds of the kennel license fee will not be made. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 2. Vaccination. An applicant for private kennel license must present to the office of the city clerk a certificate of vaccination for rabies or other statement to the same effect, executed by a licensed doctor of veterinary medicine. The certificate or statement is prima facie proof of the required vaccination. The certificate must show that the animal has been vaccinated in accordance with the current recommendations of the National Association of State Public Health Veterinarians, Inc. and the Center for Disease Control of the United States Department of Health, Education and Welfare. The city clerk must maintain three copies of the recommendations available for public inspection. The period that the vaccine used must be effective, extends over the period that the license is effective plus three months. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 3. Kennels. An applicant for a Commercial Kennel or Private Kennel license must provide an up-to-date detailed plan and description of the premises and structures wherein the kennel is to be operated, the number and types of animals proposed to be handled therein, and such other information as the city may deem necessary. If the application is for a renewal of a previous license and no changes in the premises, structures, or operation have been made or are contemplated to be made, a new plan or description need not be provided but the completeness and accuracy of the existing plan must be so certified. A kennel license may not be issued to an applicant located within 50 feet of an existing restaurant, except upon approval of the health authority and subject to such limitations as may be prescribed by the health authority. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 4. Administration. Applications for Commercial Kennel or Private Kennel licenses must be submitted to the public health sanitarian for review and recommendation prior to council action. The public health sanitarian must make the necessary investigations concerning kennels. The public health sanitarian is a representative of the city manager for the purpose of administering and enforcing the provisions of this section. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 5. Term. Commercial Kennel or Private Kennel licenses expire on April 30 of each year. (Added, Ord. No. 2010-04, Sec. 4)

Subd. 6. Posting. A commercial kennel license must be posted in a conspicuous place. A private kennel license need not be posted in a conspicuous place, but must be produced upon request. (Added, Ord. No. 2010-04, Sec. 4)

Subd. 7. Special rules regarding a Private Kennel. The maximum number of dogs or other domestic animals that may be kept in a private kennel is five. The council may require that an applicant for a private kennel license show evidence that abutting property owners have been informed of his intentions. (Added, Ord. No. 2010-04, Sec. 4)

910.09. Dog tags. Subdivision 1. Required. The clerk must provide and furnish for each licensed dog, a metallic tag upon which must have stamped or engraved the register number of the dog, the word "Crystal" and the year when registered. The design of such metallic tag must be changed each year.

Subd. 2. Receipts and tags. Upon the payment of the license fee, the clerk must execute a receipt. The clerk must deliver the receipt and metallic tag to the person who pays the fee.

Subd. 3. Affixing tags. The owner must attach the tag by a permanent metal fastening to the collar of the dog in such a manner that that tag may be easily seen by the officers of the city. The owner must insure that the tag is constantly worn by the dog.

Subd. 4. Counterfeits. It is unlawful to make, sell, purchase, possess, or place or allow to be placed on a dog any metallic tag of the same form, shape or intended to be like the official tag, or to attempt in any way to counterfeit the design adopted for such official tag.

Subd. 5. Lost, stolen, destroyed, or mutilated tags. If the metallic tag is lost, stolen, destroyed or mutilated after having been regularly issued, the owner or keeper of a dog, upon presenting and surrendering to the clerk the tag or receipt issued when the dog was registered, numbered, described and licensed, must receive a duplicate tag upon the payment of the appropriate fee. A person may not be granted a duplicate tag or license unless the original tag has actually been lost or stolen. The clerk may, before issuing such duplicate tag and license, require an affidavit to be made and furnished by the applicant for a duplicate license and tag, setting forth the fact that such tag has been lost or stolen and is not at the time in that person's possession.

Subd. 6. Removal. It is unlawful for any person, except the owner, the owner's authorized agent, a police officer or animal warden, to remove a license tag from a dog collar or remove a collar with an attached license from a dog.

Subd. 7. Dangerous dog tag. The Owner of a dog designated as dangerous must obtain from the city and affix an additional tag to the dog's collar identifying the dog as dangerous and containing the dangerous dog symbol as further set forth in Minnesota Statutes, section 347.51. The city may charge the Owner a reasonable fee for the dangerous dog tag. (Added, Ord. No. 2010-04, Sec. 5)

910.11. Manner of keeping animals. Subdivision 1. Sanitary conditions. It is unlawful to keep an animal in an unclean and unsanitary place or in an unclean and unsanitary condition so as to endanger the animal's health or safety.

Subd. 2. Odors. It is unlawful to own, harbor, keep or have in possession or on one's premises an animal in a manner that produces an odor that can be detected by any person from a location outside of the building or premises where the animal is kept.

Subd. 3. Noise. It is unlawful to own, harbor or keep or have in possession or on one's premises an animal that by howling, yelping, barking, fighting or otherwise, produces noise that disturbs the peace, quiet or repose of a person of ordinary sensibility.

Subd. 4. Basic care. All animals shall receive kind and humane treatment from their Owners, which shall include proper and adequate, clean, ventilated, and sanitary housing or shelter from the elements and sufficient food and water for their comfort. Failure to provide basic care is a violation of this section. (Added, Ord. No. 2010-04, Sec. 6)

Subd. 5. Removal of animal feces required. Any person being the Owner of or having charge of any animal not confined to that person's property must immediately remove any feces deposited on public or private property. Any such person must have in their possession a means to collect and dispose of all fecal matter in a proper manner. (Added, Ord. No. 2010-04, Sec. 6)

Subd. 6. Accumulation of feces prohibited. The Owner of any animal must keep its premises free from an unreasonable accumulation of fecal matter. (Added, Ord. No. 2010-04, Sec. 6)

910.13. Confinement and control. A person who owns or keeps an animal, or the parent or guardian of a person under 18 years of age who keeps an animal, may not permit the animal to be on private land in the city unless the animal is effectively restrained from leaving the land by leashing or fencing, except on the owner's own private land. The owner of the land may keep an animal on that land but the animal must be kept under the immediate supervision and verbal command of a responsible person. A person having custody or control of an animal may not permit the animal to be on public property in the city unless the animal is effectively restrained by leash not exceeding six (6) feet in length. An animal in heat must be confined in an enclosure that prevents its escape and the entry of other animals. While on the Owner's property, a dog designated as dangerous must be kept in a proper enclosure and as otherwise provided in Minnesota Statutes, sections 347.51 and 347.52 and this section. (Amended, Ord. No. 2010-04, Sec. 7)

910.15. Public nuisance. Subdivision 1. Violation. An animal is a public nuisance if its owner or keeper violates subsection 910.11:

- a) three times within a period of 60 consecutive days,
- b) four times within a period of 180 consecutive days, or
- c) five times within a period of 360 consecutive days.

For purposes of this subsection, the date of a violation is the date the violation occurs, not the date of conviction for the violation.

Subd. 2. Other nuisance conditions. An animal is a public nuisance if the animal:

- a) attacks a person without provocation, causing injury to that person;
- b) attacks a domestic animal outside the premises of the animal's owner, causing injury to that domestic animal;
- c) has a demonstrated propensity to attack without being provoked or to otherwise endanger the safety of persons or domestic animals;

- d) habitually interferes with the public use of a public right-of-way;
- e) habitually destroys or damages real or personal property of a person other than its owner;  
or
- f) is required to be quarantined pursuant to subsection 910.27 but is at large.

Subd. 3. Proceedings for disposition of nuisance animals. An animal that is a public nuisance pursuant to subsection 910.15 is to be disposed of in the manner provided by Minnesota Statutes, sections 347.04 to 347.07 (Act). (Added, Ord. No. 2010-04, Sec. 8)

Subd. 4. Complaint. The complaint required by the Act may be prepared and presented to the district court by the animal control warden or any peace officer designated by the Chief of Police. The complaint may be based upon written information supplied to the animal control officer or peace officer by a resident of the city. (Added, Ord. No. 2010-04, Sec. 8)

910.17. Muzzles. When the health authority determines that a dog is infected with rabies or hydrophobia, the Chief of Police, or its designee, by order and notice thereof posted in three public places in the city, require that all dogs be muzzled in the manner set forth in the order. While the order is in effect, a public officer, animal warden or any person authorized by the manager may summarily kill and destroy an unmuzzled dog if the dog cannot, with reasonable care and safety, be taken up and impounded. (Amended, Ord. No. 2010-04, Sec. 9)

910.19. Commercial and private kennels. Subdivision 1. Design. Kennel floors and walls must be constructed of impervious and easily cleanable materials and all structures, areas, and appurtenances so designed as to facilitate frequent and easy cleaning. All areas must be adequately and properly ventilated. Every kennel must be suitably enclosed or fenced in such a manner as to prevent the running at large or escape of animals confined therein. Doors, windows and other openings must be screened from May 1 to October 1. The premises must be provided with the adequate and safe sewer and water connections, plumbing and plumbing fixtures. (Amended, Ord. No. 2010-04, Sec. 10)

Subd. 2. Construction. New kennels or repairs or alterations of existing kennels must have plans filed with and approved by the health authority before a building permit may be issued. All new construction or reconstruction must comply with this section and other applicable provisions of this code.

Subd. 3. Operation. Kennels must be maintained in a clean, healthful, sanitary, and safe condition and so as not to create a health hazard or public nuisance. Kennels must be operated in a humane manner, and the licensee and persons having charge thereof and their employees or agents may not deprive the animals of necessary food, water or shelter, or perform any act of cruelty to the animals or in any way further any acts of cruelty toward them or any act tending to produce such cruelty.

Subd. 4. Conditions. Cages, pens, benches, boxes or receptacles in which the animals are confined must be kept clean, sanitary and in good repair and must be properly sufficient and humane in size for the confinement of the animals. Show or display cases, windows, counters and shelves used in handling the animals must be kept clean, sanitary, free from dust and dirt and in good repair. Plumbing fixtures and other appurtenances must be kept in a clean and sanitary condition and in good repair. Delivery vehicles must be kept clean. Utensils used in the preparation of food and the feeding of the animals must be kept clean, sanitary and in good repair. The use of the utensils for such purpose that are badly worn, rusted or corroded or in such condition that they cannot be rendered clean and sanitary, is prohibited.

Subd. 5. Waste disposal. Refuse and other wastes must be removed frequently and stored and disposed of as set forth in section 605 of the code or by a method approved by the health authority.

910.21. Dog pound. Subdivision 1. Conduct of. The council may designate a suitable place as a dog pound either within or outside of the city limits. The city may operate its own dog pound. Dogs conveyed to the pound must be kept with kind treatment and sufficient food and water for their comfort for at least five days unless sooner reclaimed by their owner as provided in this section. At the end of the five-day period, a dog that has not been reclaimed by the owner may then be sold by the keeper of the pound for a sum of not less than the cost of the keep of such dog, plus an impounding fee as set forth in appendix IV to any person who procures a license for such dog, provided that the license receipt and tag must be exhibited to the poundkeeper before the poundkeeper gives possession of the dog to the licensee.

Subd. 2. Disposal. After the five-day holding period, the poundkeeper may cause the dog to be disposed of in a humane manner pursuant to the provisions of Minnesota Statutes, section 35.71, and must properly dispose of the remains thereof and the poundkeeper must accept for and pay over monthly to the finance director, all monies received from all license, impounding, and boarding fees as set forth in appendix IV. The poundkeeper must also keep an accurate account of all dogs received at the dog pound and all dogs killed or released therefrom and must turn in such account monthly to the clerk.

Subd. 3. Duties of poundkeeper. The poundkeeper must:

- a) Maintain the facilities approved by the governing body as the municipal pound in a clean, healthful, sanitary, secure and safe condition, and in a humane manner.
- b) Notify the person named as licensee that the dog bearing licensee's license has been impounded and may be redeemed pursuant to the provisions of this code.
- c) Carry out the provisions of this code as directed by the police department and health authority.
- d) Dispose of unclaimed animals pursuant to the provisions of this section and in accordance with state law.
- e) Adopt such handling practices and take such measures as may be necessary or may be prescribed by the city to prevent the loss of any animal impounded by the city.

910.23. Reclamation. An owner or claimant of a dog impounded by reason of violation of any provision of this section may reclaim the dog within five business days upon obtaining a license therefor, if unlicensed, and paying the appropriate impounding fees as set forth in appendix IV. The reclamation of a dangerous dog is set forth in subsection 910.59, subdivision 2, of this section. (Amended, Ord. No. 2010-04, Sec. 11)

910.25. Animal warden services. The animal warden service will be designated by the city council. The service and its employees or agents have the powers and duties to patrol the streets of the city and enforce the provisions of this section, including the issuing of citations for violations thereof.

910.27. Impounding. Subdivision 1. Animal bites. An animal that is capable of transmitting rabies and that has bitten a person such that the skin has been broken, as determined by the responding officer, or the person seeks the services of a doctor, must be taken up and impounded at the municipal dog pound and quarantined for at least ten days from the time of the bite, and in any event until it is determined whether or not the animal had or has rabies. If the animal has bitten a person, the animal may be immediately euthanized if required to test for rabies as determined by the state or county health authority, as recommended by the Centers for Disease Control may be, or at the request of the Owner. If non-lethal testing is possible and the animal is found to be rabid, it must be destroyed; if it is found not to be rabid, it will be returned to the owner provided that owner first pays for the cost of impounding and quarantining it. If the owner does not pay such costs within five business days after being notified to claim or retrieve the animal, the animal may be disposed of as provided in subsection 910.21. If the animal control officer determines that exceptional medical conditions so require, the officer may permit the animal to be impounded and quarantined at an impounding facility other than the municipal dog pound, provided that the facility must be one acceptable to the health authority and the animal must be kept separate and apart from all other animals and under the care and supervision of a licensed veterinarian. The cost incurred by the city in carrying out the provisions of this subsection must be paid by the owner of the impounded animal. (Amended Ord. No. 99-12, Sec. 1; Ord. No. 2002-14, Sec. 3; Ord. No. 2010-04, Sec. 12)

Subd. 2. Bitten animals. An animal that has been bitten by a known rabid animal must be picked up and destroyed, provided, however, that the animal may be immediately killed if with reasonable effort it cannot first be taken up and impounded. If so picked up and impounded, the animal may not be destroyed if the owner thereof makes provisions for a suitable quarantine for a period of not less than six months for unvaccinated animals, or for 30 days, if proof of previous immunization is furnished and booster injections are given by a licensed veterinarian at the expense of the owner of such animal.

Subd. 3. Potentially dangerous or dangerous dogs. A potentially dangerous or dangerous dog shall not be returned to its Owner until the Owner has complied with the relevant provisions of state law and this section and paid all associated costs. The Police Chief, or its designee, has the discretion to determine if the dog may be returned to its Owner before the Owner has complied with all the relevant provisions. (Added, Ord. No. 2010-04, Sec. 12)

910.29. Record of purchases and sales. A kennel licensee must keep the records deemed necessary by the city.

910.31. Diseased animals prohibited. It is unlawful to knowingly bring into the city, or have in one's possession, an animal that is afflicted with infectious or contagious diseases. Such diseased animals must be destroyed in a humane manner unless the disease is curable and the animal is under the care of, and receiving treatment from, a licensed veterinarian.

910.33. Suspension and revocation of kennel license. A kennel license may be temporarily suspended by the health authority, with the approval of the city manager, for violation by the licensee of any of the terms of this section that constitute a health hazard or creates a nuisance, or revoked after an opportunity for a hearing by the city council upon a serious violation or repeated violations upon recommendation of the health authority.

910.35. Enforcement. The police department, health authority and animal warden must enforce the provisions of this chapter and transport to the city dog pound, or destroy any animals kept within the city, or running at large contrary to the provisions of this section.

910.37. Interference with officers. An unauthorized person may not break open the pound or attempt to do so, or take or let out any dogs therefrom, or take or attempt to take from any officer any dog taken up in compliance with this section, or in any manner interfere with or hinder the officer or agent of the city in the discharge of duties.

910.39. Zoning regulations. It is unlawful to keep or harbor an animal or fowl, except dogs, cats and other similar household pets, within any district of the city zoned residential unless the activity was being carried on continuously within that residential district since March 3, 1959, in which case the activity may not be expanded or enlarged after that date, nor transferred with title to property or with change in occupant.

910.41. Not applicable to bait shops. The provisions of this section do not apply to persons or places selling only frogs, fish, worms or reptiles for use as live bait for fishing.

910.43. (Repealed, Ord. No. 2002-14, Sec. 4)

910.45. (Repealed, Ord. No. 2010-04, Sec. 13)

910.47. (Added, Ord. No. 96-4, Sec. 1) Animals: special events. Subdivision 1. Definition. For purposes of this subsection, the term special event means i) an event conducted as part of the Crystal Frolics, ii) a city sponsored event conducted on the Fourth of July at Becker Park, or iii) a special event designated by council resolution after recommendation by the Park and Recreation Advisory Commission.

Subd. 2. Prohibition. It is unlawful to bring an animal on municipal park property during a special event conducted on that park property.

Subd. 3. Exceptions. The prohibition in subdivision 2 does not apply to (i) animals actually used by handicapped persons for personal assistance and (ii) animals used for entertainment purposes as part of a special event.

Subd. 4. Further regulations. The city manager is authorized and directed to prepare and promulgate rules specifying the beginning and ending times of the special events specified pursuant to this subsection during which the prohibition of this subsection will be in effect.

910.49. Exemptions. This section does not apply to a dog owned and controlled by local, state and federal law enforcement agencies that are used in law enforcement or related activities. Dogs may not be declared potentially dangerous or dangerous if the threat, injury, or danger was sustained by a person who

was: (Added, Ord. No. 2010-04, Sec. 14)

- a) Committing a willful trespass or other tort upon the premises occupied by the Owner of the dog; (Added, Ord. No. 2010-04, Sec. 14)
- b) Provoking, tormenting, abusing or assaulting the dog, or who can be shown to have a history of repeatedly provoking, tormenting, abusing, or assaulting the dog; or (Added, Ord. No. 2010-04, Sec. 14)
- c) Committing or attempting to commit a crime. (Added, Ord. No. 2010-04, Sec. 14)

910.51. Animals posing an imminent threat. If an animal is diseased, vicious, rabid, or exposed to rabies, or poses an imminent threat to public safety, and if such animal cannot be impounded after a reasonable effort, or cannot be impounded without serious risk to the persons attempting it, the animal may be immediately killed by or under the direction of the Animal Control Officer or a police officer. (Added, Ord. No. 2010-04, Sec. 14)

910.53. Adoption by reference. Except as otherwise provided in this section, the regulatory and procedural provisions of Minnesota Statutes, sections 347.50 to 347.565 are adopted by reference. (Added, Ord. No. 2010-04, Sec. 14)

910.55. Potentially dangerous dogs. Subdivision 1. Notice to owner of declaration. The Animal Control Officer shall notify the Owner by delivering, mailing, or posting on the Owner's residence a notification informing the Owner of the declaration of its dog as potentially dangerous, the basis for the declaration, the procedure for appealing the declaration, and the result of the Owner's failure to appeal the declaration as described in subdivision 2. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Appeal. An appeal of the declaration must be submitted on the form supplied by the city. The completed form and appeal fee must be returned to the police department within 14 days of notification. Appeals consist of a record review by the Chief of Police, or its designee. The Owner shall be notified of the results of the record review within ten days of the receipt of the completed appeal form and appeal fee. If the Owner fails to appeal the declaration within 14 days, the Owner forfeits the right to appeal and the declaration of the dog as potentially dangerous is final. If the declaration is upheld, the Owner must comply with all applicable requirements. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Registration. Any person who has a dog that has been designated as potentially dangerous dog pursuant to this section or pursuant to Minnesota Statutes, section 347.50, must register the dog as a potentially dangerous dog with the city. (Added, Ord. No. 2010-04, Sec. 14)

- a) The Owner shall make the potentially dangerous dog available to be photographed by the Animal Control Officer for identification purposes at a time and place specified by the Animal Control Officer. (Added, Ord. No. 2010-04, Sec. 14)

- b) The registration of the potentially dangerous dog must be renewed annually with the city until the dog is deceased or is determined to be no longer potentially dangerous. The current Owner of a potentially dangerous dog must notify the Animal Control Officer in writing of the death of the dog or its transfer to another owner or to another location within 30 days of the dog's death or transfer. If requested by the city, the Owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition or the complete name, address and telephone number of the person to whom the dog was transferred to. The Animal Control Officer, or its designee, shall be allowed to inspect the animal and the place where the animal is now located at any reasonable time. (Added, Ord. No. 2010-04, Sec. 14)
- c) The Owner of a potentially dangerous dog must be 18 years of age or older. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 4. Microchip implantation. Any dog that is determined to be potentially dangerous by the city pursuant to the definition and process contained in this section or pursuant to Minnesota Statutes, section 347.50 shall be implanted with a microchip for identification purposes within 14 days of the final declaration of the dog as potentially dangerous. All costs related to purchase and implantation of the microchip shall be borne by the Owner of the dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the city. If the microchip is not implanted by the Owner, the city may have a microchip implanted in the dog at the Owner's expense. Upon request, the Owner or custodian of a potentially dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection to determine whether a microchip has been implanted. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Sterilization. The city may require a potentially dangerous dog to be sterilized at the Owner's expense within 30 days of the final declaration of the dog as potentially dangerous. If the Owner does not have the dog sterilized, the Animal Control Officer, or its designee, may arrange for and have the dog sterilized at the Owner's expense. Upon request, the Owner of a potentially dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection or provide proof in the form of a statement from a licensed veterinarian to determine whether the dog has been sterilized. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 6. Obedience class. The city may require that the Owner and its potentially dangerous dog attend and complete an approved obedience class. (Added, Ord. No. 2010-04, Sec. 14)

910.57. Dangerous dogs. Subdivision 1. Notice to owner of declaration. The Animal Control Officer shall notify the Owner of the declaration by delivering, mailing, telephoning if possible, or posting a notification on the Owner's residence. The notice shall include:

- a) a description of the dog; the authority for and purpose of the dangerous dog declaration and seizure, if applicable; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is being kept, if applicable; (Added, Ord. No. 2010-04, Sec. 14)

- b) a statement that the Owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the Owner's right to a hearing; (Added, Ord. No. 2010-04, Sec. 14)
- c) a statement that if an appeal request is made within 14 days of the notice, the Owner must immediately comply with the requirements of Minnesota Statutes, section 347.52, paragraphs a) and c), and until such time as the hearing officer issues an opinion; (Added, Ord. No. 2010-04, Sec. 14)
- d) a statement that if the hearing officer affirms the dangerous dog declaration, the Owner will have 14 days from receipt of that decision to comply with all other requirements of Minnesota Statutes, sections 347.51, 347.515, and 347.52 and this section. (Added, Ord. No. 2010-04, Sec. 14)
- e) a form to request a hearing; and (Added, Ord. No. 2010-04, Sec. 14)
- f) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment, if applicable, was not substantially justified by law. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Hearing. Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing will be held before an impartial hearing officer. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's Owner. The hearing officer shall issue a decision within ten days after the hearing. The decision must be delivered to the dog's Owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Animal Control Officer. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Registration. Any person who has a dog that has been designated as a dangerous dog pursuant to this section or pursuant to Minnesota Statutes, section 347.50, subdivision 1, must register the dog as a dangerous dog with the city, pay an annual fee in addition to the dog license fee, and meet all other requirements set forth in this subsection as well as those provided in Minnesota Statutes, sections 347.51, 347.515, and 347.52. After being presented with sufficient evidence that the state law and the city requirements have been met as provided below and in state law, the city shall issue a certificate of registration to the Owner of a dangerous dog. (Added, Ord. No. 2010-04, Sec. 14)

- a) The Owner shall make the dangerous dog available to be photographed by the Animal Control Officer for identification purpose at a time and place specified by the Animal Control Officer. (Added, Ord. No. 2010-04, Sec. 14)

- b) The registration of the dangerous dog must be renewed annually with the city until the dog is deceased or is determined to be no longer dangerous. The current Owner of the dangerous dog must notify the Animal Control Officer in writing of the death of the dog or its transfer to another owner or to another location within 30 days of the dog's death or transfer. If requested by the city, the Owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition or the complete name, address and telephone number of the person to whom the dog was transferred to. (Added, Ord. No. 2010-04, Sec. 14)
- c) The Owner of the dangerous dog must be 18 years of age or older. (Added, Ord. No. 2010-04, Sec. 14)
- d) The Owner of a dangerous dog must post a sign with the uniform dangerous dog warning symbol in a conspicuous location near the front door of the property. The city shall provide the Owner with a warning symbol for posting on the Owner's property pursuant to Minnesota Statutes, section 347.51, subdivision 2a). The city may charge the registrant a reasonable fee for the symbol. (Added, Ord. No. 2010-04, Sec. 14)
- e) A dangerous dog must be securely confined indoors or confined in a secure outdoor enclosure suitably sized for the dog and otherwise meeting the requirements of a proper enclosure. An enclosure is secure and proper within the meaning of this section if it meets the following minimum specifications: (Added, Ord. No. 2010-04, Sec. 14)
  - i) a floor area of 32 square feet per animal kept in such enclosure;
  - ii) a sidewall height of five feet, constructed of 11 gauge or heavier wire with openings that do not exceed two inches; and
  - iii) if the enclosure is on a permeable surface, the fence must be buried in a minimum of 18 inches into the ground;
  - iv) the support posts are one and one-quarter (1-1/4) inch or larger steel pipe buried a minimum of 18 inches into the ground;
  - v) a cover over the entire kennel that is constructed of the same gauge wire as the sidewalls or heavier with openings to greater than two inches;
  - vi) an entrance/exit self closing, self locking gate constructed of the same material as the sidewalls and with openings no greater than two inches; and
  - vii) in compliance with all zoning setbacks requirements unless a variance is obtained.

When the dog is confined in an enclosure, all access points of the enclosure must be locked. The Animal Control Officer may seize a dangerous dog that is unconfined while on the Owner's property and not otherwise restrained as provided below. (Added, Ord. No. 2010-04, Sec. 14)

- f) A dangerous dog shall be sterilized at the Owner's expense within 30 days of the final determination of the dog as dangerous. If the Owner does not have the dog sterilized, the Animal Control Officer, or its designee, may arrange for and may have the dog sterilized at the Owner's expense. Upon request, the Owner of a dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection to determine whether the dog has been sterilized. (Added, Ord. No. 2010-04, Sec. 14)
- g) Any dog that is determined to be dangerous by the city pursuant to the definition contained within this section or pursuant to Minnesota Statutes, section 347.50 shall be implanted with a microchip for identification purposes within 14 days of the final determination of the dog as dangerous. All costs related to purchase and implantation of the microchip shall be borne by the Owner of the dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the city. If the microchip is not implanted by the Owner, the city may have a microchip implanted in the dog at the Owner's expense. Upon request, the Owner or custodian of a dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection to determine whether a microchip has been implanted. (Added, Ord. No. 2010-04, Sec. 14)
- h) The Owner must obtain a surety bond or a policy of liability insurance from a company authorized to conduct business in Minnesota in the amounts set forth in Minnesota Statutes, section 347.51, subdivision 2. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 4. Obedience class. The city may require that the Owner and its dangerous dog attend and complete an approved obedience class. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Restraint. If a dangerous dog is outside of the proper enclosure, it must be securely muzzled and restrained with a chain not exceeding three feet in length, and having a tensile strength sufficient to restrain it. The dog's muzzle must be designed in a manner that will prevent it from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 6. Removal of dangerous dog classification. Beginning six months after a dog is declared a dangerous dog, pursuant to Minnesota Statutes, section 347.51, subdivision 3a), the Owner may request on an annual basis that the city review the dog's designation as a dangerous dog. The Owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the police department, or its designee, finds sufficient evidence that the dog's behavior has changed, the city may rescind the dangerous dog classification or take any other reasonable action suggested by the facts. The Owner of the dog shall be notified in writing of the review results within ten days of receipt of the request. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 7. Concealment. Any person who harbors, hides, or conceals a dog declared dangerous that has been ordered into custody shall be guilty of a misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

910.59. Seizure of dangerous dogs. Subdivision 1. The Animal Control Officer shall immediately seize a dangerous dog if:

- a) after 14 days after the Owner has notice that the dog is dangerous, the dog is not validly registered under Minnesota Statutes, section 347.51;
- b) after 14 days after the Owner has notice that the dog is dangerous, the Owner does not secure the proper liability insurance or surety coverage;
- c) the dog is not maintained in the proper enclosure;
- d) the dog is outside the proper enclosure and not under physical restraint of a responsible person; or
- e) the dog is not sterilized within 30 days.

If an Owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the Owner pay the costs incurred in confiscating, confining, and destroying the dog. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Reclaimed. A dangerous dog seized under subdivision 1 may be reclaimed by the Owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer, or its designee, that the requirements of Minnesota Statutes, sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under Minnesota Statutes, section 35.71, subdivision 3, and the Owner is liable for costs incurred in confining and disposing of the dog. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Subsequent offenses. If a person has been convicted of a misdemeanor for violating a provision of Minnesota Statutes, sections 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog will be seized by the Animal Control Officer. If the Owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the Owner pay the cost of confining and destroying the animal. If the Owner is not convicted and the dog is not reclaimed by the Owner within seven days after the Owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under Minnesota Statutes, section 35.71, subdivision 3. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 4. Prevention of disposition of seized dogs. A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Right to a hearing when dog seized. The Owner of any seized dog has the right to a hearing before an impartial hearing officer. The notice and hearing requirements provided in section 910.57, subdivisions 1 and 2, shall apply. (Added, Ord. No. 2010-04, Sec. 14)

910.61. Restrictions on future ownership. Subdivision 1. Convictions. A person may not own a dog if he or she has been convicted of any of the violations set forth in Minnesota Statutes, section 347.542. This prohibition applies to any member of that same person's household. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Non-compliance. An Owner of a potentially dangerous dog or dangerous dog that fails to comply with the requirements of this section or state law may be prohibited or restricted from future ownership or custody of other dogs. An Owner in violation of this section or state law shall be notified in writing and may request a hearing within 14 days of the receipt of the notice of violation. If a hearing is requested, the Chief of Police, or its designee, shall schedule a hearing before an impartial hearing officer within 14 days of the receipt of the request. A hearing fee shall be paid to the city prior to the scheduling of the hearing. The Owner shall be notified of the hearing results in writing within ten days. (Added, Ord. No. 2010-04, Sec. 14)

910.63. Penalty. Subdivision 1. A person who violates a provision of Minnesota Statutes, sections 347.51, 347.515, or 347.52 is guilty of a misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. A person who is convicted of a second or subsequent violation of subdivisions 1 or 2 is guilty of a gross misdemeanor. (Added, Ord. No. 2010-04, Sec.14)

Subd. 4. An Owner who violates Minnesota Statutes, section 347.542, subdivision 1, or section 910.61, subdivision 1, of this code is guilty of a gross misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Any household member who knowingly violates Minnesota Statutes, section 347.542, subdivision 2, or section 910.61, subdivision 1, of this code is guilty of a gross misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

910.65. Destruction of a dog in certain circumstances. Notwithstanding Minnesota Statutes, section 347.51 to 347.55, a dog may be destroyed in a proper and humane manner by the Animal Control Officer, or its designee, if the dog:

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

(Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Hearing. The dog may not be destroyed until the Owner has had the opportunity for a hearing before an impartial decision maker. (Added, Ord. No. 2010-04, Sec. 14)

910.67. Public protection from dogs. An Owner of a dog shall at all times prevent the dog from attacking, biting or otherwise causing injury or attempting to cause injury to any person engaged in a lawful act or from causing injury or attempting to cause injury to a domestic animal. (Added, Ord. No. 2010-04, Sec. 14)

910.69. Conditioning equipment prohibited. Subdivision 1. No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. This prohibition shall not apply to equipment used to train a dog for recreational hunting assistance. Recreational hunting training assistance equipment shall include but not be limited to soft hold training and decoy retrieval apparatuses. (Added, Ord. No. 2010-04, Sec. 14)

910.70. Collars, leashes, tie outs. Subdivision 1. Collars. Collars may not exceed two pounds in weight and must be made of durable material strong enough to hold the dog it is intended for. No collars are to be used other than for humane restraint. Collars may not be equipped with any type of sharp prongs on the inside of the collar or weighted devices that may cause injury or discomfort to the animal's neck. Blunt pronged training collars are permitted if properly fitted and unaltered from the manufactured design. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Leashes. Leashes must not exceed six feet in length and may not exceed four pounds in total weight. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Chains, kennels, tethers and tie outs. Chains, tethers, or tie outs must be at least three times the length of the animal secured to it and may not exceed ten pounds in total weight. Tie outs must be of durable material, strong enough to hold the animal it is intended for. Any animal secured with a tie out must be so in an area that would not allow the animal to become tangled around objects while allowing access to shelter and water. Tie outs must be placed in such a location as to inhibit the animal secured from reaching a public sidewalk, street or alley. The tie out must not allow the secured animal access to any neighboring property unless written permission has been obtained from the property owner. (Added, Ord. No. 2010-04, Sec. 14)

Section 915 - Building security

915.01. Definition. For purposes of this section, a "dead bolt lock" means a locking bolt that, when in the locked position, can only be moved positively by turning a knob, key, sliding bolt or mechanism activated by working a combination. The term does not include a lock bolt moved by a skeleton-type key.

915.03. Dead bolt lock required. Multiple dwellings, hotels, motels and apartment hotels must provide dead bolt locks on all entrance doors of each dwelling unit, at least one that must be capable of being locked from the exterior.

915.05. Responsibility for security. The owner, operator or agent of buildings covered by this section is responsible for compliance with this section.

915.07. Security enforcement. The chief building inspector administers and enforces this section.

Section 920 - Curfew  
(Repealed, Ord. No. 98-1)

Section 921 - Curfew  
(Added, Ord. No. 98-1)

921.01. Findings and purpose. Subdivision 1. In recent years, there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.

Subd. 2. Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger a person is, the more likely the juvenile is to be a victim of crime.

Subd. 3. While parents have the primary responsibility to provide for the safety and welfare of juveniles, the city also has a substantial interest in the safety and welfare of juveniles. Moreover, the city has an interest in preventing juvenile crime, promoting parental supervision and providing for the well being of the general public.

Subd. 4. A city-wide curfew in substantially the same form as the county-wide curfew will reduce juvenile victimization and crime and will advance public safety, health and general welfare.

921.03. Definitions. Subdivision 1. "Juvenile" means a person under the age of 18. The term does not include persons under 18 who are married or have been legally emancipated.

Subd. 2. "Parent" means birth parents, adoptive parents and stepparents.

Subd. 3. "Guardian" means an adult appointed pursuant to Minnesota Statutes, sections 525.6155 or 525.6165 who has the powers and responsibilities of a parent as defined by Minnesota Statutes, section 525.619.

Subd. 4. "Responsible adult" means a person 18 years or older specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

Subd. 5. "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.

Subd. 6. "Emergency" means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

Subd. 7. "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 body part or organ.

Subd. 8. "Establishment" means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment or refreshment.

Subd. 9. "Proprietor" 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.

921.05. Prohibited acts. Subdivision 1. It is unlawful for a juvenile under the age of 12 to be present in any public place or establishment within the city:

- (a) any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day;
- (b) any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

Subd. 2. It is unlawful for a juvenile, age 12 to 14, to be present in any public place or establishment within the city:

- (a) any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day;
- (b) any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

Subd. 3. It is unlawful for a juvenile, age 15 to 17, to be present in any public place or establishment within the city:

- (a) any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day;
- (b) any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

Subd. 4. It is unlawful for a parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within the city during the hours prohibited in subdivisions 1, 2 and 3.

Subd. 5. It is unlawful for a proprietor of an establishment within the city to knowingly permit a juvenile to remain in the establishment or on the establishment's property during the hours prohibited in subdivisions 1, 2 and 3 of this section.

Subd. 6. If the proprietor is not present at the time of the curfew violation, the responding officer must leave written notice of the violation with an employee of the establishment. A copy of the written notice must be served upon the establishment's proprietor personally or by certified mail.

921.07. Defenses. Subdivision 1. It is an affirmative defense for a juvenile to prove that:

- a) the juvenile was accompanied by the juvenile's parent, guardian or other responsible adult;
- b) the juvenile was engaged in a lawful employment activity or was going to or returning home from the juvenile's place of employment;
- c) the juvenile was involved in an emergency situation;
- d) the juvenile was going to, attending or returning home from an official school, religious or other recreational activity either sponsored or supervised, or both, by a public entity or a civic organization;
- e) the juvenile was on an errand at the direction of a parent or guardian;
- f) the juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota;
- g) the juvenile was engaged in interstate travel;
- h) the juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure or residence.

Subd. 2. It is an affirmative defense for a proprietor of an establishment to prove that:

- a) the proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minnesota Statutes, 340A.503, subdivision 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates;
- b) the proprietor or employee promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

921.09. Family curfew. The parents, guardian or legal custodian of a person under the age of 18 may designate an earlier curfew which has the effect of law for that person.

921.11. Penalty. Subdivision 1. Violation of subsection 921.05, subdivisions 1, 2 or 3 will be prosecuted pursuant to Minnesota Statutes, section 260.195 and will be subject to the penalties therein.

Subd. 2. Violation of subsection 921.05, subdivisions 1, 2 or 3(d) or (e) is a misdemeanor and will be subject to the penalty set forth in Minnesota Statutes, section 609.03.

921.13. Review. The city council will conduct yearly reviews of this section to assess the effectiveness of and continuing need for a juvenile curfew. Prior to the annual review, the city prosecuting attorney must prepare and submit a report to the council evaluating violations of this section and juvenile crime and victimization during the preceding year.

Section 925 - Inhaling or consumption of chemicals or glue

925.01. It is unlawful to intentionally inhale, breathe, or drink any compound liquor or chemical containing toluol, hexane, trichlorethylene, acetone, toluene, ethyl acetate, fluorocarbon, methyl ethyl ketone, trichoroathane, isopropahol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other glue or adhesive substance, hereinafter referred to as "glue", for the purpose of inducing symptoms of intoxication, elation, dizziness, paralysis, irrational behavior, physical, or in any manner change, distort, or disturb the audio, visual, or mental processes. For the purpose of this section, any such condition so induced must be deemed to be an intoxicated condition; provided, however, that the provisions of this section must not apply to any person who inhales, breathes, or drinks such material or substance pursuant to the direction or prescription of any doctor, physician, surgeon, dentist, or podiatrist authorized to so direct or prescribe.

925.03. General. It is unlawful for the purpose of violating or aiding another to violate any provision of this section, to intentionally possess, buy, sell, transfer possession, or receive possession of glue.

925.05. Sales. Subdivision 1. Possession. Except as otherwise provided in this section, a person 17 years of age or under may not possess or buy glue.

Subd. 2. Transfers. Except as otherwise provided in this section, it is unlawful to sell or transfer possession of glue to another person 17 years of age or under.

Subd. 3. Exception; consent. A person may sell or transfer possession of glue to a person 17 years of age or under for model building or other lawful use where the juvenile has in possession and exhibits the written consent of a parent or guardian.

Subd. 4. Exception; lawful sale. This subsection does not apply where the glue or cement is sold, delivered, or given away simultaneously with and as part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains, or other similar models.

925.07. Sales. A person making a sale or transfer of possession of glue to a person 17 years of age or under who exhibits the written consent of a parent or guardian must record the name, address, sex, and age of the person and the name and address of the consenting parent or guardian. Data required by this section must be kept in a permanent type register available for inspection by the police department for a period of at least six months.

925.09. Sale of glue. Retail establishments may not sell glue from a self-service display.

925.11. YMCA. This section does not apply to the distribution of glue or cements by youth organizations such as the YMCA for use by its regularly organized model classes.

925.13. Application. This section does not apply to a person who inhales, breathes, drinks, or otherwise in any manner uses intoxicating liquor as defined by law. This section does not apply to a person who inhales, breathes, drinks or otherwise in any manner uses any narcotic, dangerous drug, or other materials or substance or combination thereof, which material or substance or combination thereof is defined by, and the use of which is prohibited or regulated by law.

Section 930 - Drug abuse and control

930.01. State drug control law adopted. Minnesota Statutes, section 151.40 and chapter 152, relating to prohibited drugs, are hereby adopted by reference and are as much a part of this code as if fully set forth herein. A violation of the statutes herein adopted is a violation of this code.

930.03. Possession of opium-smoking paraphernalia prohibited. It is unlawful to use, possess or have under his control for use any stem, bowl, lamp, yen hock or other opium-smoking paraphernalia or accessories used for the smoking or inhalation of opium or marijuana smoking paraphernalia such as, but not limited to, roach clips and roach pipes.

Section 935 - Gun Control  
(Repealed, Ord. No. 2013-04, Sec. 1)

Section 940 - Civil disorder

940.01. Policy. Numerous bombings and the detonation of explosives have occurred in the metropolitan area of which the city is a part. Numerous calls and other information have come to the authorities of the city of threatened bombings and explosions in various buildings and parts of the city. Such conditions may pose a threat to the safety and security of the citizens and property owners of the city. It is therefore necessary that the city council take all prudent steps to safeguard its residents and citizens.

940.03. Emergency board. Subdivision 1. Board created. There is hereby created an emergency board composed of the mayor, city manager and chief of police. Upon the occurrence of an emergency which poses a general threat to the public safety, such board must convene immediately at the call of the mayor at a place to be designated by the mayor.

Subd. 2. Board; powers. The emergency board, by vote of two of its members, may prohibit the sale, exchange or transportation of any commodities deemed to be dangerous, such as: firearms, ammunition, explosives, and intoxicating beverages. Notice of such action must be served upon persons and businesses involved therein by the police department of the city. Such prohibition must terminate within 24 hours unless ratified or extended by the city council as provided in the city charter.

Subd. 3. Notice. The emergency board must upon convening immediately notify each member of the city council of such meeting and any action taken.

940.05. Evacuation. Subdivision 1. Public, private defined. "Public" as used in this section means any commercial, business, or institutional premise. "Private" means residential, private dwellings.

Subd. 2. Public places. If a notice or other communication or information comes to the police department of the city relating to any threatened explosion of a bomb or other device in or on any public premise within the city, the chief of police may evacuate such public premise and provide appropriate assistance in the evacuation.

Subd. 3. Private premises. If a notice or communication or information comes to the police department relating to threatened explosions of a bomb or other device in or on any private premise of the city, the chief of police must immediately inform occupants and assist with evacuation if requested.

940.07. Bomb threats. It is unlawful:

- a) As a hoax, to communicate or cause to be communicated the fact that a bomb or any other explosive device has been placed in any building or in any location other than a building.
- b) As a hoax, to threaten to bomb any person, place or building.
- c) To knowingly permit any telephone or other means of communication under one's control to be used for any purposes prohibited by this section.
- d) As a hoax, to place or cause to be placed in any location any article, constructed or placed with intent to give the impression that the article possesses explosive capability.

940.09. (Repealed, Ord. No. 2014 – 02)

Section 945 - Use of Firearms

945.01. Firearms. Subdivision 1. Permit. It is unlawful to shoot, discharge or explode any firearm, cartridge or shell containing an explosive or air rifle within the corporate limits of the city without first obtaining a written permit as required by Minnesota Statutes sections 624.71 – 624.719, as amended, and as provided in this section 945. (Amended, Ord. No. 2013-04, Sec. 2)

Subd. 2. Exceptions. Subdivision 1 does not apply to:

- a) Persons duly authorized to act as law enforcement officers, or members of military forces of the United States or the state of Minnesota in the discharge of their duties.
- b) Persons engaged in target shooting, with inanimate objects as targets, within a building or structure safely enclosed where the sound of the shooting or discharge will not be a nuisance to persons occupying adjacent property.
- c) Persons engaged in target or trap shooting on target or trap shooting ranges licensed as such by the council as provided in subsection 945.05.
- d) Persons acting in self-defense when the use of firearms for that purpose would be lawful under the laws of the state of Minnesota.
- e) For the destruction of diseased, injured or dangerous birds, animals or reptiles by persons specifically authorized to do so by subsection 910.23.

945.03. Killing of birds and animals. It is unlawful, with or without a permit, to use any shotgun, rifle or other firearm for hunting, shooting or otherwise capturing or killing any animal or bird, except as authorized by subsection 945.01.

945.05. Licenses for target and trap shooting. The council may license the use of firearms and air rifles for target shooting and trap shooting at any suitable place within the city upon application of the owner or occupant of the premises to be licensed and payment of a license fee established by appendix IV. All such licenses expire on December 31 of the year in which granted. A license may not be granted until the chief of police and the council are satisfied that target shooting or trap shooting at the place to be licensed will not be a hazard to persons, animals or property on or adjacent to the licensed premises. A license may not be granted with respect to a place not a safe distance from a public street nor to any place where the sound of the shooting will be a nuisance to the residents in the vicinity. In granting such a license the council may prescribe the hours during which shooting will be permitted and the caliber of rifles or other firearms which may be used. A license may be terminated by the council at any time after reasonable notice to the licensee and hearing, if the council finds that any provision of the license has been violated or that use of the target or trap shooting range has become hazardous to any person, property, animals or is a nuisance.

945.07. Permits to destroy animals. The manager may grant a permit to any person on application for the use of appropriate firearms or air rifles for destruction of a diseased, dangerous or injured animal, but the permit is not valid for longer than the 24 hours period specified in the permit.

945.09. Civil liability. This section does not authorize the use of any firearm or air rifle in a manner that will endanger any human being or property. A permit or license granted hereunder does not relieve the person acting thereunder from civil liability for any damage resulting from such use of the firearm or air rifle.

#### Section 950 - Private swimming pools

950.01. Swimming pool defined. For purposes of this section a swimming pool is any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving or recreational bathing and having a depth of more than 24 inches at any point and a surface area of 150 square feet or more.

950.03. Fencing required around outdoor swimming pools. Outdoor swimming pools existing and hereafter constructed must be completely enclosed by a security fence or wall at least four feet high and located at least four feet from the edge of the swimming pool on at least one-half of the perimeter. Fence openings or points of entry into the pool area must be equipped with gates. Gates must be equipped with self-closing and self-latching devices placed at the top of the gate or in a manner otherwise inaccessible to children. Openings between the fence bottom and the ground or other surface may not exceed four inches.

950.05. Exception. This section does not apply to above-ground outdoor swimming pools having at least four foot height, vertical or outward-inclined sidewalls; provided that sole access is by means of removable ladder, ramp, or stairs that must be removed when the pool is not in use.

#### Section 955 - Alarm system

955.01. Purpose and scope. Subdivision 1. This section regulates the use of burglary, safety alarms, and fire alarm systems, establishes users' fees, and establishes a system of administration therefore. (Amended, Ord. No. 2007-13, Sec. 1)

Subd. 2. The purpose of this section is to protect the public safety services of the city from misuse of public safety alarms and to provide for the maximum possible service to public safety alarm users.

955.03. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Alarm user" means a person in control of any building, structure, or facility wherein an alarm system is maintained.

Subd. 3. "Police communications center" is the city facility used to receive emergency requests for service and general information from the public.

Subd. 4. "Alarm system" means an 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 are not an alarm system. (Amended, Ord. No. 2007-13, Sec. 1)

Subd. 5. "False alarm" means an alarm signal eliciting a response by police or fire personnel when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, unknown fire or sprinkler system alarm, pull station activation with no fire, renovation/construction caused, caused by testing or service person(s), failure of a smoke detector or heat detector, dispatch central station, or the inadvertence of the owner or lessee of an alarm system: the term does not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner. (Amended, Ord. No. 2007-13, Sec. 1)

955.05. User fees. Subdivision 1. User fees are to be paid to the city treasurer within 30 days from the date of notice by the city to the alarm user. (Amended, Ord. No. 2001-01; amended, Ord. No. 2007-13, Sec. 1)

Subd. 2. An alarm user that is required by the city to pay a user fee as the result of a false alarm may make a written appeal of the false alarm charge to the police chief or fire chief within ten days of notice by the city of the false alarm charge. Following review and determination by the police chief or fire chief the decision may be appealed to the city manager who will make a final determination as to whether the user is to be charged with a false alarm. (Amended, Ord. No. 2007-13, Sec. 1)

955.07. Payment of fees. Subdivision 1. User fees are to be paid to the city treasurer within 30 days from the date of notice by the city to the alarm user. (Amended, Ord. No. 2001-01)

Subd. 2. Unpaid charges. Delinquent user fees, together with a certification fee in the amount set forth in appendix IV, will be certified by the clerk who must prepare an assessment roll each year providing for assessment of such amounts against the respective properties served. The assessment will include interest on the unpaid user and certification fees at the annual rate set by appendix IV. Assessments will be certified against any property to which alarm calls were directed, regardless of whether the alarm user was the owner, tenant or other person. The assessment roll must be delivered by the clerk to the city council for adoption on or before November 1 of each year. (Amended, Ord. No.

2001-01; Ord. 2004-10, Sec. 2)

955.09. Alarm report. If an alarm user has incurred three false alarms within one calendar year, the alarm user must submit a written report to the chief of police or fire chief within ten days after being notified of the third false alarm, describing actions taken or to be taken to discover and eliminate the cause of the false alarms. Failure to submit the written report is a violation of this section. (Amended, Ord. No. 2007-13, Sec. 1)

955.11. Administrative rules. The chief of police or fire chief must prepare such rules as are necessary for the implementation of this section. (Amended, Ord. No. 2007-13, Sec. 1)

955.13. Confidentiality. Subdivision 1. Information submitted in compliance with this section will be held in confidence and exempt from discovery to the extent permitted by law.

Subd. 2. Statistics. Subject to requirements of confidentiality, the chief of police or fire chief may develop and maintain statistics for the purpose of ongoing alarm systems evaluation. (Amended, Ord. No. 2007-13, Sec. 1)

955.15. (Deleted, Ord. No. 2007-13, Sec. 1)

955.17. Enforcement and penalties. Failure or omission to comply with any provisions of this section is a petty misdemeanor.

#### Section 960 - Arrest; citations

960.01. Peace officers. For purposes of this section the term "peace officer" has the meaning given it by Minnesota Statutes, section 626.84: the term includes "part-time peace officers" but does not include "reserve officers" as those terms are defined in Minnesota Statutes, section 626.84.

960.03. Arrests; citations. Peace officers employed by the city may enforce a provision of this code or state law, the violation of which is a petty misdemeanor, a misdemeanor or a gross misdemeanor. Peace officers may make arrests and issue citations in lieu of arrest as provided by law.

960.05. Employees. City employees in the department of protective inspection, department of health and sanitation, and fire department may issue citations for violation of those provisions of this code and state law which the employees are responsible for enforcing.

960.07. Police reserves. Members of the police reserve may, under the direction of the chief of police, issue a citation in lieu of arrest.

960.09. Juvenile specialist. A person holding the position of juvenile specialist in the police department may, under the direction of the chief of police, issue citations in lieu of arrest.

960.11. Community service officer. A person holding the position of community service officer in the police department may, under the direction of the chief of police, issue citations in lieu of arrest.

960.13. Twin Lakes. Subject to the direction of the chief of police (i) persons authorized by this section to issue notices of violation and to issue citations in lieu of arrest and (ii) non-sworn personnel from the police departments of the cities of Brooklyn Center and Robbinsdale, may issue notices and citations in lieu of arrest in any part of the city lying in Twin Lakes, on islands in Twin Lakes, and on public lands adjacent to Twin Lakes for violations of applicable laws, ordinances or regulations.

Section 965 - Golf activity  
(Added, Ord. No. 94-6)

965.01. Golf play prohibited. Subdivision 1. Golf play and practice on unenclosed private and public property in the city is prohibited.

Subd. 2. Golf play and practice with light plastic balls on private property is permitted.

Subd. 3. Golf play and practice in enclosed commercial structures or as part of a supervised program of public recreation is permitted.

Subd. 4. Golf play and practice with light plastic balls in parks, as defined in chapter VIII of this code, is permitted in designated areas.

Subd. 5. A person engaging in golf practice with light plastic balls on unenclosed private or public property may not permit the balls to enter on to the property of another or to enter on to a public way.

Section 970 – Archery activity  
(Added, Ord. 2007-1)

970.01. Archery activities prohibited. Subdivision 1. Archery activities, including but not limited to, the use of any kind of bow and arrow or related equipment on private or public property in the city is prohibited.

Subd. 2. Archery activities and practice in enclosed private property structures, or commercial structures licensed by the city or as part of a city sponsored or supervised program of public recreation,

are permitted.

Crystal City Code

975.01  
(Rev. 2007)

Section 975 – Angling permitted  
(Added, Ord. 2007-2)

975.01. Angling activities prohibited. Subdivision 1. “Angling” means taking fish with a hook and line. An “angler” is a person who takes fish by angling. Unless otherwise prohibited by statutes or regulations promulgated by the Minnesota Commissioner of the Department of Natural Resources (the “commissioner” and “DNR”), angling is permitted in all public bodies of water in the city of Crystal, consistent with such statutes and regulations.

Subd. 2. Taking fish by any other means, including but not limited to, shooting, snaring, spearing, netting or by any other means other than angling, or by means of any other device other than with a hook and line, is prohibited in any body of water in the city of Crystal, unless specifically authorized pursuant to the statutes and regulations of the commissioner of the DNR relating to angling or taking of fish.