

TITLE 5

POLICE REGULATIONS

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CHAPTER 1
POLICE DEPARTMENT

SECTION:

- 5-1-1: Established
- 5-1-2: Membership
- 5-1-3: Chief Of Police
- 5-1-4: Reserved
- 5-1-5: Uniform And Badge
- 5-1-6: Police Reserve

5-1-1: **ESTABLISHED:** The Police Department presently in existence is hereby continued. (1981 Code § 204.01)

5-1-2: **MEMBERSHIP:**

- A. Head Of Department; Size: The head of the Department shall be known as the Chief of Police and the number of additional members of the Department, together with ranks and titles, shall be determined by the Council by resolution.
- B. Appointment: Members of the Department shall be appointed by the City Council.
- C. Compensation: The compensation to be paid members of the Police Department shall be fixed by the Council. (1981 Code § 204.01)

5-1-3: **CHIEF OF POLICE:**

A. Powers And Duties:

- 1. Supervision And Control Of Department: The Chief of Police shall have supervision and control of the Police Department and its members.
- 2. Law Enforcement; Department Equipment: The Chief of Police shall be responsible to the Council for law enforcement and for property of the City used by the Department.
- 3. Training And Discipline: The Chief of Police shall be responsible for the proper training and discipline of the members of the Department.
- 4. Records; Reports: The Chief of Police shall be responsible for the keeping of adequate records and shall report to the Council on the needs of the Department and its work.

5-1-4: **RESERVED**

5-1-5: **UNIFORM AND BADGE:** Each member of the Department shall, while on duty, wear a suitable badge and uniform except that the Chief may authorize the performance of specific duties while not in uniform. When a member terminates membership in the Department, such member shall immediately deliver to the City his/her badge, and all other property of the City in his/her possession. (1981 Code § 204.04)

5-1-6: **POLICE RESERVE:**

A. Established; Membership:

1. Reserve Created: There is hereby created within the Police Department a police reserve.

2. RESERVED

3. Supervision, Control By Chief: The police reserve shall be under the control and supervision of the Chief of Police, and shall serve under the direction of the superior officers of the regular police force and such others as the Chief may appoint from their own number.

B. RESERVED

C. Oath, Insignia: Each police reserve member shall take the oath prescribed by Minnesota Statutes Chapter 12. Each member shall be issued a badge, suitable items of clothing and such other insignia or evidence of identification as the Chief of Police may prescribe. Upon termination of membership, a member shall surrender to the City all City property issued to such member.

D. RESERVED

E. Identification: No member of the police reserve shall exercise any authority over the persons or property of others without displaying identification as such member. No person except a police reserve member shall use such identification or otherwise represent himself/herself to be a member of the police reserve.

F. Use Of Firearms: No police reserve member shall Carry any firearm while on duty except as specifically authorized and provided by the Police Chief. (1981 Code § 204.05)

CHAPTER 2
ANIMAL CONTROL

SECTION:

5-2-1:	Definitions
5-2-2:	Animal Identification
5-2-3:	Limitations
5-2-4:	Keeping or Harboring Prohibited
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5-2-6:	Barking, Nuisances, Property Damage and Fecal Clean-up
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5-2-14:	Disposition of Unredeemed Animals
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5-2-1: **DEFINITIONS**

As used in this Chapter, unless the context otherwise indicates, the following words shall be defined to mean:

ANIMAL CONTROL OFFICER. The city staff charged with the duty of picking up and impounding strays or abandoned animals as herein provided.

ANIMAL SHELTER. Any premises designated by the City for the purpose or impounding or caring for animals held under the authority of this Chapter.

AT LARGE. Off the premises of the owner and not under the control of the owner, or other competent person, by leash not exceeding eight (8) feet in length.

DANGEROUS ANIMAL. An animal that has:

1. without provocation, inflicted substantial bodily harm on a human being on public or private property; or
2. killed or caused substantial bodily harm to a domestic animal without provocation while off the owner's property; or
3. been found to be potentially dangerous, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
4. been declared a Dangerous Dog pursuant to Minnesota Statutes by the animal control authority of another jurisdiction.

DOMESTIC ANIMAL. Any of various non-venomous animals domesticated so as to live and breed in a tame condition. Domestic animals do not include any animal considered "non-domestic" as defined by this Section. Domestic animals are limited to:

- Dogs
- Cats
- Rabbits
- Ferrets
- Any of the class of Aves (birds) that are caged and otherwise kept inside the residence, specifically excluding poultry.
- Any of the order of Rodentia such as mice, rats, gerbils, hamsters, chinchillas & guinea pigs
- Any of the class of Reptilia such as snakes, lizards, and turtles excepting those meeting the non-domestic animal definition
- Any of the class of Amphibian such as salamanders, frogs, toads excepting those meeting the non-domestic animal definition.

KENNEL. Any place, building, tract of land, abode, or vehicle where three or more dogs are kept and maintained. Kennel does not include a veterinarian licensed to practice in the State of Minnesota who keeps, congregates or confines dogs in the normal pursuit of the practice of veterinary medicine. Kennel does not include an animal shelter owned and operated by any political subdivision of the State or providing animal sheltering services under contract with any political subdivision of the State.

NON-DOMESTIC ANIMAL. Those animals considered to be naturally wild and not naturally trained or domesticated; or which are considered to be farm animals or inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:

1. Any member of the cat family (Felidae) including, but not limited to, lions, tigers, cougars, bobcats, leopards and jaguars, but excluding those recognized as domesticated house cats.
2. Any naturally wild member of the canine family (Canidae) including, but not limited to, wolves, foxes, coyotes, dingoes, and jackals, but excluding those recognized as domesticated dogs.
3. Any hybrid or crossbreeds between an animal defined in clauses (1) or (2) and a domestic animal and offspring from all subsequent generations of those hybrids or crosses, such as the crossbreed between a wolf and a dog.
4. Any member or relative of the mammal family including any skunk (whether or not descended), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
5. Any poisonous, venomous, constricting (when snake is of size causing inherent risk to humans), or inherently dangerous member of the reptile or amphibian families including, but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
6. Goats, pigs (including pot bellied pigs), poultry, horses, cattle, llama, bison.
7. Any other animal that is not explicitly listed above but which can be reasonably defined by the terms of this Section including, but not limited to exotic animals, human primates, bear, deer, elk, ducks, and game fish.

OWNER. Any person, keeper, custodian or legal entity owning, harboring or keeping an animal, whether temporary or permanent.

POTENTIALLY DANGEROUS ANIMAL. An animal which has:

1. When unprovoked, bitten a human or a domestic animal on public or private property; or
2. When unprovoked, chased or approached a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
3. A known history or propensity, tendency or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or

4. Been declared a Potentially Dangerous dog pursuant to Minnesota Statutes by the animal control authority of another jurisdiction.

PREMISES. Any building, structure, shelter or land whereupon animals are kept or confined.

PROPER ENCLOSURE. 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 animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting.

PROVOCATION. An act that an adult could reasonably expect may cause an animal to attack or bite.

SUBSTANTIAL BODILY HARM. Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

UNPROVOKED. The condition in which the animal is not purposely agitated or disturbed. It is a rebuttable presumption that any attack on a child fourteen years of age or younger for which a reasonable person connotes an intent to inflict bodily harm will be considered to be unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statutes as cruelty to animals.

5-2-2: **ANIMAL IDENTIFICATION**

All dogs and cats are required to have some identification on them that would assist animal control in contacting the owner. Identification allowed under this subdivision include microchips, veterinarian issued rabies certificates, or any tags or collars with contact information and phone number(s) inscribed on it.

5-2-3: **LIMITATIONS**

- A. *Generally.* No more than two dogs over six (6) months of age shall be owned, kept or harbored on the premises of a single family home or per dwelling unit for multi-family properties.
 1. *Grandfathering.* Owners who currently possess dogs in excess of the limitations set forth in this Ordinance, and who met licensing requirements prior to the date of enactment, will be allowed to continue to possess such dogs for as long as such dogs reside in the City. Once such dogs become deceased or do not live within the City for a period of 6 months, the limitations set forth shall again apply.
 2. *Fostering.* Owners who provide foster care for animals through the Tri-County Humane Society or other foster agencies are still subject to the number limitations and other provisions of this Ordinance.

5-2-4: **KEEPING OR HARBORING PROHIBITED**

- A. No person shall own, care for, have custody or control of, within the City limits, any non-domestic animal as defined in this Chapter.
 1. *Exceptions.* An exception may be made to this prohibition for the following:
 - a. *Non-domestic animals within the City's Agricultural Zoning District as specifically provided within the City's Zoning Ordinance.*

- B. *Restrictions on Food and Drink Establishments.* It is unlawful for the owner or operator of any establishment wherein the selling, handling, processing or preparation of food is done to permit any animal in such establishment except as allowed by Minnesota Statutes.

5-2-5: **ANIMALS AT LARGE**

- A. It will be unlawful for any person having or maintaining any animal to permit the animal to be at large or to be upon any premises other than as provided in the permit whether or not a permit for such animal has been issued as provided under the licensing and permit provisions of this Chapter or other ordinance of the City.
- B. It is unlawful for any owner to allow a domestic animal to be at large at any time.
- C. *Dog Parks.* Dogs are permitted to be unleashed in off leash dog park areas as designated by the City under the following conditions:
1. The dog owner or owner's designee as allowed by Park rules must be present; and
 2. The dog must be under the voice control of the owner at all times; and
 3. Feces must be properly removed and disposed of; and
 4. A dog deemed a dangerous or potentially dangerous animal under this Chapter is not permitted to use off leash areas.
- D. Owners of animals found running at large are subject to a fine pursuant to the City's fee schedule.

5-2-6: **BARKING, NUISANCES, PROPERTY DAMAGE AND FECAL CLEAN-UP**

- A. *Barking.* No person will keep or harbor a dog which habitually barks or cries, howls or whines for a period of six (6) or more minutes out of a ten (10) consecutive minute period.
- B. *Nuisance Noise.* It is unlawful for any owner to maintain at any place within the City any animals which, by their habitual whining, barking, howling or other disagreeable noises, disturbs the people in the locality where kept.
- C. *Damage to Property by Animals Prohibited.* No person having the custody or control of a dog, cat or other animal will permit the animal to damage any lawn, garden or other property, public or private, or to defecate on private property, without the consent of the property owner.
- D. *Fecal Clean-up.* It is the duty of each person having the custody or control of a dog, cat or other animal to voluntarily and promptly remove any feces left by such dog or animal on any sidewalk, gutter, street, park land or other public property, or any public area, and to dispose of the feces in a sanitary manner and to have in immediate possession a device or equipment for the picking up and removal of feces. For the purpose of this subdivision, "public area" will include any property open for public use or travel, even though it is privately owned.
1. *Exception.* The provisions of this subdivision do not apply to a guide dog or service animal accompanying a blind person or to a dog when used in police or rescue activities by or with the permission of the City. This subdivision will not be construed by implication or otherwise to allow dogs to be where they are otherwise prohibited by the ordinances of the City.

5-2-7: **RABIES CONTROL**

- A. *Dogs and Cats Rabies Immunization Required.* All dogs and cats over the age of six (6) months harbored or maintained within the City shall be immunized against rabies by a licensed veterinarian. The vaccines used and their duration of immunity against rabies will be as recommended by the National Association of State Public Health Veterinarians (NASPHV) in their current Compendium

of Animal Rabies Prevention and Control. A certificate from the veterinarian inoculating said dog or cat shall be presented to the Animal Control Officer by the animal's owner upon demand. Failure to provide evidence of rabies immunization upon request may subject the owner to a fine pursuant to the City's fee schedule.

- B. *Exposure.* Dogs, cats or other animals known to have been bitten by or exposed to a rabid animal must be euthanized or the animal's owner must adhere to procedures as described in the NAHSPV Compendium of Animal Rabies Prevention and Control. Notification of exposure shall be made immediately to the City. Costs associated with exposure are incurred at the animal owner's expense.
- C. *Disposition of Diseased Dogs, Cats or Other Animals.* If a dog, cat or other animal quarantined under Section 5-2-11 is found to be sick or diseased, the operator of the quarantine facility will immediately report in writing to the City on the condition of the dog or animal. The City may then take possession of the dog, cat or animal for the purpose of submitting it to determine if it is suffering from rabies. A diseased dog, cat or animal may be euthanized, if the City determines such action necessary for the protection of public health and safety, or as recommended by a licensed veterinarian.

5-2-8: **DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS**

- A. *Designation as a Dangerous or Potentially Dangerous Animal.* The Animal Control Officer or their designee will designate any animal as a dangerous or potentially dangerous animal upon receiving evidence that such animal meets the definition set forth in this ordinance.
- B. *Exemption.* Animals may not be designated as dangerous or potentially dangerous if the threat, injury, or damage was sustained by a person who was:
 - 1. Committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;
 - 2. Provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
 - 3. Committing or attempting to commit a crime.
- C. *Notification and Procedure.* When an animal is declared dangerous or potentially dangerous, the owner(s) of the dangerous or potentially dangerous animal shall be notified in writing that such animal is dangerous or potentially dangerous.
 - 1. *Notice of Right to Appeal.* This notice shall state the date, time, place, the animal bit, chased, attacked or threatened, and shall advise the owner that they have fourteen (14) days to appeal the determination by requesting a hearing before the independent hearing officer.
 - 2. The owner of the animal must immediately comply with the Proper Enclosure requirements as defined in this ordinance, even if appealing the designation.
 - 3. Written notice of the designation may either be mailed by first class US mail or by personally delivering the notice to the owner of the animal declared as dangerous or potentially dangerous.
- D. *Noncompliance of Order.* If an owner of a dangerous or potentially dangerous animal fails to comply with any conditions for dangerous or potentially dangerous animals specified in this ordinance and fails to request a hearing within fourteen (14) days of the designation, the animal shall be seized.
 - 1. Notice shall be provided to the owner of the basis for the seizure and the right to request a hearing before an independent hearing officer to determine whether the conditions were violated.

2. A request for hearing must be made within fourteen (14) days of the seizure. If the owner fails to request a hearing within fourteen (14) days, or after a hearing, is found to have violated the conditions, the Animal Control Officer may order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the owner is found not to have violated the conditions, the owner may reclaim the animal.
- E. An owner of a dangerous or potentially dangerous animal must notify the Police Chief in writing within fourteen (14) days of any transfer to a new owner or location, or death of the animal. This notification shall include proof of death or the complete name, address and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.
- F. *Review of Designation.* Beginning six months after an animal's dangerous or potentially dangerous designation, an owner may request in writing that the designation be reviewed by the Animal Control Officer or their designee. The owner must also provide evidence that the dog's behavior has changed and that no violation of this ordinance has occurred during that time period. The city may use discretion in determining whether any conditions which have been ordered are still required.

5-2-9: **POTENTIALLY DANGEROUS ANIMALS**

- A. *Animal Subject to Conditions.* An animal that has been determined to be potentially dangerous shall do the following:
1. The animal shall be required to be restrained by leash not to exceed six (6) feet in length, and/or muzzled, and under the control of a person eighteen (18) years of age or older at all times it is outdoors and not inside a proper enclosure; and
 2. *Spay/neuter.* If the animal is a dog or cat, the owner shall provide proof of spay or neuter; and
 3. *Obedience Class.* The owner of a dog shall be required to complete an approved dog obedience class; and
 4. *Microchip Identification Required.* The owner of a potentially dangerous animal shall have a microchip installed or injected on the animal, to the extent that the species of the animal allows placement of the chip. The microchip will be installed in or injected under the skin of the animal by a licensed veterinarian and will be designed so that, when scanned by an electronic reader, it is capable of providing the identification of the animal's owner. The identification number and microchip manufacturer shall be provided to the Animal Control Officer. The owner shall maintain current address information with the manufacturer. All costs related to the installation and maintenance of the chip are the responsibility of the owner. If the animal is impounded, the microchip will be installed or injected prior to its release; and
 5. *Annual Registration Fee.* The owner of a potentially dangerous animal is required to complete an annual registration form and pay annual registration fee as set by the City Council. If the animal is impounded the fee will be paid prior to the animal's release.

5-2-10: **DANGEROUS ANIMALS**

- A. *Disposition of Dangerous Animals.* The Community Service Officer or Police Officer, after designation of an animal as dangerous has the authority to determine the disposition of the dangerous animal.
1. The dangerous animal will be euthanized; or
 2. The dangerous animal will be subject to the following conditions:
 - a. *Housed in a Proper Enclosure.* Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include

a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. Such enclosure will not allow the egress of the animal in any manner without human assistance. A pen or kennel for a dog designated as dangerous will meet the following minimum specifications:

- i. Have a minimum overall floor size of thirty-two square feet.
 - ii. Sidewalls will have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire will not exceed two inches, support posts will be one-and-one quarter-inch or larger steel pipe buried in the ground eighteen inches or more. When a concrete floor is not provided, the sidewalls will be buried a minimum of eighteen inches in the ground.
 - iii. A cover over the entire pen or kennel will be provided. The cover will be constructed of the same gauge wire or heavier as the sidewalls and will also have no openings greater than two inches.
 - iv. An entrance/exit gate will be provided and be constructed of the same material as the sidewalls and will also have no openings in the wire greater than two inches. The gate will be equipped with a device capable of being locked and will be locked at all times when the animal is in the pen or kennel; and
- b. *Insurance.* The owner provides and shows proof annually of public liability insurance paid in full in the minimum amount of \$500,000. If the animal is impounded, proof of insurance must be demonstrated prior to the animal's release; and
 - c. *Posting.* Post the front and rear of the premises with clearly visible warning signs including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statute 347:51; and
 - d. *Muzzle.* If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash not to exceed 6 feet in length and be under the physical restraint of a person eighteen years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration; and
 - e. *Microchip Identification Required.* The owner of a dangerous animal is required to have a microchip installed or injected on the animal, to the extent that the species of the animal allows placement of the chip. The microchip will be installed in or injected under the skin of the animal by a licensed veterinarian and will be designed so that, when scanned by an electronic reader, it is capable of providing the identification of the animal's owner. The identification number and microchip manufacturer shall be provided to the Animal Control Officer. The owner shall maintain current address information with the manufacturer. All costs related to the installation and maintenance of the chip are the responsibility of the owner. If the animal is impounded, the microchip will be installed or injected prior to its release; and
 - f. *Annual Registration Fee.* The owner of a dangerous animal is required to complete an annual registration form and pay annual registration fee as set by the City Council. If the animal is impounded the fee will be paid prior to the animal's release; and
 - g. *Spay/neuter.* If the animal is a dog or cat, the owner shall provide proof of spay or neuter; and
 - h. *Tag.* A dangerous dog registered under this Section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times; and
 - i. *Obedience Class.* The owner of a dog shall be required to complete an approved dog obedience class.

- G. *Appeal.* Appeal of the animal control officer's dangerous animal designation will be a hearing before an independent hearing examiner not more than fourteen (14) days after receipt of the appeal request. At the time of the hearing, the animal owner may appear and present any evidence which the animal owner may deem material to the investigation. The hearing officer will make findings of fact as to whether a violation of the provisions of this Section has been committed. The hearing officer will affirm or reject the dangerous animal designation or may impose other sanctions as warranted. The hearing officer's decision shall issue within 10 days of the hearing. If the declaration is upheld, the actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the animal's owner.

5-2-11: **ANIMAL BITING; QUARANTINE**

- A. *Animal Biting.* Whenever any animal capable of transmitting the rabies virus has bitten any person or domestic animal, the owner or custodian of the biting animal, upon being notified by the Animal Control Officer, will immediately cause the animal to be quarantined at the Animal Shelter, or by a veterinarian licensed to practice in the State of Minnesota and approved by the City, for a period of ten (10) days after the bite incident. The Animal Control Officer may allow the owner to quarantine the animal if proof of current rabies vaccination is provided. All expenses related to any quarantine will be the responsibility of the animal owner.
- B. *Release from Quarantine.* At the end of ten (10) days, a licensed veterinarian shall examine the animal to ascertain whether symptoms of rabies exist. If the veterinarian diagnoses the animal to be free of the signs of rabies, the animal shall be released from quarantine.
1. If a quarantined animal sickens or dies, it shall be sent to the Minnesota Department of Health for rabies testing. The owner of the animal is responsible for the cost of quarantine, veterinary fees and testing.
- C. *Noncompliance of Order.* If an owner fails to comply with any portion of the quarantine the animal shall be seized and impounded for the remainder of the quarantine period. The animal may be reclaimed by the owner as set forth in this Chapter.

5-2-12: **ANIMALS SUBJECT TO IMPOUNDMENT**

- A. *Dogs.* The Animal Control Officer or any duly authorized assistant may impound any dog found in the City without the currently effective rabies vaccination provided for in this ordinance; or any dog found at large at any time within the City.
- B. *Cats.* It will be lawful for the Animal Control Officer or any duly authorized assistant to take up and impound any cat found in the City without a currently effective rabies vaccination as provided for in this ordinance; or any cat found at large at any time within the City.
- C. *Other Animals.* Any animal considered at large is subject to impoundment.

5-2-13: **REDEMPTION**

Animals may be redeemed from the Animal Shelter by the owner any time, during office hours, within five (5) business days after seizure and impounding, upon a statement of ownership, and payment of the impounding fee, including the cost of caring for the animal during the impound period. The animal will be released to the owner, unless it is being held for rabies observation or for potentially dangerous or dangerous dog designation.

5-2-14: **DISPOSITION OF UNREDEEMED ANIMALS**

Any animal that is not redeemed by the owner becomes the property of the City. Suitable animals may be placed for adoption.

5-2-15: **INTERFERENCE WITH OFFICERS**

It unlawful for any unauthorized person to break open the Animal Shelter, or to attempt to do so, or to take or let out any animal, or to take, or attempt to take, from any Animal Control Officer any animal taken by them in compliance with this ordinance, or in any manner to interfere with or hinder such Animal Control Officer in the discharge of their duties under this ordinance.

5-2-16: **SERVICE ANIMALS**

Nothing in this ordinance shall be construed to limit:

- a. the right of a person with disabilities to access places of public accommodation while accompanied by a service animal as provided in Minnesota Statutes; or
- b. the lawful use of a service animal by a licensed peace officer.

5-2-17: **COMMERCIAL KENNELS**

No person will maintain a kennel within the City except in a location permitted by the zoning and subdivision code as a commercial kennel.

5-2-18: **VIOLATIONS AND PENALTIES**

A person violating this Chapter will be subject to an administrative penalty in accordance with the administrative fine schedule and/or subject to criminal prosecution.

CHAPTER 3

RESERVED

CHAPTER 4

GENERAL OFFENSES

SECTION:

- 5-4-1: Minnesota Criminal Code Adopted By Reference
- 5-4-2: Dangerous Weapons
- 5-4-3: Reserved
- 5-4-4: Obscene Phone Calls And Bomb Threats
- 5-4-5: Obscene Materials
- 5-4-6: Moral And Decency-Related Nuisances
- 5-4-7: Penalty

5-4-1: **MINNESOTA CRIMINAL CODE ADOPTED BY REFERENCE:** Except as insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Minnesota Criminal Code (M.S.A. 609.01 et seq.), as amended, are hereby adopted by the City. Any and all violations thereof shall be considered violations of this Chapter, and each such violation shall subject the violator thereof to penalty provisions under this Chapter if proceeded hereunder. (1997 Code)

5-4-2: **DANGEROUS WEAPONS:**

- A. Use Restrictions: No person except a police officer in the performance of duty shall, within the City, discharge any gun, pistol or firearm of any description or carry any such weapon unless it is dismantled or broken apart or carried in a case in such a manner that it cannot be discharged. This Section does not prevent the carrying of a handgun within the City under a permit subject to the restrictions imposed by law.
- B. Air Rifles, Sling Shots, Bows And Arrows: No person shall use or discharge any air rifle, sling shot or bow and arrow within the City.
- C. Offense By Parents, Guardians: It is unlawful for any parent or guardian of any person under the age of eighteen (18) years knowingly to permit such person to violate any provision of this Section. (1981 Code § 803.01)

5-4-3: **RESERVED**

5-4-4: **OBSCENE PHONE CALLS AND BOMB THREATS:** No person, by means of a telephone, shall:

- A. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent; or
- B. Make a telephone call, whether or not conversation ensues, without disclosing the caller's identity and with intent to annoy, abuse, threaten or harass any person at the called number; or
- C. Make or cause the telephone of another repeatedly or continuously to ring with the intent to harass any person at the called number; or
- D. Make or cause to be made a telephone call with the intent as a hoax to threaten to bomb or threaten that a bomb has been placed in any building or in any location other than a building where said bomb, if it were so placed, might cause injury or death to a person or damage to property; or

- E. Knowingly permits any telephone under his/her control to be used for any purposes prohibited by this Section or causes any person to be fearful for his/her life or properly or the life of any member of said household to be in jeopardy. (1981 Code § 803.09)

5-4-5: **OBSCENE MATERIALS:**

- A. Definitions: As used in this Section, the terms defined herein shall have the following meanings ascribed to them:

DESCRIPTION
OR DEPICTION
OF ELICIT SEX
OR
IMMORALITY:

A. Human genitals in a state of sexual stimulation or arousal;

B. Acts of human masturbation, sexual intercourse or sodomy;

C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

KNOWINGLY:

Having knowledge of the character of the publication or failure unnoticed or exercised reasonable inspection which would disclose the character of the same.

NUDE OR
PARTIALLY
DENUDED
FIGURES:

A. Less than completely and opaquely covered human genitals, pubic areas, buttock and female breast below a point immediately above the top of the areola; and

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

- B. Public Display To Minors Prohibited: It shall be unlawful to knowingly display to view at newsstands or any other business establishments frequented by minors under the age of eighteen (18) years or where said minors are or may be invited as a part of the general public, any motion picture, or any still picture, or any photograph or any book, pocketbook, pamphlet or magazine the cover of which exploits, is devoted to or is principally made up of descriptions or depictions of elicit sex or sexual immorality or which is lewd, lascivious or indecent, or which consists of pictures of nude or partially denuded figures posed or presented in a manner to provoke or arouse lust or passion or to exploit sex, lust or perversion for commercial gain or any article or instrument of indecent or immoral use. (Ord. 81-1, 4-13-1981)

5-4-6: **MORAL AND DECENCY-RELATED NUISANCES:** The following are hereby declared to be nuisances affecting public morals and decency:

- A. Gambling Devices: All gambling devices, slot machines and punchboards, except as permitted by Title 3, Chapter 5 of this Code.
- B. Betting; Bookmaking: Betting, bookmaking and all apparatus used in such occupations.
- C. Houses Of Prostitution, Gambling: All houses kept for the purpose of prostitution or promiscuous sexual behavior, gambling houses, houses of ill fame and bawdy houses.
- D. Illegal Use Of Alcohol: All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor or where intoxicating liquor is kept for sale or other disposition in violation

of the law, and all liquor and other property used for maintaining such a place.

- E. Vehicle Used For Illegal Purposes: Any vehicle used for the transportation of intoxicating liquor, for promiscuous sexual behavior or any other immoral or illegal purpose. (1981 Code § 801.03)
- F. No person shall urinate or defecate within the City of Sartell while outside of a building or structure if the person is:
 - 1. On, or in a public street, alley, sidewalk, boulevard, or parking lot;
 - 2. In a private parking lot open to use by general members of the public;
 - 3. On private property of another without the permission of the owner;
 - 4. On the private property and the prohibited act is performed in a location which would allow it to be observed by others from off the property. (ord. 03-07, 05-27-03)

5-4-7: **PENALTY:** Any person violating any-of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (1981 Code § 803.01; 1997 Code)

CHAPTER 5

CURFEW

SECTION:

- 5-5-1: Curfew Imposed
- 5-5-2: Exceptions
- 5-5-3: Parent/Guardian Responsibility
- 5-5-4: Penalty

5-5-1: **CURFEW IMPOSED:** No person under the age of eighteen (18) years except, as provided in Section 5-5-2 of this Chapter, shall be on any public street or alley or in any park or other public grounds or building, place of amusement, entertainment or refreshment, vacant lot or any other unsupervised place between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. of the following day. (Ord. 93-7, 9-27-1993, eff. 10-12-1993)

5-5-2: **EXCEPTIONS:** The restrictions of Section 5-5-1 of this Chapter do not apply when the minor:

- A. Is accompanied by the minor's parent, guardian or other person having the minor's lawful care, custody or control;
- B. Is returning home by a direct route from and within thirty (30) minutes after a school activity or an activity of a religious or other voluntary association when prior notice of the activity and its place and probable time of termination has been given to the Police Department by an adult person authorized by the school or the religious or voluntary association to do so;
- C. Is on his/her way to or from his/her place of employment; or
- D. Is upon an emergency errand or other legitimate activity directed by the minor's parent, guardian or other adult having the lawful custody of the minor. (Ord. 93-7, 9-27-1993, eff. 10-12-1993)

5-5-3: **PARENT/GUARDIAN RESPONSIBILITY:** No parent, guardian or other adult having custody and control of a minor under eighteen (18) years of age shall knowingly permit the minor to violate the provisions of Section 5-5-1 of this Chapter. (Ord. 93-7, 9-27-1993, eft. 10-12-1993)

5-5-4: **PENALTY:** Any person under the age of eighteen (18) on the street or other place in violation of Section 5-5-1 of this Chapter shall be ordered to go home immediately. After investigation, if responsible City authorities determine that court action should be initiated, the minor shall be dealt with in accordance with juvenile court law and procedure. Any such minor who is convicted of a violation of this Chapter after the case has been referred for prosecution in the trial court under Minnesota Statutes chapter 260, and any person who is convicted of a violation of any provision in Section 5-5-3 is guilty of a petty misdemeanor and shall be punished by a fine of not to exceed two hundred dollars (\$200.00). (Ord. 93-7, 9-27-1993, eff. 10-12-1993)

CHAPTER 6

ABANDONED PROPERTY

SECTION:

- 5-6-1: Abandoned Automobiles
- 5-6-2: Other Abandoned Property

5-6-1 : **ABANDONED AUTOMOBILES:**

- A. Impoundment: The City Police Department shall take into custody and impound any "abandoned motor vehicle" as defined by Minnesota Statutes section 168B.02, subdivision 2.
- B. Notice Of Impoundment: The Police Department shall give notice of taking as provided by law.
- C. Sale: If the owner or any lienholder does not reclaim the vehicle within the period provided by law, the Police Department shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two (2) weeks' published notice.
- D. Summary Action: When an abandoned motor vehicle is more than seven (7) model years of age, is lacking vital component parts and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale under subsection C of this Section and shall not be subject to the notification, reclamation or title provisions of Minnesota Statutes sections 168B.01 to 168.14.
- E. Disposition Of Proceeds; Redemption: The proceeds of the sale of an abandoned motor vehicle shall be placed in the General Fund of the City. If the former owner or entitled lienholder makes application and furnishes satisfactory proof of ownership or lien interest within ninety (90) days of the sale, the owner or lienholder shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving and storing the vehicle and all administrative, notice and publication costs incurred in its handling. (1981 Code § 210.01)

5-6-2: **OTHER ABANDONED PROPERTY:**

- A. Procedure: All other property lawfully coming into the possession of the City shall be disposed of as provided in this Section.
- B. Storage: The department of the City acquiring possession of the property shall arrange for its storage. If City facilities for storage are unavailable or inadequate, the department may arrange for storage at privately-owned facilities.
- C. Claim By Owner: The owner may claim the property by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.
- D. Sale: If the property remains unclaimed in the possession of the City for sixty (60) days, the property shall be sold to the highest bidder at a public auction conducted by the Chief of Police after two (2) weeks' published notice setting forth the time and place of the sale and the property to be sold.
- E. Disposition Of Proceeds; Redemption: The proceeds of the sale shall be placed in the General Fund of the City. If the former owner makes application and furnishes satisfactory proof of ownership within six (6) months of the sale, the former owner shall be paid the proceeds of the sale of said former owner's property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale. (1981 Code § 210.02)

CHAPTER 7

ICE FISHING BELOW DAM

SECTION:

- 5-7-1: Hours And Location Restricted
- 5-7-2: Dark House, Fish House in Violation
- 5-7-3: Failure To Leave After Warning
- 5-7-4: Penalty

5-7-1: **HOURS AND LOCATION RESTRICTED:** It shall be unlawful for any person to have on the ice, or use on the ice any dark house, fish house or shelter prior to seven o'clock (7:00) P.M. of any day on that part of the Mississippi River lying between the Eagle Creek Renewable Energy dam and the Sartell Street bridge within the corporate limits of the City.

5-7-2: **DARK HOUSE, FISH HOUSE IN VIOLATION:**

- A. Seizure; Confiscation: Any structure found on or used on the ice in violation of Section 5-7-1 of this Chapter may be seized or summarily confiscated and removed. (1981 Code § 803.10)
- B. Sale Of Unclaimed Property: Any articles found in such seized or confiscated dark house or fish house may be held for a period not exceeding sixty (60) days, after which all articles which have not been claimed by the owner may be sold at the highest price obtainable. (1981 Code § 803.10; 1997 Code)
- C. Proceeds Of Sale: Any proceeds received from the sale of any articles shall be turned over to the Clerk-Treasurer and deposited in the General Revenue Fund of the City.
- D. Cost Of Redemption: Any person claiming any of the articles so held by the City shall pay to the City all costs and expenses paid or incurred by the City in the removal and retention of such articles. (1981 Code § 803.10)

5-7-3: **FAILURE TO LEAVE AFTER WARNING:** It shall be unlawful for any person to remain on the ice at any time on that part of the Mississippi River lying between the Eagle Creek Renewable Energy dam and the Sartell Street bridge within the corporate limits of the City after being warned by the Police Department or by an authorized representative of the Eagle Creek Renewable Energy to depart therefrom.

5-7-4: **PENALTY:** Any person violating any provision hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (1981 Code § 803.10; 1997 Code)

CHAPTER 8

RESERVED

CHAPTER 9

EMPLOYMENT BACKGROUND AND DEPARTMENT OF VEHICLE SERVICES DRIVERS LICENSE CHECKS

SECTION:

- 5-9-1: Applicants for City Employment
- 5-9-2: Criminal History Employment Background Investigations

5-9-1: **APPLICANTS FOR CITY EMPLOYMENT**

PURPOSE: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Section 9.

5-9-2: **CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS, INCLUDING DEPARTMENT OF VEHICLE SERVICES DRIVERS LICENSE CHECKS**

The Sartell Police Department is authorized, as the exclusive entity within the City, to do a criminal history background investigation and department of vehicle services driver's license checks on the applicants for the following positions within the city:

Employment positions:

All regular part-time or full-time employees of the City of Sartell and other positions that work with children or vulnerable adults. In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the City Administrator/Manager/Clerk, or other city staff involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

CHAPTER 10

LICENSE BACKGROUND CHECKS

SECTION:

5-10-1: Applicants for City Licenses

5-10-2: Criminal History License Background Investigations

5-10-1: **APPLICANTS FOR CITY LICENSES**

PURPOSE: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

5-10-2: **CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS**

The Sartell Police Department is authorized, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the city:

City licenses:

- Crime Free Multi-Housing Program Participants
- Liquor
- Transient Merchants
- Pawn Shops

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator/Manager/Clerk, or other city staff involved the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.