

## SUB-ANALYSIS

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CHAPTER 10

PUBLIC PROTECTION, CRIMES AND OFFENSES

SEC. 10.01. STORAGE, DEPOSIT AND DISPOSAL OF REFUSE.

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

**A. "Solid Waste"** means garbage, rubbish, refuse, sludge from water treatment facilities or air contaminant treatment facilities, and discarded waste materials and sludges, in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities.

**B. "Garbage"** means only organic waste resulting from the preparation of food and decayed and spoiled food from any source.

**C. "Rubbish"** means inorganic waste materials such as tin cans, glass, paper, cardboard, ashes, sweepings, yard clippings, bagged leaves not exceeding 60 pounds per bag, brush not exceeding four feet in length, securely bundled and no bulkier than one man can handle, and old Christmas trees.

**D. "Refuse"** includes both garbage and rubbish.

**Subd. 2. General Regulations.**

**A. Unauthorized Accumulation.** Any storage and collection of solid waste, other than as provided herein, is hereby declared to be a nuisance and is prohibited.

**B. Solid Waste in Streets, on Public and Private Property.** It is unlawful for any person to place any solid waste in any street or public place, or upon any private property except in proper containers for collection as herein provided. It is also unlawful for any person to throw or deposit solid waste in any stream or body of water.

**C. Scattering of Solid Waste.** It is unlawful for any person to deposit any solid waste in such a manner that it may be carried or deposited by the elements upon any public or private premises.

**10.01, Subd. 2.D.**  
**(Rev. 2008)**

**D. Burying of Refuse; Composting.** It is unlawful for any person to bury any solid waste except in an approved sanitary landfill, but leaves, grass clippings, and easily biodegradable, non-poisonous garbage may be composted on the premises where such refuse has been accumulated. Garbage may be composted only in a rodent-proof structure and in an otherwise sanitary manner and after the Council gives its approval to such composting after it finds that the composting will be done in accordance with these standards.

**E. Dumping at City Leaf and Brush Dump.** It is unlawful for any person to dump or discard leaves, brush or waste at the City's leaf and brush dump except at specified locations within the site, or discard waste at any other City property except in accordance with applicable requirements. (Added, Ord. 87, 4-17-07)

**Subd. 3. Disposal Required.**

**A. Duty to Dispose.** Every person shall, in a prompt and sanitary manner, dispose of the following types of solid waste that may accumulate upon property owned, leased or occupied by such person, to-wit: hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Act as amended, dissolved materials in irrigation return flows, or sources, special nuclear or by-product material as defined by the Atomic Energy Act of 1954.

**B. Mandatory Use of Licensed Collection Service.** Every person shall collect and dispose of solid wastes, other than the kinds of solid wastes described in Subparagraph A, above, by using and paying for the solid waste collection service licensed and authorized by the City.

**C. Exceptions.** This Section shall not prohibit the disposal of garbage in dwellings by any device which grinds and deposits the garbage in a sewer.

**D. Mandatory Collection Times.** Every person shall have their accumulated solid waste collected and disposed of by the collection service licensee at least once a week.

**Subd. 4. Containers.**

**A. General Requirements.** Every person shall provide one or more containers or plastic bags on the premises, to receive and contain all solid waste which may accumulate between collections. All normal accumulation of solid waste shall be deposited in such plastic bags or containers.

**10.01, Subd. 4.B.**  
**(Rev. 2008)**

**B. Container Requirement.** All solid waste shall be placed in plastic bags or in standard type cans or containers not to exceed 35 gallons in capacity, or in any other containers approved in writing by the collection service licensee. All cans or containers shall be fitted with lids and shall be maintained in good and sanitary condition. Any such container not conforming to the requirements of this Section, or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents, shall be promptly replaced after notice by the City or its collection service licensee.

**C. Placement.** Each plastic bag, can or container shall be placed at the street curb, or within five feet of the street unless special arrangements are otherwise made with the collection service licensee.

**D. Use of Containers.** Refuse shall be drained of liquid before being deposited in such plastic bag, can or container. Highly inflammable or explosive material shall not be placed in such container. The collection service licensee and its employees shall handle all cans and containers with reasonable care to avoid damage and shall replace them in an upright position and shall immediately clean up and dispose of all contents thereof which may be spilled, in a workmanlike manner.

**SEC. 10.02. DANGEROUS WEAPONS AND ARTICLES.**

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

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

**B.** Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or,

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

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

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

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

**10.02, Subd. 1.G.**  
**(Rev. 2008)**

**G.** Permit, as a parent or guardian, any child under 14 years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or,

**H.** Furnish a minor under 18 years of age with a firearm, air gun, ammunition, or explosive without the written consent of their parent or guardian or of the Police Department.

**I.** Possess, sell, transfer, or have in possession for sale or transfer, any weapon commonly known as a throwing star, nun chuck, sharp stud or splat gun. For the purposes of this Subparagraph, (1) a "throwing star" means a circular metallic device with any number of points projecting from the edge, (2) a "nun chuck" means a pair of wood sticks or metallic rods separated by chain links attached to one end of each such stick or rod, (3) a "sharp stud" means a circular piece of metal attached to a wrist band, glove, belt or other material which protrudes one-fourth inch, or more, from the material to which it is attached, and with the protruding portion pyramidal in shape, sharp or pointed, and (4) a "splat gun" means a weapon which, by means of compressed air or gas, emits a projectile containing paint or other substance.

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

**Subd. 3. Exception.** Nothing in this Section shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of officer's duty, or to a person in the lawful defense of their person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

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

**Subd. 5. Exposure of Unused Container.** It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges or latches.

**10.02, Subd. 6**  
**(Rev. 2008)**

**Subd. 6. Use of Bow and Arrow.** It is unlawful for any person to shoot a bow and arrow except in the Physical Education Program in a school supervised by a member of its faculty, a supervised class or event specifically authorized by the Council, or a bow and arrow range authorized by the Council. Provided, however, that the owner of land, and owner's guests by express invitation, may shoot a bow and arrow upon such land provided that no arrows shall pass beyond the boundaries of owner's property, or in any event create a nuisance or danger to other persons.

**SEC. 10.03. SHOOTING AND CARRYING OF FIREARMS.**

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

**A. "Shooting"** means the firing of firearms of any kind whatsoever, regardless of the method of the propulsion of the ammunition, and includes, but is not limited to, the firing of shot guns, hand guns, air guns, pellet guns, B-B guns, and rifles.

**B. "Landowner"** means any person owning, leasing or legally controlling any lands within the geographical boundaries of the City.

**C. "Encased firearm"** means any weapon included in the above definition of "Shooting" placed in a case in such a manner as to prevent shooting of the same.

**D. "Dismantled Firearm"** means any weapon included in the above definition of "Shooting" which is dismantled in such a manner as to prevent shooting of the same.

**Subd. 2. Unlawful Acts.** It is unlawful for any person to shoot, or carry firearms which are not encased or dismantled, except:

**A.** A landowner, or landowner's guest by express invitation, upon lands owned by said landowner, may shoot or carry a firearm other than a rifle or hand gun, provided that no shot, bullet, or other ammunition used shall pass beyond the boundaries of landowner's property nor in any event create a nuisance or danger to other persons; or,

**B.** Law enforcement officers in the line of duty; or,

**C.** A person discharging any firearm when done in lawful defense of person, property or family or the necessary enforcement of the law.

**SEC. 10.04. ANIMAL LICENSING AND REGULATION.**

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

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

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

**Subd. 3. License Required.** It is a petty misdemeanor for the owner of any animal, 180 days of age or more, to fail to obtain a license therefor from the City.

**Subd. 4. License Issuance, Term and Renewal.** All animal licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies immunization of the animal for at least the term of the license. All animal licenses shall expire on April 30. Application for license renewal, accompanied by a veterinarian's certificate, shall be made at least 30 days prior to expiration of the license. The City Administrator shall keep a record of all licenses issued under this Section and will issue a metal tag with each license issued.

**10.04, Subd. 5**  
**(Rev. 2008)**

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

**Subd. 6. Tag Required.** All licensed animals shall wear a collar and have a tag firmly affixed thereto evidencing a current license. A duplicate for a lost tag may be issued by the City upon presentation of the receipt showing the payment of the duplicate license fee. Tags shall not be transferable, and no refund shall be made on any license fee because of leaving the City or death of the animal before the expiration of the license. It is a petty misdemeanor to counterfeit the metal tags issued under this Subdivision, or to take from any animal a tag legally placed upon it by its owner, or to place a tag so taken upon another animal.

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

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

**10.04, Subd. 9  
(Rev. 2008)**

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

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

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

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

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

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

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

**Subd. 14. Rabies Control - Generally.**

**10.04, Subd. 14.A.**  
**(Rev. 2008)**

**A.** Every animal which bites a person shall be promptly reported to a peace officer or the Poundmaster and shall thereupon be securely quarantined at the direction of the peace officer or the Poundmaster for a period of 14 days, and shall not be released from such quarantine except by written permission of the City. In the discretion of the peace officer, such quarantine may be on the premises of the owner or at the veterinary hospital of owner's choice. If the animal is quarantined on the premises of the owner, the City shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the case of a stray animal or in the case of an animal whose ownership is not known, such quarantine shall be at the animal pound, or at the discretion of the peace officer the animal may be confined in a veterinary hospital designated by the peace officer.

**B.** The owners, upon demand made by the Poundmaster or by any other City employee empowered by the Council to enforce this Section, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for the purpose of supervised quarantine. The expenses of the quarantine shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in this Section and upon compliance with licensing provisions set forth in this Section.

**C.** When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the City shall immediately send the head of such animal and rabies data report to the State Health Department for pathological examination and shall notify all persons concerned of the results of such examination.

**D.** The City shall issue such proclamation and take such action when rabies is suspected or exists as is required by Minnesota Statutes.

**Subd. 15. Reports of Bite Cases.** It is the duty of every physician, or other practitioner, to report to a peace officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control. Whenever any animal has bitten a person, or there is good reason to believe that such animal has bitten a person, that fact shall be reported within 24 hours to the City, and thereafter the owner of such animal shall comply with the instructions of the officials of the City concerning the animal.

**Subd. 16. Responsibility of Veterinarians.** It is the duty of every licensed veterinarian to report to a peace officer their diagnosis of an animal observed by them as a rabies suspect.

**10.04, Subd. 17  
(Rev. 2015)**

**Subd. 17. Police Dogs, Seeing-Eye Dogs.** The provisions of this Section shall not apply to the ownership or use of seeing-eye dogs by blind persons, or dogs used in police activities of the City, such as canine corps or tracking dogs used by or with the permission of the Council.

**Subd. 18. Animals in Heat.** Except for controlled breeding purposes, every female animal in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contact with other animals.

**Subd. 19. Petition for Confinement.** Whenever four or more adult persons, having no relationship to each other, make written petition to the City requesting the confinement of an animal because of a present potential danger for children or other persons in the area, stating in their petition the basis for their concern, the City, after investigation, may order the immediate confinement of the animal or proceed to procure through a complaint a court order for permanent confinement of the animal or such other substantial disposition as the court may deem appropriate.

**SEC. 10.05. ANIMALS AND FOWL - KEEPING, TRANSPORTING, TREATMENT, HOUSING.**

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

**A. "Farm Animals"** - Cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, and guinea hens. (Amended, Ord. 131 Second Series, 7-21-15)

**B. "Animals"** - Includes farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

**Subd. 2. Keeping.** It is unlawful for any person to keep or harbor any animal, not in transit, except (1) farm animals kept in that portion of the City zoned for agricultural purposes (or on a parcel of land exceeding ten acres), or, (2) animals used in a parade for which a permit has been issued, or, (3) animals kept in a laboratory for scientific or experimental purposes, or, (4) animals kept in an animal hospital or clinic for treatment by a licensed veterinarian.

**10.05, Subd. 3  
(Rev. 2015)**

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

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

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

**Subd. 6. Trespasses.** It is unlawful for any person to herd, drive or ride any animal over and upon any grass, turf, boulevard, City park, cemetery, garden or lot without specific permission therefor from the owner. (7-1-90)

**SEC. 10.06. KEEPING OF HONEYBEES**

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

**A.** “Apiary” means the assembly of one (1) or more colonies of honey bees on a single lot.

**B.** “Apiary site” means the lot upon which an apiary is located.

**C.** “Beekeeper” means a person who: (i) owns or has charge of one (1) or more colonies of honey bees; and/or (ii) who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honey bees.

**D.** “Beekeeping equipment” means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

**E.** “Colony” means an aggregate of honey bees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.

**F.** “Hive” means the receptacle inhabited by a colony.

**G.** “Honey bee” means all life stages of the common domestic honey bee, *apis mellifera* species.

**H.** “Lot” means one unit of a recorded plat, subdivision or registered land survey, or a recorded parcel described by metes and bounds.

**I.** “Nucleus colony” means a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.

**10.06, Subd. 1.J.  
(Rev. 2015)**

**J.** “Person” means any individual, partnership, corporation, company, limited liability company, other entity, or unincorporated association.

**K.** “Registrant” means any registered beekeeper and any person who has applied for approval of a beekeeping registration.

**L.** “Rooftop” means the uppermost section of a primary or accessory structure of at least one full story and at least twelve (12) feet in height. Areas including but not limited to decks, patios and balconies shall not be considered a rooftop.

**M.** “Swarming” means the process where a queen bee leaves a colony with a large group of worker bees.

**N.** “Undeveloped property” means: (i) any lot that is not improved with a structure that has or is required to have a certificate of occupancy; and (ii) all streets and highways.

**O.** “Unusual Aggressive Behavior” means any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

**Subd. 2. Registration.**

**A.** No beekeeper shall keep honey bees in the City without a current registration from the Zoning Administrator.

**B.** Each beekeeper shall apply for registration with the Zoning Administrator and receive approval of the registration prior to bringing any honey bees into the City.

**C.** Beekeepers operating within the City prior to the effective date of this Section shall have 30 days from the date this Section goes into effect to apply for a registration with the Zoning Administrator.

**D.** The application for registration shall be upon the form provided by the City. If a beekeeper relocates a hive or colony to a new apiary site the beekeeper shall apply for an updated registration, prior to the relocation, on the form provided by the City. All information required by the forms shall be answered fully and completely by the beekeeper.

**E.** The City beekeeping registration shall be valid until December 31 of each calendar year and shall be renewed by the registrant prior to expiration each year by submitting a renewal form to the Zoning Administrator on the form provided by the City. A person no longer keeping honey bees in the City shall notify the Zoning Administrator within thirty (30) days.

**10.06, Subd. 2.F.**  
**(Rev. 2015)**

**F.** Upon the initial registration, annual renewal, and any updated registration, each beekeeper shall allow the Zoning Administrator the right to inspect any apiary and apiary site for the purpose of ensuring compliance with this Section.

**G.** Upon receipt of an application for initial or updated registration the City shall send notice to all owners of lots within two-hundred (200) feet of any lot line of the apiary site(s) identified on the application no less than fourteen (14) days prior to a decision to approve or deny the registration. Any person may submit written comments regarding the application to the Zoning Administrator. Within thirty (30) days of an application the Zoning Administrator shall approve or deny the registration.

**Subd. 3. Required Conditions.**

**A.** Honey bee colonies shall be kept in hives with removable frames, which frames shall be kept in sound and usable condition.

**B.** Each colony on the apiary site shall be provided with a convenient source of water located on the apiary site. Every effort should be made to ensure that the water source is free of chemicals that are typically found in tap water, such as chlorine and fluoride.

**C.** Materials from a hive or colony which might encourage the presence of honey bees, such as wax comb, shall be promptly disposed of in a sealed container or placed within a building or other bee-proof enclosure.

**D.** For each colony permitted to be maintained under this Section, there may also be maintained upon the same apiary site, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body, with no supers.

**E.** Beekeeping equipment shall be maintained in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarming honey bees.

**F.** Hives shall be continuously managed to provide adequate living space for their resident honey bees in order to prevent swarming.

**G.** In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly re-queen the colony. Whenever possible, queens shall be selected from European stock bred for gentleness and non-swarmling characteristics.

**H.** Fruit trees and other flowering trees which are located on an apiary site shall not be sprayed, while in full bloom, with any substance which is injurious to honey bees.

**Subd. 4. Colony Location.**

**A.** Excluding lots that are zoned Agricultural and are ten (10) acres or more in size, no hive shall occupy any front yard. For the purposes of this Section, a corner lot shall be considered to have two (2) front yards.

**B.** In no instance shall any part of a hive be located within ten (10) feet of any lot line.

**C.** In no instance shall any part of a hive be located within ten (10) feet of any dwelling unit in any zoning district.

**D.** Except as otherwise provided in this Section, in each instance where any part of a hive is kept within twenty-five (25) feet of a lot line of the apiary site, the beekeeper shall establish and maintain along said lot line screening consisting of a flyway barrier of at least six (6) feet in height.

1. The flyway barrier may consist of a wall, fence, dense vegetation, or a combination thereof, such that honey bees will fly over rather than through the material to reach the colony.

2. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation reaches a height of six (6) feet or higher within two (2) years of installation.

3. The flyway barrier must continue parallel to the lot line of the apiary site for ten (10) feet in both directions from the hive, or contain the hive or hives in an enclosure at least six (6) feet in height.

4. A flyway barrier is not required if the hive is located on a rooftop or if the lot abutting the lot line of the apiary site where the flyway barrier would be required is:

(a) undeveloped property, except that the sides of the lot abutting developed property shall comply with the flyaway barrier requirement; or

(b) zoned Agricultural and is ten (10) acres or more in size.

**Subd. 5. Colony Density.**

**A.** Every lot within the City shall be limited to the following number of colonies based on the size of the lot:

1. ½ acre or smaller = 2 colonies
2. more than ½ acre to 1 acre = 4 colonies
3. more than 1 acre to 5 acres = 8 colonies
4. more than 5 acres = up to 2 colonies per acre

**B.** If any person removes honey bees from locations where they are not desired, that person shall not be considered in violation of the restriction in this Subdivision 5, if the person temporarily houses the honey bees on the apiary site of a beekeeper registered under this Section for no more than thirty (30) days and remains at all times in compliance with the other provisions of this Section.

**Subd. 6. Inspection.**

**A.** Upon prior notice to the owner of the apiary site, the Zoning Administrator or their designee shall have the right to inspect any apiary for the purpose of ensuring compliance with this Section.

**B.** It shall be deemed a violation of this Section for any person to resist, impede or hinder the Zoning Administrator or their designee in the performance of their duties in inspecting any apiary and apiary site.

**Subd. 7. Denial, Revocation or Suspension.**

**A.** Beekeeping registrations under the provisions of this Section may be denied, revoked or suspended by the Zoning Administrator or designee after notice and the right to request a hearing, for any of the following causes:

1. Fraud, misrepresentation or false statements on any application or registration form or during the course of the registered activity.
2. The keeping of honey bees in an unlawful manner or a manner so as to constitute a breach of peace, or to constitute a menace to the health, safety, or general welfare of the public.
3. Any violation of this Section.

**10.06, Subd. 7.B.  
(Rev. 2015)**

**B.** Notice of the denial, revocation, or suspension, shall be in writing, specifically setting forth the grounds for denial, revocation, or suspension and the registrant's right to request a hearing before the Planning and Zoning Commission. Such notice shall be mailed to the registrant at the address listed on the application. A registrant may request a hearing by filing a written request for hearing addressed to the City Clerk within fifteen (15) days of the date of the notice. A hearing shall be held within thirty (30) days of the request. The City shall notify the registrant in writing of the time, date and location of the hearing at least five (5) days prior to the hearing. Within fifteen (15) days after the hearing the Planning and Zoning Commission shall issue a written decision and that decision shall be final. A copy of the decision shall be mailed to the registrant. If the registrant fails to request a hearing within fifteen (15) days of the date of the notice, the denial, suspension, or revocation shall automatically be deemed final. A revocation or suspension of a registration shall not be effective until issuance of a decision by the Planning and Zoning Commission. No appeal is allowed to the City Council.

**Subd. 8. Appeal.**

**A.** A person may object to a registration at any time within thirty (30) days of approval of an initial or updated registration by addressing to the City Clerk a written request for a hearing before the Planning and Zoning Commission. The hearing shall be held within thirty (30) days of the request. The City shall notify in writing the person requesting the hearing and the person whose registration is objected to, date and location of the hearing at least five (5) days prior to the hearing. Within fifteen (15) days after the hearing the Planning and Zoning Commission shall issue a written decision and that decision shall be final. A copy of the decision shall be mailed to the person who requested the hearing and the person whose registration was objected to. No appeal is allowed to the City Council.

(Section 10.06 Added, Ord. 131 Second Series, 7-21-15)

**(Sections 10.07 through 10.19, inclusive, reserved for future expansion.)**

**SEC. 10.20. SHADE TREE DISEASE CONTROL AND PREVENTION.**

**Subd. 1. Policy and Purpose.** The City has determined that the health of oak and elm trees is threatened by fatal diseases known as oak wilt and Dutch elm disease. It has further determined that the loss of oak and elm trees located on public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases, and provide for the removal of dead or diseased trees, as nuisances.

**Subd. 2. City Forester.**

**A. Position Established.** The Council shall designate a City Forester who shall thereafter qualify.

**B. Duties of City Forester.** It is the duty of the City Forester to coordinate under the direction of the Council, through the City Administrator, all activities of the City relating to the control and prevention of tree diseases. The City Forester shall recommend to the Council the details of a program for the control of tree diseases and shall perform the duties incident to such a program adopted by the Council.

**10.20, Subd. 3  
(Rev. 2008)**

**Subd. 3. State Regulations Adopted by Reference.** Sections 1.0109 through 1.0111 of 3 Minnesota Code of Agency Rules, Department of Agriculture, Shade Tree Program (1978 Edition) together with amendments thereof to date, are hereby adopted by reference and made a part of this Section as if set out herein in full, except as otherwise hereinafter provided. A copy of said Agency Rules herewith incorporated is on file in the office of the City Clerk. (Please refer to the following information as related to above Minnesota Code of Agency Rules.)

**SHADE TREE PROGRAM - Chapter 4 3 MCAR §§ 1.0109 through 1.0113**

**A. Purpose and authority.** The rules contained herein are prescribed by the Commissioner pursuant to Minnesota Statutes 18.023, as amended, to implement a program to control Dutch elm disease and oak wilt by local units of government and to include procedures and criteria for three grant-in-aid programs. The provisions of these rules are in addition to those set forth in the act itself.

**Subd. 4. Stockpiling Regulations.**

**A. Stockpiling Prohibited.** Stockpiling and storage of elm logs with bark intact shall be prohibited during the period from April 2 through September 14 of any year.

**B. Limited Stockpiling Permitted.** The stockpiling of bark bearing elm wood shall be permitted during the period from September 15 through April 1 of any given year. Any such wood not utilized by April 1 of any year must then be removed and disposed of as provided by this Section and the regulations incorporated herein.

**SEC. 10.21. MAINTENANCE OF PRIVATE PROPERTY.**

**Subd. 1.** It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than 18 inches; to remove all public health or safety hazards therefrom; to instill or repair water service lines thereon; and to treat or remove insect-infested or diseased trees thereon.

**Subd. 2.** If any such owner or occupant fails to assume the primary responsibility described in Subdivision 1 of this Section, and after notice given by the City Administrator has not within seven days of such notice complied, the City may cause such work to be done and the expenses thus incurred shall be a lien upon such real estate. The City Administrator shall certify to the County Auditor a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

**SEC. 10.22. OBSTRUCTIONS TO VISIBILITY.** It is unlawful to erect or maintain any structure or vegetation within a radius of 20 feet from the corner created by the projections of the curb lines at intersecting streets. Trees are not obstructions to vision if branches are trimmed to the trunks and to a height of eight feet above the curb level or to a height of 14 feet above the surface of any street. Nor shall traffic control signs or signals be considered obstructions.

**SEC. 10.23. MINNESOTA UNIFORM FIRE CODE.**

**Subd. 1. Adoption.** The 1982 Edition of the Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. One copy of said Code shall be marked CITY OF PINE ISLAND - OFFICIAL COPY and kept on file in the office of the City Administrator and open to inspection and use by the public.

**Subd. 2. Storage of Flammable and Explosives Material.** Present installations for the purpose of storage of flammable liquid, liquified petroleum gas and explosives and blasting agents may continue in the Agricultural District. Provided, however, that such installation shall not be expanded nor shall new installations for such purpose be permitted without a special permit from the Council. Prior to issuance of any such permit, an application therefor shall be investigated by the Chief of the Fire Department, and a hearing held thereon before the Council. (7-1-90)

**(Sections 10.24 through 10.29, inclusive, reserved for future expansion.)**

**SEC. 10.30. CURFEW.**

**Subd. 1. Name.** This Section shall be known and cited as the City of Pine Island Curfew Section.

**Subd. 2. Purpose.** The purpose of this Section is to:

**A.** Protect minors and other citizens, residents and visitors of the City of Pine Island from the dangers of crimes that occur on sidewalks, streets, and public places during the late night and early morning hours;

**B.** Decrease the amount of criminal activity engaged in by minors;

**C.** Promote and enhance parental control over minors;

**10.30, Subd. 2.D.**  
**(Rev. 2008)**

**D.** Adopt and implement policies relating to minors that would minimize impacts on minors engaging in and traveling to or from a lawful activity or event; and

**E.** Preserve the public safety and to reduce acts of violence by or against minors that might otherwise occur in Pine Island at rates beyond the capacity of the police to assure public safety without the aid of a minor curfew.

**Subd. 3. Definition.** As used in this Section, "minor" means a person under the age of 18 years. The term does not include persons under the age of 18 who are married or have been legally emancipated.

**Subd. 4. Regulations.**

**A.** On Sunday through Thursday, it is a petty misdemeanor for any minor person to be or loiter upon the streets or public places between the hours of 11:00 o'clock P.M. and 5:00 A.M. of the day following. On Friday and Saturday, it is a petty misdemeanor for any minor person to be or loiter upon the streets or public places between the hours of 12:00 o'clock P.M. (midnight) and 5:00 A.M. of the day following.

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

**C.** It is unlawful for any person operating, or in charge of, any place of amusement, entertainment or refreshment, or other place of business, to allow or permit any minor to be or loiter in such place in violation of this Section unless such minor is accompanied by a person of lawful age having such minor in charge.

**Subd. 5. Exceptions.**

**A.** It shall not be a violation of this City of Pine Island Curfew Ordinance that the minor was:

1. Accompanied by the minor's parent or guardian;
2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
3. In a motor vehicle involved in interstate travel;

**10.30, Subd. 5.A.4.**  
**(Rev. 2008)**

4. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
5. Involved in an emergency;
  
6. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
  
7. Attending an official school, religious, recreational, or other activity supervised by adults or sponsored by the City of Pine Island, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from such activity, without any detour or stop;
  
8. Lawfully present within or upon an establishment or going to or returning home from such establishment without any detour or stop;
  
9. Going to or returning from the residence of another without any detour or stop; or
  
10. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

**B.** It shall not be a violation of this City of Pine Island Curfew Ordinance when any parent or guardian, unable to control the whereabouts and activities of a minor in their care, custody, or control, has contacted the City of Pine Island Police Department and reported such minor as possibly appearing in locations and at times that would violate this Chapter.

**Subd. 6. Savings Clause.** The provisions of this ordinance are hereby declared to be separable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of such Section.

**SEC. 10.31. DISORDERLY CONDUCT.** It is a petty misdemeanor for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following: (1) engage in brawling or fighting; or, (2) disturb an assembly or meeting, not unlawful in its character; or, (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or, (4) willfully and lewdly expose their person or the private parts thereof, or procure another to so expose themselves; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or, (5) whether or not posted with signs so prohibiting, voluntarily enter the waters of any river or public swimming pool at any time when said waters are not properly supervised by trained life-saving personnel in attendance for that purpose, or enter such waters without being garbed in a bathing suit sufficient to cover their person and equal to the standards generally adopted and accepted by the public; or, (6) urinate or defecate in a place other than (a) if on public property then in a plumbing fixture provided for that purpose, or (b) if on the private property of another then in a plumbing fixture provided for that purpose, or (c) if on private property not owned or controlled by another, then within a building; or, (7) cause the making or production of an unnecessary noise by shouting or by any other means or mechanism including the blowing of any automobile or other vehicle horn; or, (8) use a sound amplifier upon streets and public property without prior written permission from the City; or, (9) use a flash or spotlight in a manner so as to annoy or endanger others; or,

**10.31**  
**(Rev. 2008)**

(10) cause defacement, destruction, or otherwise damage to any premises or any property located thereon; or, (11) strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose; or, (12) enter any motor vehicle of another without the consent of the owner or operator; or, (13) fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of their official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

**SEC. 10.32. DANGEROUS TRESPASSES AND OTHER ACTS.** It is unlawful for any person to: (1) smoke in the presence of explosives, or inflammable materials, or in a building, or area, in which "No Smoking" notices have been prominently posted; or, (2) interfere with or obstruct the prevention or extinguishing of any fire, or disobey the lawful orders of a law enforcement officer or fireman present at the fire; or, (3) show a false light or signal or interfere with any light, signal or sign controlling or guiding traffic upon a highway, railway track, or navigable water; or, (4) place an obstruction upon a railroad track; or, (5) expose another or their property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest or coerce; or, (6) trespass or permit animals under their control to trespass upon a railroad track; or, (7) permit domestic animals or fowls under their control to go upon the lands of another within the City; or, (8) interfere unlawfully with any monument, sign or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or a tract of land; or, (9) trespass upon the premises of another, and without claim of right refuse to depart therefrom on demand of the lawful possessor; or, (10) occupy or enter the dwelling of another, without claim of right, or consent of the owner, or the consent of one who has the right to give consent, except in an emergency situation; or, (11) enter the premises of another with intent to take or injure any fruit, fruit trees or vegetables growing thereon without the permission of the owner or occupant; or, (12) without the permission of the owner tamper with or get into or upon a motor vehicle, or ride in or upon such motor vehicle knowing it was taken and is being driven by another without the permission of the owner. (7-1-90)

(12-16-08)

**SEC. 10.33. OUTDOOR WOOD-BURNING FURNACES.** (Added, Ord. 94, Second Series, 12-16-08)

**Subd. 1. Purpose.** It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor wood burning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. It is the intention of the City of Pine Island to establish and impose a ban on the installation, construction, operation, use, and maintenance of outdoor wood burning furnaces within the limits of the City for the purpose of securing and promoting the public health, comfort, convenience, safety, and welfare of the City and its inhabitants.

**Subd. 2. Outdoor Wood-Burning Furnace Defined.** A fuel burning device designed to burn primarily wood by hand-firing that is not located inside structures ordinarily occupied by humans.

**Subd. 3. Prohibition.** No person shall install an outdoor wood-fired boiler as defined in this Section within the City of Pine Island.

**Subd. 4. Enforcement/Penalty.** Any person found violating this Section shall be guilty of a misdemeanor. The City's building official or police department may enforce the provisions of this Section.

**(Sections 10.34 through 10.39, inclusive, reserved for future expansion.)**

**SEC. 10.40. RULES AND REGULATIONS GOVERNING PUBLIC PARKS.**

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

**10.40, Subd. 2**  
**(Rev. 2008)**

**Subd. 2. Other Traffic, Rules and Regulations.** The Council may, by resolution, adopt additional restrictions on traffic, together with rules and regulations for the use of public parks and sign-post the same upon such parks, playgrounds, recreational areas or athletic fields as they apply, and it is unlawful for any person to violate the same when so sign-posted.

**SEC. 10.41. OBSTRUCTIONS ON PUBLIC PROPERTY.**

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

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

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

**Subd. 4. Signs and Other Structures.** It is unlawful for any person to place or maintain a permanent sign, advertisement, or other structure on public property without first having obtained a written permit from the Council. A sign in place for more than ten days shall be considered a permanent sign.

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

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

**10.41, Subd. 7  
(Rev. 2008)**

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

**SEC. 10.42. HAZARDOUS CONDITIONS.**

**Subd. 1. Preamble.**

**A. Private Property.** The Council finds that accumulation on private property of unlicensed, unregistered or inoperable motor vehicles, household furniture, furnishings or appliances, or parts or components thereof, or metal, wood, glass, paper, rubber, concrete, or other material, whether organic or inorganic, can facilitate the growth or spread of noxious weeds, the nesting and breeding of rodents, insects, and harmful bacteria, and be a threat of fire. The Council also finds that unless such accumulation is stored in a lawfully operated junk yard, housed within a lawfully erected building, or in a container designed for storage of such material for short periods of time, and the contents disposed of on a regular schedule, under provisions of the City Code, it is a source of filth, cause of sickness, and an immediate danger to the health, safety and welfare of persons and property in the City. The Council finds that if such unauthorized, unwholesome and dangerous accumulation is permitted to continue to pose such a threat it is a hazardous condition and a nuisance, must be abated, and that this Section is adopted to protect the residents of the City and their property and, in addition, to protect the rights of persons who may be found in violation of its provisions. "Accumulation" as that term is used in this Subparagraph A, means prohibited items in any number or amount.

**B. Business Premises.** The Council finds that accumulation upon premises to which the public has access or may be exposed of food particles or other material causing discomfort to patrons, or disrepair of seating, floor covering, plumbing, heating, or electrical facilities, or failure to maintain a reasonable standard of cleanliness and absence of noxious odors, can facilitate the nesting and breeding of rodents, insects, and harmful bacteria and is a source of filth, cause of sickness, and an immediate danger to the health, safety and welfare of persons and property in the City. The Council finds that if such unauthorized, unwholesome and dangerous accumulation is permitted to continue to pose such a threat it is a hazardous condition and a nuisance, must be abated, and that this Section is adopted to protect the residents of the City and their property and, in addition, to protect the rights of persons who may be harmed in violation of its provisions. "Accumulation" as that term is used in this Subparagraph B, means prohibited items or conditions in any number or amount.

**Subd. 2. Unlawful Acts.**

**A.** It is unlawful to park or store any unlicensed, unregistered or inoperable motor vehicle, household furniture, furnishings or appliances, or parts or components thereof, farm implements, or scrap metal, dead trees or parts thereof, glass, paper, rubber, concrete, sawdust, or other material, whether organic or inorganic, on private property, unless such accumulation is stored within a lawfully operated junk yard, housed within a lawfully erected building, or in a container permitted, and the contents disposed of, under other provisions of the City Code.

**B.** It is unlawful to permit, on premises to which the public has access or may be exposed, any accumulation of food particles or other material causing discomfort to patrons, or disrepair of seating, floor covering, plumbing, heating or electrical facilities, or failure to maintain a reasonable standard of cleanliness and absence of noxious odors.

**Subd. 3. Duties of City Officers.** The City Administrator, street superintendent, law enforcement personnel, or other designated official shall enforce the provisions of this Section relating to nuisances affecting public safety. The Police or Sheriff Departments shall enforce provisions relating to other nuisances and shall assist the other designated officers in issues affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

**Subd. 4 Abatement/Enforcement Procedures.**

**A. Notice.** Written notice of violation; notice of time, date, place and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this Subdivision.

**1. Notice of Violation.** Written notice of violation shall be served by the officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises are not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

**10.42, Subd. 4.A.2.  
(Rev. 2008)**

**2. Notice of Council Hearing.** Written notice of any City Council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises are not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of Council hearing, notice of Council hearing shall be served by posting it on the premises.

**3. Notice of City Council order.** Except for those cases determined by the City to require summary enforcement, written notice of any City Council order shall be made as provided in Minnesota Statutes, Section 463.17 (Hazardous and Substandard Building Act).

**4. Notice of motion for summary enforcement.** Written notice of any motion for summary enforcement shall be made as provided for in Minnesota Statutes, Section 463.17 (Hazardous and Substandard Building Act).

**B. Procedure.** Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner of record or occupant of the premises of such fact and order that such nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the enforcing officer shall report forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the Council the City may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.

**C. Emergency Procedure; Summary Enforcement.** In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in A and B above will permit a continuing nuisance to unreasonably endanger public health, safety, welfare or to human life, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety, welfare or human life. The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety, welfare or human life will be unreasonably endangered by delay in abatement required to complete the procedure set forth in Subdivision 1 above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

**Subd. 5 Recovery of Cost.**

**A. Personal Liability.** The owner of the premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

**B. Assessment.** If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the council may determine in each case.

**Subd. 6. Penalty.** Any person convicted of violating any provision of this Section is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

**SEC. 10.43. ABANDONING A MOTOR VEHICLE.** It is unlawful for any person to abandon a motor vehicle on any public or private property without the consent of the person in control of such property. For the purpose of this Section, a "motor vehicle" is as defined in Minnesota Statutes, Chapter 169.

**SEC. 10.44. PUBLIC NUISANCE.** It is unlawful for any person to maintain a public nuisance by their act or failure to perform a legal duty, and for purposes of this Section, a public nuisance shall be defined as any of the following: (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or, (2) interfering with, obstructing or rendering dangerous for passage, any street, public right-of-way, or waters used by the public; or, (3) any other act or omission declared by law to be a public nuisance. (7-1-90)

**SEC. 10.45. ADULT USE BUSINESSES.**

**Subd. 1. Definition.** "Adult Uses" means a business emphasizing the display or description through live models, magazines or movies of human and/or animal sexual activities, genitalia or pubic areas; or, the human buttocks or human female breast when not dressed or covered with opaque materials.

**A. "Adult Uses-Accessory"** means a business having during the preceding 180 days, 10% or less of stock or floor area devoted to, or 20% or less of receipts derived from, adult movie rentals or magazine sales.

**B. "Adult Uses-Principal"** means a business having during the preceding 180 days, more than 10% of stock or floor area allocated to, or more than 20% of gross receipts derived from, any adult use.

**Subd. 2. Findings.** The Council has considered neighborhood impact studies from other cities, assessed the City's general zoning plan and finds that adult businesses produce negative "secondary effects" such as increased crime, lower property values, and general neighborhood blight. Under the police powers of the City the Council finds it necessary to adopt legislation to regulate and limit adult use businesses to minimize negative "secondary effects" for the protection of the community and the public.

**Subd. 3. Business Location; Limitations.**

**A.** An adult uses--principal business must be located at least 1,320 feet from residentially zoned property, day-care centers, public and private schools, pre-schools, parks, licensed liquor establishments, athletic clubs or facilities, synagogues and churches.

**B.** An adult uses-accessory business must be located at least 660 feet from residentially zoned property, day-care centers, public and private schools, pre-schools, parks, licensed liquor establishments, athletic clubs or facilities, synagogues and churches. (Ord. 39, Second Series, 6-25-98)

**SEC. 10.46. SMOKING POLICY IN MUNICIPALLY-OWNED BUILDINGS.**

**Subd. 1. Purpose.** The purpose of this Section is to protect the public health, comfort, and environment, and to promote a safe and healthy environment for municipal employees and citizens who use municipally-owned buildings; and to provide an environment that is free from the effects of tobacco smoke and its associated health risks.

**Subd. 2. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

**A. "Public Place"** means an enclosed indoor area owned by the City and used by the general public or serving as a place of work; and specifically includes the Municipal Library, City Hall, Public Works Garage, Swimming Pool, Fire Hall, Wastewater Treatment Plant, and Municipal Liquor Store.

**B. "Smoking"** means the lighting, holding, or carrying of, or emitting or exhaling the smoke of a pipe, cigar, cigarette, or any other lighted smoking equipment of any kind.

**Subd. 3. Prohibition.** Smoking is unlawful in the following public places:

**A.** City Hall.

**B.** Public Library.

**C.** Municipal Swimming Pool, including the one within the fences around the swimming pool.

**D.** Additionally, the Municipal Fire Hall is hereby designated a "No Smoking" area on the days of any General or Special Election, whether State, Federal or Local, from the period from one-half hour before the scheduled arrival of the election judges until one-half hour after the last election judge has vacated the premises.

**E.** Smoking in the Public Works Garage, Fire Hall, the Wastewater Treatment Plant shall be in such areas and at such times, as may be designated by the respective department heads. It shall be the responsibility of the Manager of the Municipal Liquor Store to determine the hours and designate Smoking and No Smoking areas.

**10.46, Subd. 4  
(Rev. 2015)**

**Subd. 4. Signage.** The respective department heads of the Municipal Liquor Store, Public Works Garage, Municipal Fire Hall, and Wastewater Treatment Plant shall post, cause to be posted and prominently displayed, and shall maintain, "No Smoking" signs in conspicuous locations within such areas where smoking is prohibited. Such signs shall clearly and conspicuously recite the phrase "No Smoking" and/or use the international No Smoking symbol and shall cite Section 10.46 of the City Code. Signs shall be of sufficient number and prominent location to convey the message clearly and legibly. The City Clerk or Clerk's designee, shall post or cause to be posted, the aforescribed signs in the Public Library, City Hall, and Swimming Pool.

**Subd. 5. Violations and Penalty.** Any person who violates this Section by smoking in a No Smoking area is guilty of a petty misdemeanor, shall not be entitled to a jury trial, and upon conviction thereof is not subject to imprisonment but shall be punishable by a fine.

**CODIFIER'S NOTE:** Section 10.46 was originally adopted as new Chapter 13 of the City Code, but upon consideration, a decision was made to include it in Chapter 10. (Ord. 17, Second Series, 3-25-93)

**SEC. 10.47. SOCIAL HOST.**

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

**A. Alcohol.** "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

**B. Alcoholic Beverages.** "Alcoholic beverages" means alcohol, spirits, liquor, beer, and which contains one-half of one percent or more alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combining with other substances.

**C. Event or gathering.** "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or activity.

**D. Host.** "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

**10.47, Subd. 1.E.**  
**(Rev. 2015)**

**E. Parent.** “Parent” means any person having legal custody of a juvenile as natural, adoptive, or step-parent; as legal guardian; or as a person to whom legal custody has been given by order of the court.

**F. Person.** “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

**G. Residence or Premises.** “Residence” or “premises” means any home, yard, curtilage, farm, field, land, apartment, condominium, hotel or motel rooms, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

**H. Underage person.** “Underage person” is any individual under twenty-one (21) years of age.

**Subd. 2. Prohibited Acts.** It is unlawful for any person(s) to host an event or gathering at any residence, premises, or other private or public property where alcohol or alcoholic beverages are present, when the person knows or reasonably should know that an underage person will or does: (1) consume any alcohol or alcoholic beverage; or (2) possess any alcohol or alcoholic beverage with the intent to consume it, and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

**Subd. 3. Violation.** A person is criminally responsible for violating this section if the person commits a prohibited act, or intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a prohibited act.

**Subd. 4. Exceptions.**

**A.** This section does not apply to conduct solely between an underage person and his or her parents while present in the parents’ household.

**B.** This section does not apply to legally protected religious observances.

**C.** This section does not apply to liquor licensees, municipal liquor stores, or bottle club permit holders who are subject to Minn. Stat. § 340A.503, Subd. 1(a)(1).

**10.47, Subd. 4.D.**  
**(Rev. 2015)**

**D.** This section does not apply to underage persons who are lawfully in possession of alcohol or alcoholic beverages during the course and scope of their employment.

**Subd. 5. Enforcement.** This section is enforceable by any certified peace officer.

**Subd. 6. Severability.** If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionally shall not affect the validity of the remaining portions of this law, which shall continue in full force and effect.

**Subd. 7. Penalty.** Anyone who violates this section shall be guilty of a misdemeanor.

(Section 10.47 Added, Ord. No. 128, Second Series, 2-17-15)

**SEC. 10.48 PREDATORY OFFENDERS RESIDENCY – PROHIBITED CONDUCT**

**Subd. 1. Finding and Intent.** Repeat predatory offenders present an extreme threat to the public safety. Predatory offenders are likely to use physical violence and to repeat their offenses, and most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, unmistakably steep.

It is the intent of this Section to serve the city’s compelling interest to promote, protect, and improve the health, safety, and general welfare of Pine Island citizens by creating areas around locations where children are known to regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residence.

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

**A.** “Designated predatory offender” means any person who has been categorized as a Level III predatory offender under Minnesota Statutes Section 244.052, a successor statute, or a similar statute from another state in which that person’s risk assessment indicates a high risk of re-offense;

**10.48, Subd. 2.B.**  
**(Rev. 2015)**

**B.** “Permanent residence” means a place where a person abides, lodges, or resides for 14 or more consecutive days;

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

**D.** “School” means a public or nonpublic elementary or second school;

**E.** “Licensed child care center” means a group child care center currently licensed by the applicable County or State of Minnesota;

**F.** “Public playground” means a city-owned, improved park or other outdoor area designed, equipped, and set aside primarily for children’s play.

**Subd. 3. Prohibited Location of Residence**

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

**B. Measurement of distance.** For purposes of determining the minimum distance separation required by this Section, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence of the designated predatory offender to the nearest outer property line of the protected facility in subdivision 2.

**C. Penalties.** Any person who violates this Section shall be guilty of a misdemeanor and shall be punished by a fine of an amount not exceeding \$1,000.00 and/or imprisoned for a period not to exceed 90 days. Each day that a person maintains a permanent or temporary residence in violation of this Code shall constitute a separate offense.

**Subd. 4 Exceptions**

**A.** A designated predatory offender residing within a prohibited area as described in subdivision 3 does not commit a violation of this Section if any of the following apply:

**1.** The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166 and 243.167 or a successor statute, prior to June 1, 2015;

**2.** The person was a minor when they committed the offense and they were convicted as an adult;

**3.** The person is a minor;

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

**5.** The residence is also the primary residence of the person's parents, grandparents, siblings, or spouse; or

**6.** The residence is a property purchased, leased, or contracted with and licensed by the Minnesota department of corrections prior to June 1, 2015.

(Section 10.48 Added, Ord. No. 130 Second Series, 5-19-15)

**(Sections 10.49 through 10.98, inclusive, reserved for future expansion.)**

**SEC. 10.99. VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when they perform an act thereby prohibited or declared unlawful, or fail to act when such failure is thereby prohibited or declared unlawful, or perform an act prohibited or declared unlawful or fail to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. (7-1-90)