CHAPTER 4: PERMITS & LICENSES

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SECTION 400. GENERAL PROVISIONS.

Section 400.00. General Provisions Relating to Issuance of Licenses.

Subd. 1. Application of Regulations. It shall be unlawful for any person either directly or indirectly to engage in any business, or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required by any subdivision of this ordinance or any other law or ordinance of this city, without a license or permit therefor being first procured and kept in effect at all times as required by any such subdivision of this ordinance or any other law or ordinance of this city. For the purpose of this ordinance any person shall be deemed to be engaged in any business for which a license is required, and thus subject to the requirements of this ordinance or any other law or ordinance of this city when they do one act of:

(a) selling any goods or service for which a license is required.
(b) soliciting such business or offering such goods or services for sale or hire.
(c) acquiring or using any vehicle or any premises in the city for such business purposes.

The agents or other representatives of non-residents of the city who are doing business in the city shall be personally responsible for the compliance with the provisions of this ordinance by their principals and of the businesses they represent. A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business. No license shall be required of any person for any mere delivery in the city of any property purchased or acquired in good faith from such person at their regular place of business outside the corporate limits of the city where no intent by such person is shown to exist to evade the provisions of this ordinance.

Section 400.03. Licensees to Pay City Fees.

No license or permit required by the ordinances of the city shall issue or be renewed to any applicant licensee by the city clerk, where said applicant or licensee is liable to the city for services rendered and billed but not paid. Upon

payment of all obligations due to the city by the applicant or licensee, the city clerk shall proceed with normal processing of the license or permit application or renewal.

Section 400.05. Licenses, Fees, Bonds.

Every person is required to procure a license under the provisions of any subdivision of this ordinance code or any other law or ordinance of this city shall submit an application for such license to the city clerk. The application shall:

(a) Be a written statement upon forms provided by the city clerk, such forms to include an affidavit to be sworn to by the applicant before a person authorized to administer an oath.
(b) Contain all information necessary to comply with the subdivision of the ordinance under which the license is required, and any other information required by the city clerk, including the full identification of the applicant and their address, and the description of the premises where the licensed business or other enterprise is to be conducted.
(c) The full amount of the license fee prescribed by the subdivision of the ordinance under which the license is required shall be paid to the city clerk at the time the application is filed. If the subdivision under which any license is to be issued requires the licensee to furnish a bond such bond shall by duly executed by the licensee and a corporate surety and shall be furnished to the city clerk at the time the application is filed or as soon thereafter as the city clerk shall request. Such bond shall be in such amount and with such penalty provisions as shall be required by said subdivision and shall be approved as to form and execution by the city attorney.

Section 400.10. Procedure for Issuance of Licenses.

On receipt of an application for any license the city clerk shall cause investigation to be made of the qualifications of the applicant, and shall determine whether the applicant has complied with all requirements of the subdivision of the ordinance under which the license is to be issued and which requirements are prerequisites to the issuance of the license. Unless the subdivision of the ordinance pursuant to which the license is to be issued requires issuance of the license by the city council, the city clerk shall issue such license upon determination that such prerequisites of said ordinance have been complied with, but if the clerk determines that such prerequisites have not been complied with the clerk shall deny the application of issuance of the license. If any ordinance shall require issuance of a license by the city council, the city clerk shall refer the application, together with a report of their investigation and determination with respect to the applicant and their compliance with the said requirements of the ordinance, to the city council. The city council shall thereupon consider the said report and findings of the city clerk and may grant or deny the license. The applicant for any license that has been denied by the city clerk may appeal the decision of the city clerk to the city council by filing, with the clerk within 10 days after receipt of notice of such denial, a request for review by the council of such determination. The city clerk shall thereupon refer said request to the city council at its next regular meeting, at which time the council shall hear the applicant and review the determination of the city clerk and may grant or deny such license.

Section 400.15. License Period, Renewal and Duplicate, Refunds.

All licenses issued under any subdivision of this or any other ordinance shall terminate on December 31 of the calendar year in which issued, unless otherwise indicated. Applications for renewal of any license shall be made to the city clerk on forms provided by the city clerk, and shall contain any information required for renewal of the license by the subdivision of this ordinance under which the license is to be issued, and such additional information as the city clerk shall require. A duplicate license certificate or tag shall be issued by the city clerk to replace any license certificate or tag previously issued which has been lost, stolen, defaced or destroyed, without any willful conduct on the part of the licensee, upon the filing by the licensee of an affidavit attesting to such fact and paying to the clerk a fee set forth in chapter 5 of this code book. No rebate or refund of any license fee or part thereof shall be made by reason of non-use of such license, or by reason of a change in location or business rendering the use of such license ineffective, provided that the clerk shall have authority to refund a license fee collected through an error or in cases where the application is denied.

Section 400.20. Duties of Licensee.

Every licensee under any subdivision of this ordinance shall:

(a) Permit all reasonable inspections of their business and examinations of their books and records by such authorities so authorized by law.
(b) Ascertain and at all times comply with all laws, ordinances and regulations applicable to such business.

(c) Refrain from operating the licensed business after expiration of their license and during the period their license is revoked or suspended.
(d) Post and maintain the license issued upon the licensed premises in a place where it may be seen at all times and if the license is for operation or use in connection with any vehicle, the license or license insignia issued for that purpose shall be affixed to each vehicle licensed.
(e) Not loan, sell, give, or assign, to any person, or to allow any other person to use or display or to have in his possession any license or insignia which has been issued to such licensee.
(f) Pay prior to date penalty for non-payment, all special assessment and real and personal property taxes levied against real and personal property owned by the licensee and used in the licensed business.

Section 400.25. Enforcement.

It shall be the duty of the police officers of the city to inspect and examine all premises, businesses and enterprises subject to license, or which have been licensed by any of the subdivisions of this ordinance. The city clerk shall have the right to direct the Community Health Board, any police officer, or any other appropriate officer of the city to make such inspections during regular business hours.

Section 400.30. Termination of License.

At any time that the city clerk shall determine that any person licensed under any subdivision of this ordinance shall have failed to comply with any requirement of law or with any provision of this ordinance, the clerk shall notify said licensee in writing of such violation, such notice to be delivered by the U.S. Mail or personally as the city clerk may determine and deposit of the notice in the U.S. Mail, addressed to the address stated on the license application, shall constitute service of the notice. If such person cannot be otherwise found, the notice may be posted on the premises licensed. The notice shall require compliance with the provision of law specified within a reasonable time to be specified by the clerk. Upon expiration of said time, unless the licensee shall have requested a hearing in writing, the clerk, in the event that the license involved shall have been issued by the clerk, may terminate the license, or in the event that the license has been issued by the city council, the clerk shall report the matter to the city council and the council may thereafter terminate such license, subject to compliance with any procedure prescribed by the subdivisions of the ordinance pursuant to which the license was issued.

Section 400.35. Hearing.

In the event that a hearing is requested by the licensee the city clerk shall set a time for such hearing not less than 10 and not more than 20 days after request, at which time the city clerk shall hear all testimony offered by the licensee, and shall inform the licensee of all information upon which alleged violation of law by the licensee has been determined. If the license has been issued by the city council such hearing shall be conducted by the city council. On completion of such hearing the city clerk or city council, as the case may be, may make a final order suspending or terminating the license in question. Upon the entry of such order by the city clerk the licensee may appeal the determination of the city clerk to the city council by filing a request for such appeal with the city clerk within 10 days after receipt of notification of the order of the city clerk, and the city council shall thereupon promptly hear the licensee and review the determination of the city clerk and make its final order sustaining or modifying the determination of the clerk.

SECTION 405. MOBILE HOMES.

Section 405.00. Definitions.

See chapter 12 for definitions.

Section 405.05. Permit Required.

No person, firm or corporation shall maintain and operate a mobile home park within the city without first obtaining from the city council a permit to do so.

Section 405.10. Health Code.

The health and sanitary conditions of such mobile home park shall, at all times, comply with the rules and regulations of the Department of Health of the State of Minnesota and the local ordinances.

Section 405.15. License.

No mobile home may be parked and occupied for living purposes for a period of more than 15 days within the city except in a licensed mobile home park as described in Minnesota statutes.

Subd. 1. When the mobile home occupant is in the process of erecting a permanent residence to be occupied by themself, they may, by authorization of the city council secure a permit lasting until such time as the permanent residence is ready for occupancy.

Subd. 2. Only one 15-day permit to maintain a mobile home in any location other than a licensed mobile home park be issued to any individual during a calendar year, except as provided in the preceding subdivision 1.

Section 405.20. Temporary Residence.

No mobile home shall be parked and occupied for living purposes anywhere within the city for a period of more than 24 hours without first registering with the city clerk.

Subd. 1. It shall be the duty of the building inspector to inspect each such mobile home within 24 hours after notification by the clerk's office that application has been made by the occupant. The purpose of the inspection shall be to determine whether information furnished on the application for permit shall be true.

Subd. 2. The Building Inspector also shall make, or cause to be made, an inspection of the mobile home and surrounding premises to ascertain that all local and state fire and health laws and regulations are complied with before a permit shall be issued.

Section 405.25. Sanitation.

No mobile home shall be parked and occupied for living purposes anywhere within the city for a period of more than 24 hours unless there is available during 24 hours of each day to the occupants of such mobile homes running water and toilet facilities on the property upon which such trailer is parked.

Section 405.30. Waste Disposal.

It shall be unlawful to permit wastewater from sinks, showers, or other fixtures in mobile homes to be deposited on any street, alley, tourist camp or any lot within the corporate limits of said city.

Section 405.35. Parking.

No mobile home shall be parked or kept anywhere at any time in any public street, right of way or public ground in the city.

Section 405.40. Fee.

The mobile home park permit as required by section 405.05 shall have a fee as set by the city council from time to time and recorded in chapter 5 of this code book.

The mobile home 15-day license as required by section 405.15 shall be subject to a fee as set by the city council from time to time and recorded in chapter 5 of this code book.

The mobile home temporary residence during construction license as required by section 405.15 and 405.20 shall have a fee as set by the city council from time to time and recorded in chapter 5 of this code book.

SECTION 410. PUBLIC UTILITIES.

Section 410.00. Permits Required.

All public utilities including but not limited to electric, gas, water, sewer, cable television, and telephone shall secure all necessary permits from the city and comply with all ordinance requirements prior to and during any and all construction, maintenance, or other work directly or indirectly related to the provision of service as may be required and conducted in the public or private right-of-ways or easements within the city.

SECTION 415. TOBACCO.

Section 415.01. Purpose.

Because the city recognizes that many persons under the age of 21 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco-related devices, and such sales, possession, and use are violations of both state and federal laws; and because studies, which the city hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 21 years and that those persons who reach the age of 21 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, and tobacco-related devices for the purpose of enforcing and furthering existing laws, to protect people under the age of 21 against the serious effects associated with the illegal use of tobacco products, and tobacco-related devices, and to further the official public policy of the state of Minnesota in regard to preventing young people from starting to smoke.

Section 415.02. Definitions.

See chapter 12 for definitions.

Section 415.03. License.

No person shall sell or offer to sell any tobacco, tobacco products, or tobacco-related devices without first having obtained a license to do so from the city.

Subd. 1. Application. An application for a license to sell tobacco, tobacco products or tobacco-related devices shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city clerk shall forward the application to the council for action at its next regularly scheduled council meeting. If the clerk shall determine that an application is incomplete, the clerk shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 2. Action. The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary.

Subd. 3. Term. All licenses issued under this ordinance shall be valid for one calendar year from the date of issue.

Subd. 4. Revocation or Suspension. Any license issued under this ordinance may be revoked or suspended as provided in the Violations and Penalties section of this ordinance.

Subd. 5. Transfers. All licenses issued under this ordinance shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the council.

Subd. 6. Moveable Place of Business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this ordinance.

Subd. 7. Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premise.

Subd. 8. Renewals. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license. The issuance of a license issued under this ordinance shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Section 415.04. Fees.

No license shall be issued under this ordinance until the appropriate license fee shall be paid in full. The fee for a license under this ordinance shall be set forth in chapter 5 of this code book.

Section 415.05. Basis for Denial of License.

The following shall be grounds for denying the issuance or renewal of a license under this ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city

must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section:

(a) The applicant is under the age of 21 years.
(b) The applicant has been convicted within the past 5 years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco, tobacco products, or tobacco-related devices.
(c) The fee for every such license shall be set by the council and recorded in chapter 5 of the code. Every such license shall expire on the 31st day of December after its issuance. For any such license issued after January in any year, the fee shall be prorated for the months and/or fractional part of a month covered by such license.
(d) The applicant has had a license to sell tobacco, tobacco products, or tobacco-related devices revoked within the preceding 12 months of the date of application.
(e) The applicant fails to provide any information required on the application, or provides false or misleading information.

Section 415.06. Prohibited Sales.

It shall be a violation of this ordinance for any person to sell or offer to sell any tobacco, tobacco product, or tobacco-related device:

(a) To any person under the age of 21 years.
(b) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, or tobacco-related device and whereby there is not a physical exchange of the tobacco, tobacco product or tobacco-related device between the licensee or the licensee's employee, and the customer.
(c) By means of loosies (single or individually packaged cigarettes).
(d) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
(e) By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.

Section 415.07. Self-Service Sales.

It shall be unlawful for a licensee under this ordinance to allow the sale of tobacco, tobacco products, or tobacco-related devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, or the tobacco-related device between the licensee of his or her clerk and the customer. All tobacco, tobacco products, and tobacco-related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage behind a counter or other area not freely accessible to customer, or in a case or other storage unit not left open and accessible to the general public.

Section 415.08. Responsibility.

All licensees under this ordinance shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, or tobacco-related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting the clerk to whatever penalties are appropriate under this ordinance, state or federal law, or other applicable law or regulation.

Section 415.09. Compliance Checks and Inspections.

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, people over the age of 15 years but less than 21 years, to enter the licensed premise to attempt to purchase tobacco products, or tobacco-related devices. People under the age of 21 used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. People under the age of 21 used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco-related devices when such items are obtained as a part of the compliance check. No person under the age of 21 used in compliance checks shall attempt to use a false identification misrepresenting the ~~minor's~~ their age, and anyone lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or his or her employee and shall produce any identification, if any

exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for education, research, or training purposes, or required for the enforcement of a particular state or federal law.

Section 415.10. Other Illegal Acts.

Unless otherwise provided, the following acts shall be a violation of this ordinance.

Subd. 1. Illegal Sales. It shall be a violation of this ordinance for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco-related device to any minor.

Subd. 2. Illegal Possession. It shall be a violation of this ordinance for anyone under the age of 21 to have in his or her possession any tobacco, tobacco product, or tobacco-related device. This subdivision shall not apply to people under the age of 21 lawfully involved in a compliance check.

Subd. 3. Illegal Use. It shall be a violation of this ordinance for anyone under the age of 21 to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco-related device.

Subd. 4. Illegal Procurement. It shall be a violation of this ordinance for anyone under the age of 21 to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco-related device, and it shall be a violation of this ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce anyone under the age of 21 to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco-related device. This subdivision shall not apply to people under the age of 21 lawfully involved in a compliance check.

Subd. 5. Use of False Identification. It shall be a violation of this ordinance for anyone under the age of 21 to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

Section 415.11. Violations.

Subd. 1. Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

Subd. 2. Hearings. If a person accused of violating this ordinance requests a hearing to be scheduled, the time and place of which shall be published and provided to the accused violator.

Subd. 3. Decision. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under chapter 12 of this code book, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

Section 415.12. Penalties.

Subd. 1. Licensees. Any licensee found to have violated this ordinance, or whose employee shall have violated this ordinance, shall be subject to the process outlined in chapter 12 of this code book.

Subd. 2. Other Violations. Other individuals found to be in violation of this ordinance shall be subject to the process outlined in chapter 12 of this code book.

Subd. 3. Misdemeanor. Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this ordinance.

Section 415.13. Exceptions and Defenses.

Nothing in this ordinance shall prevent the providing of tobacco, tobacco products, or tobacco-related devices to anyone under the age of 21 as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

SECTION 420. GASOLINE SERVICE STATIONS AND AUTO REPAIR SHOPS.

Section 420.00. Definitions and Penalties.

See chapter 12 section 1205 for Definitions and section 1210 for Penalties.

Section 420.05. License Required.

No person, firm, or corporation shall engage in the business of operating a gasoline service station or auto repair shop within the corporate limits of the city unless they have secured a license to do so from the city council.

Section 420.10. Application.

The application for such license shall state the name of the applicant and, if applicable, the name of the person or corporation who will regularly supply the gasoline or oil to be sold upon the premises for which license is requested and whether the applicant is a lessee or owner of the premises. The application must be accompanied by a plat plan and description of the building and equipment proposed to be erected on the premises to be licensed, if there is no existing gasoline station of auto repair shop on the premises, and also shall contain such information as shall show compliance with all the requirements of the state or city fire marshal, with all requirements and orders from regulatory heath authorities, and with all laws or ordinances applicable to the construction of buildings to be used as gasoline service stations or auto repair shops.

Section 420.15. License Fee.

The annual license fee for each auto repair shop or gasoline service station at one location and for each gasoline pump or service outlet, in addition to one such pump or outlet, shall be the required license fee as duly set by the council from time to time and set forth in chapter 5 of this code book.

Section 420.20. Regulations.

A. Storage of junked or partly dismantled vehicles, or the parts thereof, except in an appropriate building is prohibited.
B. Parking of vehicles “For Sale” for more than one hour on the premises is prohibited.
C. Discarded oil cans and debris shall be kept in appropriate containers.
D. The property shall be physically inspected daily and kept free of debris and litter.
E. The business shall comply with orders from the state or city fire marshal.
F. If the business serves, vends, offers for sale, or otherwise provides (with or without charge) food, meals, beverages, or similar items for consumption on or off the premises, it shall comply with the requirements and orders from regulatory health authorities including, but not limited to, Hennepin County Environmental Health and the Minnesota Department of Health.

(THIS SECTION AMENDED BY ORD 256 MAY 2016 AND ORD 296 OCT 2019)

SECTION 425. MUNICIPAL WATERCRAFT SPACES.

Section 425.00. Purpose.

The city maintains municipal docks, sailboat slips, and canoe racks on and adjacent to Lake Minnetonka to provide watercraft facilities primarily for residents of the city who do not own lakeshore properties.

Section 425.05. Definitions.

See chapter 12 for definitions.

Section 425.07. Marina Clerk.

The position of marina clerk is hereby created. The city council shall designate from time to time the person who shall perform the duties of the marina clerk.

Section 425.10. Priority Schedule for Space Permits.

Space permits for the St. Alban’s Bay municipal docks, Meadville sailboat slips, and Meadville canoe racks are granted based on the following priority schedule:

1. First Priority: Previous year's watercraft space permit holders.
2. Second Priority: Off-shore Greenwood residents on the waiting list.
3. Third Priority: Lakeshore Greenwood residents on the waiting list.
4. Fourth Priority: Non-residents on the waiting list.

Section 425.15. Process.

The following outlines the process for issuance of watercraft space permits:

(a) Get on the waiting list. Complete a "waiting list" application and deliver by mail or in person to the marina clerk. A maximum of 2 names per address per space may appear on each list in the order they are received. Separate lists will be maintained for each of the watercraft space locations (St. Alban's Bay docks, Meadville sailboat slips, and Meadville canoe rack) for the 4 priority categories listed in section 425.10. An address is allowed to appear only once per list. Once an address has been assigned a watercraft space for a location, the address may not appear on the waiting list for that location.
(b) Past permittees must submit an application by March 15. The marina clerk will mail "slip renewal" applications to past watercraft space permit holders ("permittees") before February 1 each year. The applicant shall submit a watercraft space permit application to the marina clerk no later than March 15. Failure to meet the March 15 deadline shall cause past permittees to lose their priority and they must submit a new application if they want to get on the waiting list.
(c) Slips are assigned to past permittees first. Past permittees will be assigned the same slip as the previous year.
(d) Open spaces assigned to past permittees who request relocation. After March 15 open spaces will be assigned to past permittees who request relocation on their application. Open spaces will be assigned based on seniority. Seniority is determined by the date the permittee was first assigned a space.
(e) Open spaces assigned to waiting list. The marina clerk will offer remaining open spaces to the person(s) at the top of the waiting list in writing. New permittees must complete the application requirements in section 425.25 within 15 days of the date of mailing. Failure to meet the 15-day deadline shall be treated the same as if the space was declined. If the person(s) at the top position on the waiting list declines to take a watercraft space, the offer will to go to the next person(s) on the list. If more than one space opens up in a given year, a letter (A, B, C, etc.) is added to the year on the watercraft space assignment list for seniority purposes. The letter corresponds to the order of the dates on the waiting list application.
(f) Adding or deleting names. A second name may be added or changed, as long as the second person resides at the same address. If either person moves from the city, their name shall be removed from the list. In the case of one person moving to another address in the city, the person staying at the original address shall keep the priority position on the list and the other person must submit an application to get on the waiting list. In the case of death, the priority position can only go to a second person if their name was on the list with the deceased. No one under the age of 18 is allowed to be on a watercraft space assignment list or waiting list. All requests for name changes must be in writing and establish residency.
(g) Declining a space. If a person(s) on the waiting list declines a watercraft space, their name(s) will be removed from the waiting list. If they want to get on the waiting list again, they must submit a new application.

(THIS SECTION AMENDED BY ORD 280 JUNE 2018)

Section 425.20 Additional Provisions for the Meadville Sailboat Slips.

Subd. 1. The city holds interest in various public right-of-way and other properties that abut public waters of Lake Minnetonka (apart from the St. Alban's Bay municipal dock site). The subdivisions set forth below state special conditions and provisions related to the identified lake access lots.

Subd. 2. Terms and Conditions. The use of that certain public access lying westerly of Meadville Street located between property tax ID parcels 261172332-0004 and 261172332-0011 (commonly called the "Meadville Boat Launch") is subject to the following terms and conditions:

(a) The city may offer watercraft permits for up to 2 watercraft.
(b) Watercraft spaces shall be for sailboats only.
(c) The city shall not be responsible for providing any docking facilities at this site.
(d) Boatlifts supplied by the permittee may be used. Any watercraft space permittee that desires to place a boatlift at this assigned site shall request preapproval from the marina clerk. The marina clerk may limit the size and location of the proposed lift.

Section 425.23 Municipal Watercraft Space Permits Not Transferrable to Other Locations.

Permittees shall be entitled to renewal at the same location, but shall not obtain rights of priority to a permit at any other location. Permittees at the Meadville sailboat slips or canoe rack, may be on the waiting list for a permit at the St. Alban's Bay docks. In the event a Meadville sailboat permittee is granted a permit for the St. Alban's Bay docks, such person shall not also be entitled keep their Meadville sailboat permit. However, Meadville canoe rack space permitees, may keep their space if they are granted a permit for a space on the St. Alban's Bay docks or Meadville sailboat slip.

Section 425.25. Application Requirements.

An applicant for a watercraft space permit must:

(a) Complete the application form and pay the requisite non-refundable fee (set forth in chapter 5).
(b) Establish residency by submitting a photocopy of a Minnesota driver's license or Minnesota state identification card to the marina clerk. If 2 names are on the application, both must prove residency and live at the same address.
(c) Submit a photocopy of the watercraft title and Department of Natural Resources (DNR) registration card indicating that at least one of the applicants is the owner of the watercraft. Maximum of 2 names (both must reside at the same address) may appear on the title and registration card. If a watercraft does not have a title or registration card, this requirement may be waived by the marina clerk.
(d) Provide a description of the watercraft including make, model, length, beam (width). Watercraft with continuous permits each year since 1997 shall be exempt from length and beam (width) requirements. If a watercraft does not require registration, the requirement for a DNR registration number may be waived by the marina clerk.
(e) All watercraft owners must sign an acknowledgement and waiver of claims against the city.
(f) If an applicant does not have a boat, the applicant must provide the information listed in (c) and (d) above prior to placing a boat in the assigned space.

Section 425.26. Additional Provisions for Canoe Rack Spaces.

(a) Canoe rack permit holders may place one canoe, or up to two kayaks / paddleboards within their designated space provided that doing so does not impede the usage of adjacent spaces.
(b) Private locks may be used to secure watercraft, but must be removed by October 15.

(SECTION 425 UPDATED TO ADD PROVISIONS FOR CANOE RACKS SEPT. 2012, ORD. 212)

Section 425.30. Use of Watercraft Space and General Regulations.

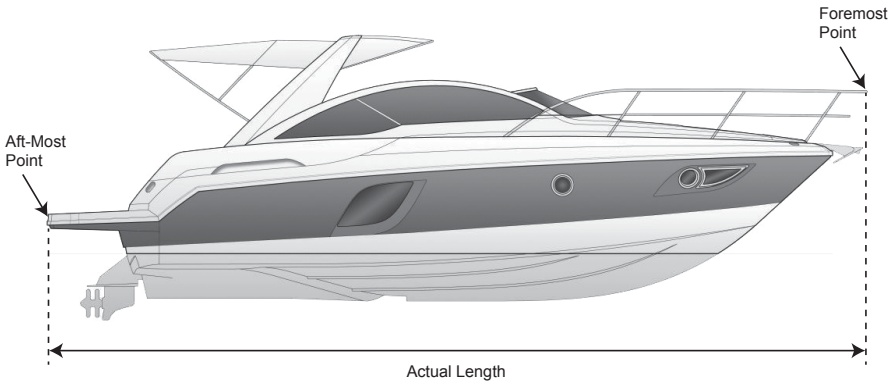
Subd. 1. Rights Not Assignable. A watercraft space permit is not assignable. No watercraft space permit holder may sell, assign, lease, sublet, or otherwise transfer any rights in the waiting list, or under a watercraft space permit, nor allow any watercraft other than that designated on the watercraft space permit holder's application to be moored or kept within the designated watercraft space.

Subd. 2. Watercraft Use. No person may keep a watercraft within a watercraft space except with a valid watercraft space permit first issued pursuant to this ordinance. Permittees who desire to change to a new watercraft are required to submit a new application to the marina clerk in advance for confirmation of compliance. No watercraft shall be moored in a watercraft space until the marina clerk approves such watercraft as the identified watercraft in the owner's application. In the event a watercraft is sold during mid-season, new watercraft owner shall have no right to use the watercraft space.

Subd. 3. Watercraft Size Regulations. The actual length of all watercraft must comply with the maximum measurements listed on the table below. The watercraft manufacturer's length or the length listed on the DNR registration card may not be the actual length of the watercraft. The watercraft's length is the distance between the foremost point and aft-most point with all equipment in operating position (see the below illustration). Swim platforms, bow pulpits, bow rails, outboard / stern drives, bow anchors all must be included in the measurement. The watercraft's width (beam) also must be measured from the outer-most side points. Tip for measuring: When the watercraft is out of the water, hang a string with a metal nut attached from the aft-most and foremost points (length) and from the outer-most side points (width), then measure the distance between the metal nuts with a tape measure.

	Maximum Length	**Maximum Width (Beam)**

St. Alban's Bay Dock Slips 1A, 1B, 1C, 1-11	23 feet	8 feet, 6 inches
St. Alban's Bay Dock Slips 1D, 12-22	26 feet	8 feet, 6 inches



Subd. 4. Permittee Assumption of Liability and Indemnification. The acceptance of a watercraft space permit by the permittee shall constitute the acknowledgment and agreement by the applicant / permittee that they shall be responsible for any and all damages caused by the permittee, their guests and invitees, or the watercraft itself, to the watercraft space, the dock in general, any other watercraft, persons or property which may arise as a result of storm, vandalism, accident, negligence, intentional act, or act of God. By accepting a watercraft space permit, the permittee agrees to hold the city harmless against any and all claims, directly or indirectly, connected with their watercraft.

Subd. 5. Fees. Fees paid in conjunction with the issuance of a permit are non-refundable. Watercraft space permit fees shall be established, from time to time by the city council and set forth in chapter 5 of this code. Fees may be prorated for permits issued mid-season.

Subd. 6. Cooperation. Permittees shall cooperate with city officials in all inquiries, verifications, directions, or orders that the city official makes or issues. If a permittee violates this paragraph, the permittee will immediately lose their watercraft space permit and their name(s) will go to the bottom of the appropriate waiting list.

Subd. 7. Final Decisions. All determinations by the marina clerk relating to prioritization of the waiting lists, the issuance of permits, and space assignments shall be final.

Subd. 8. Limit on Permits. No more than 1 St. Alban’s Bay dock permit may be issued per single-family residence / applicant, per boating season. St. Alban’s Bay dock permit holders may not have a Meadville sailboat slip and vice versa, but St. Alban’s Bay dock and Meadville sailboat slip permit holders may have a canoe rack space permit. There is no limit to the number of canoe rack space permits issued per single-family residence / applicant, per boating season.

Subd. 9. Common / Collective Ownership or Commercial Use. Watercraft owned by partnerships, corporations, associations, or used or licensed for commercial purposes shall not be eligible to receive a watercraft space permit.

Subd. 10. Additional Watercraft Permit Regulations. The city may adopt, by resolution, watercraft and watercraft space permit regulations regarding use of municipal docks, watercraft spaces, proper mooring, hours of use, conduct of persons on or about municipally owned, operated, or controlled watercraft spaces or other related topics. A violation of said regulations shall be a petty misdemeanor. Failure to abide by regulations shall be cause for the city to revoke or elect not to renew a permittee’s watercraft space permit for the coming boating season and the loss of all waiting list priority.

Subd. 11. Quiet Enjoyment. No person, permittee, or watercraft operator shall disturb the quiet enjoyment of municipal watercraft spaces by other persons, permittees, or the general public in or about any watercraft space, nor otherwise obstruct the use of watercraft spaces, nor allow a watercraft owned, operated, or under their control, to go unattended or improperly tied or secured. If a permittee violates this paragraph, the permittee will immediately lose their watercraft space permit and their name(s) will go to the bottom of the appropriate waiting list.

Subd. 12. Acknowledgment of City Code. As a pre-condition to the issuance of any watercraft space permit by the marina clerk, the permittee shall sign an acknowledgment that they understand that they are subject to the provisions of city code section 425 regarding municipal watercraft spaces.

Subd. 13. Watercraft Parking and Beaching. Only permittees are allowed to park watercraft at municipal docks, slips, or racks. No watercraft is allowed to beach or pull up on municipal shoreline.

Section 425.35. Boating Season, Expiration of Permit, and Removal of Watercraft.

The boating season is May 15 to October 15. All watercraft space permits shall expire at the end of the boating season. Watercraft shall be removed from watercraft space permits on or before the end of the boating season. Subsequent to the end of the boating season, the city may impound all watercraft remaining in watercraft spaces. All impoundment and storage cost incurred by the city shall be payable by the permittee and may be certified to taxes if unpaid. Failure to pay impoundment and storage costs shall be cause for the city to revoke or elect not to renew a permittee's watercraft space permit for the coming boating season and the loss of waiting list priority.

Section 425.40. Parking.

Subd. 1. It shall be unlawful to park any trailer or vehicle used in the transportation of boats upon any public parking space or adjacent to any public ground within the city, without obtaining written permission of the city council. Any vehicle used for the transportation of boats or any boat dock, trailer or fish house which shall be parked, placed, kept, or abandoned on, or which shall obstruct any public street, highway, or other public property, may be seized and impounded by any authorized officer or employee of the city.

Subd. 2. Permittees shall not park vehicles on the public ground or in no-parking zones on the streets adjacent to the St. Alban's Bay docks or the Meadville launch area. Violators will be ticketed. Permittees who receive 2 tickets within 24 months shall immediately lose their watercraft space permit and their name(s) will go to the bottom of the appropriate waiting list.

Section 425.45. Launching.

No person shall launch or remove from the waters of Lake Minnetonka any watercraft requiring or utilizing a trailer of similar conveyance for the transportation when such launching or removal requires crossing over or through property owned by the city, except as specifically authorized by the city, and then upon such fees as may be established by the city council from time to time and set forth in chapter 5 of this code book.

Section 425.50. Swimming, Fishing.

No person shall swim or water ski from the municipal docks. Fishing is permitted, provided proper precautions are taken so as not to interfere with the normal operation of watercraft, or otherwise damage watercraft moored or docked at the municipal docks.

Section 425.55. Littering.

No person shall deposit, throw, or leave any refuse, cans, bottles, paper, or other discarded material of whatsoever kind or nature on or near the municipal docks or the public lands from which the municipal docks emanate nor throw said materials into the waters of Lake Minnetonka.

(SECTION 425 AMENDED DEC 2015, ORD 247)

SECTION 430. COMMERCIAL MARINAS.

Section 430.00. License Required.

No person shall operate a commercial boat dock business or be engaged in the business of docking, mooring, or storing boats without a license. Any person desiring such license shall apply therefor to the city council. The application shall be in writing and signed by the applicant and filed with the city clerk. The application shall set forth the name and address of the applicant and all persons interested in the applicant's business as owners, and the exact location at which the applicant proposes to carry on the business, and shall state whether the applicant is then or ever has been engaged in a similar business. The application shall be accompanied by a detailed, scaled diagram of the proposed facilities and existing improvements. The clerk shall present the application to the city council at its next regular meeting after the filing thereof.

Section 430.05. Definitions.

See chapter 12 for definitions.

Section 430.10. License.

The license shall expire on January 1 in the year next following issuance. License fees shall not be prorated. The fee for each license shall be determined by the city council from time to time and recorded in chapter 5 of this code book.

Section 430.15. Regulation.

No license shall be granted unless the council finds:

(a) The property involved is zoned for recreational commercial district use, or unless a nonconforming use has been approved.
(b) Boats are stored in such a manner that they do not create a fire hazard, with adequate fire alleys provided, and any gasoline offered for sale or stored on the premises shall be placed in tanks or containers as may be required by the city fire code and the city council, and such tanks or containers shall be stored underground or such a distance from the storage facilities as to not create a fire hazard or danger to the community.
(c) Commercial docks do not extend further into the waters of the lake than is reasonably necessary to accommodate the docking of such craft as shall customarily and lawfully be used upon the lake or so as to interfere with, obstruct or tend to obstruct, or render dangerous for use or passage, a body of water within the primary harbor limits of the city. All such commercial docks shall be constructed and maintained of such materials and be of such type of construction as will not render them unsafe or likely to endanger public enjoyment of the waters. Commercial docks shall be maintained in a neat and orderly manner at all times.
(d) The docks, slips and mooring area do not extend across the extended zone line between sites zoned differently.
(e) Reasonable space is provided in mooring areas to allow navigation freely between moored boats.
(f) Suitable sanitary facilities are provided for members of the public.
(g) Marked automobile parking spaces with service aisles to each space are provided on the licensed premises and an adequate fire alley or fire alley system has been provided to eliminate traffic or parking congestion caused by the business of the licensee and to ensure the public safety. Such marked parking spaces provided as aforesaid shall in no event total less than 6 parking spaces for every
ten (10) authorized boat slips.
(d) Suitable sanitary facilities for pump out of boat holding tanks and garbage collection services are provided.
(i) The location, construction, installation and maintenance of docks, boat mooring areas and other fixed or floating structures and objects conform to the provisions of the Lake Minnetonka Conservation District code and amendments thereto.
(j) The application complies with all other ordinances of the city and the state of Minnesota.

Section 430.20. Inspection.

The licensed premises shall be subject to reasonable inspection at such times as deemed appropriate or necessary by the city council or its agents. If it appears that the docks, slips, moorings, storage or parking areas have not been constructed or maintained in accordance with the application for license, or with the provisions of this ordinance, then the licensee shall be informed of such violation in writing by the city clerk and the clerk shall further notify the licensee that they have 10 days within which to correct said violation. If said violation is not corrected within said time, the city council shall revoke the license. Notification under this chapter shall be made in writing to the licensee at the address given in the application. Failure to have a valid license in force shall be prima facie evidence of a violation of this ordinance.

Section 430.25. Factors to Be Considered in Granting or Denying Licenses.

As the use of Lake Minnetonka by Greenwood residents and others for boating, fishing, swimming, waterskiing, etc. continues to increase each year, the council is faced with increasing problems in licensing of commercial docks and boat storage facilities. The council recognizes that the interests of lakeshore residents are to some extent in conflict with the interests of persons in the business of operating commercial docks and boat storage facilities, and the council is mindful of frequent complaints as to the extent and manner of commercial dock operations. The council finds that as lake use increases, licensing procedures and standards that have been adequate in the past have become inadequate. Therefore, in determining whether or not a license shall be granted under this ordinance, the council shall enforce the following requirements so as to promote safety and sanitation in the use of the lake, restrict excessive noise and fumes (which cause pollution and reduce the enjoyment of all), eliminate unsightly accumulations visible

either from the lake or from the shore, eliminate road and parking congestion and the unauthorized use of adjacent private property by customers of the licensee, and in general promote the public safety, public health and general welfare of the community.

Subd. 1. The maximum length of docks, their location, construction, and maintenance, may be regulated for each licensee. In setting such regulations, the council shall have in mind the boat traffic to be expected in the area, legitimate interests of other riparian owners in unobstructed water access to the bay and boat traffic on the bay in general and the safety of persons using the dock.

Subd. 2. Parking facilities may be required in addition to the minimum requirements hereinbefore set forth in section 430.15 (g) to the extent determined necessary by the council to eliminate traffic or parking congestion caused by the business of the licensee, or to eliminate the unauthorized use of adjacent private property by business invitees of the licensee.

Subd. 3. The licensee may be required by the council to install fencing, screening or hedging to set off from public view, either from the lake or the land, such portions of the licensee's operation as the council may determine to be necessary to protect the general welfare of the city, and adjacent property owners where the premises of the licensee abuts property zoned for residential purposes.

Section 430.30. Priorities for Existing Licenses.

In general the council shall give priority to licensees who have been conducting the same business at the same location in the past, provided that such licensed business has been properly and satisfactorily operated by the licensee. The council specifically gives notice, however, that changing conditions require changing regulations, and no licensee has any vested right in a renewal of their license on the same terms as previously, nor its renewal on any terms.

Section 430.35. Violations.

Any person who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, shall be guilty of a misdemeanor. Each day a violation continues shall constitute a separate offense. In case of a violation of the within ordinance, the council, in addition to the foregoing penalties, may institute any proper action or procedure in the name of the city to prevent such violation, including but not limited to, an action to enjoin further operation of the licensed premises.

SECTION 435. TREE CONTRACTORS.

Section 435.00. Tree Contractor License Required.

No person may conduct or offer commercial (service for hire) tree trimming or removal services in the city without first obtaining a tree contractor license. The license shall be issued on an annual basis and licensees must pay the fee and provide proof of insurance in the amounts set forth in chapter 5 of this code book.

(THIS SECTION ADDED JAN. 2012, ORD. 204, PARAGRAPH ALSO INCLUDED IN SECTION 1140.80, SUBD. 16)

SECTION 440. EXCAVATION / FILLING.

Section 440.00. Excavation Permit Required.

No person, firm, co-partners or corporation shall hereafter dig, excavate, enlarge or make upon property owned or used by them any open pit or excavation without first making application for and obtaining from the city council a permit thereof.

Section 440.05. Filling Permit Required.

No person, firm, co-partners or corporation shall hereafter dump, deposit or fill any material or earth upon property owned or used by them without first making application for and obtaining from the city council a permit thereof.

Section 440.10. Terms and Conditions.

Such a permit shall be issued to the applicant under such terms and conditions as may be specified in writing by the city council provided the city council has determined that the proposed activity will not adversely affect public health, safety, convenience, general welfare, drainage patterns and water ponding.

Section 440.15. Permit Required for Excess of 50 Cubic Yards.

Any digging, shifting, moving, removal, filling or depositing of material or earth of an amount in excess of 50 cubic yards without first having to obtain such a permit, except as required for the purpose of construction for which a building permit has been issued, shall be prima facie evidence of violation of this ordinance.

Section 440.20. Fee and Penalty

Such application shall be filed with the city clerk with an application fee payable to the city. The fee amount shall be determined by the city council from time to time and set forth in chapter 5 of this code book. Failure to comply with this ordinance shall constitute a misdemeanor.

SECTION 445. ANIMALS.

Section 445.00. Definitions.

See chapter 12 for definitions.

Section 445.05. Purpose.

To preserve the public health, safety and welfare, and guard against public nuisances, the ownership and possession of animals must be regulated.

Section 445.05. Registration and Licensing Requirements.

Subd. 1. Licensure Required. All dogs over the age of six months kept in this city, including those allowed by a multiple dog license, shall be licensed and registered by the owner with the city. The fee for the license and registration shall be set by resolution of the city council. License applications shall be made at the office of the city clerk on city forms, setting forth the name and address of the owner, the name, breed, age, color, and gender of the dog, and such other information as may be considered necessary by the city. Applicants shall provide proof that each dog has current vaccination against rabies. License tags, if issued at the election of the city, shall be securely attached around the dog's neck at all times during the license term. If the tag is lost or stolen, the owner may obtain a duplicate license and tag upon payment of a fee set by resolution of the city council.

Subd. 2. Term of License. The license period shall be that specified by the city in appendix.

Subd. 3. New Residents of City. Any person who moves into and becomes a resident of the city and who owns a dog within the city shall cause the same to be registered and licensed as provided hereinbefore within a period of not more than 30 days after becoming a resident of the city.

Subd. 4. Transfer of License. The license of any dog, licensed by the city, may be transferred to a new owner of the licensed dog for the duration of that license. The transfer is when the information regarding the new owner is filed with the city clerk. The fee for license transfers shall be set by resolution of the city council.

Subd. 5. Revocation. Any person making any false statement on any license application required by this section shall be guilty of a misdemeanor. The city clerk / treasurer shall revoke any license issued under this section if the owner has made any false statement on the license application. No refund of any fees shall be due to the licensee whose license has been revoked.

Subd. 6. Reinstatement. Any person whose license has been revoked under this section may reapply for such license after all deficiencies have been corrected. Any person making application after any revocation shall follow the procedures set out for the initial issuance of the license and shall pay the fees in the full amount that would be required for an original license.

Section 445.05. Permitted Domesticated Animals.

Any person may own, keep, harbor, or maintain any of the various domesticated animals, including but not limited to, dogs and cats, adapted so as to live with humans in a tame condition.

Section 445.10. Non-Domesticated Animals.

No person may own, keep, harbor, or maintain any non-domestic animal within the city limits.

Section 445.15. Limitations on Number of Dogs.

Within the limits of the city, no person may own, keep, harbor, or maintain more than 3 dogs over the age of 6 months unless a multiple dog license is first obtained from the city.

Section 445.20. Limitations on Number of Cats.

Within the limits of the city, an owner or household may not own, keep, harbor, or maintain more than 3 cats over the age of 6 months.

Section 445.25. Animal Breeders and Dealers.

No person, firm, or corporation shall establish, maintain, conduct, or operate a commercial kennel or operate as a breeder or dealer of any animal within this city without first obtaining approval by the city council.

Section 445.30. Running At Large.

No owner of any animal shall permit such animal to run or move at large at any time within the city. The finding of any animal running at large shall be prima facie evidence of violation of this section by the owner of the animal.

Section 445.35. Impound Authority.

The animal enforcement officer shall have authority to take into custody and impound those animals, found at large within the city. If the animal enforcement officer is unable to take an animal into custody, the officer may, where possible, follow the animal to the property of its owner, and may issue a citation to the owner for violation of this ordinance. The officer shall not take into custody an animal once it is upon the property of its owner except:

(a) Where the officer finds no one present upon the property and custody is necessary to prevent the animal from further running at large; or

(b) The animal is previously declared as a dangerous dog or dangerous animal; or

(c) It is a prohibited non-domesticated animal or which is inherently dangerous and, if left uncontrolled, poses a danger to public health, safety or welfare.

Section 445.40. Animal Nuisances.

Subd. 1. It shall be unlawful for any owner to fail to exercise reasonable care and control of his or her animals to prevent them from becoming a public nuisance.

Subd. 2. The person having custody of the animal must have in their possession a device for removal of animal feces when in or on any public trail, sidewalk, in any city park, or along any public right-of-way (for example, along roadways and streets), or any other property, public or private, which is not the premises of the person owning, keeping, harboring, or maintaining the animal.

Subd. 3. No person having custody or control of a domesticated animal shall allow such animal on any public swimming beach or any public grounds where any sign is posted prohibiting animals in that area, except a recognized animal for life assistance.

Section 445.45. Confinement of Certain Animals.

Every female animal in heat shall be confined in a building or other secure enclosure in such manner that such female animal cannot come into contact with another animal, except for planned breeding.

Section 445.50. Impounded Animal Redemption.

Subd. 1. Pound. The city shall provide an adequate pound or facilities where animals taken into custody by an animal enforcement officer shall be kept and properly fed and cared for until disposed of according to the provisions of this ordinance.

Subd. 2. Notice of Impoundment. Within 24 hours of taking an animal into custody, the animal enforcement officer shall give notice of the animal impoundment to the last known owner(s) and / or custodian(s) of the animal. If no address is available from police records, city license records, or available microchip identification, notice shall be given to the residence with which the animal was last associated. The notice shall reasonably describe the animal and

advise that, in the event the animal is not redeemed within five regular business days after a stated date, the animal may be destroyed.

Subd. 3. Redemption by Owner. The owner of any animal seized pursuant to this section may retrieve the animal from the city's animal impound shelter, provided that the owner purchases the appropriate license within seven days, if the animal is not already properly licensed, pays all impound fees to cover the cost of apprehending the animal, boarding fees to cover the cost of sheltering the animal, any veterinary costs incurred by the animal control authority, and any other costs incurred by the animal control authority. Any owner who fails to comply with these requirements within five regular business days, shall be deemed to have forfeited any property right to the animal and the animal control authority may dispose of it, pursuant to subdivision 5 of this section. In determining the impounding fee, the city may establish a schedule of fees based on the number of times an animal has been impounded. Boarding fees shall be according to a schedule adopted and maintained by the SLMPD. License fees shall be adopted by the city council by resolution.

Subd. 4. Disposition of Unclaimed or Injured Animals. Upon expiration of the five regular business day period, an animal in the custody of the animal enforcement officer may be surrendered to the Animal Humane Society or euthanized. Nothing in this ordinance shall prevent the animal enforcement officer from causing the animal to be euthanized in less than the five regular business days waiting period as aforesaid where the animal is injured and, in the opinion of the animal enforcement officer or a veterinarian, the only humane act would be one of euthanization.

Subd. 5. Records Kept. The animal enforcement officer shall keep an accurate account of all animals received at the pound and all animals euthanized or released therefrom.

Section 445.55. Rabies Control.

Subd. 1. Rabies Vaccination Required. It is unlawful for any person to own, keep, harbor, or maintain any animal over the age of 6 months which is susceptible to rabies unless that animal is vaccinated against rabies.

Subd. 2. Quarantine of Biting Animals.

(a) Upon a written report being filed with the animal control authority stating that an animal has bitten a human being and setting forth the name of the animal, if known, and the name and address of the owner or custodian, if known, the name of the person bitten and when and where the incident occurred, the animal enforcement officer shall order the animal quarantined for a period of ten days. During quarantine, the animal shall be securely confined and kept from contact with any other animals.
(b) At the discretion of the animal enforcement officer, the quarantine may be on the premises of the owner. If the animal enforcement officer so requires, the owner shall, at his or her own expense, place the animal in a veterinary hospital for the period of confinement or surrender the animal to the animal enforcement officer for confinement. The animal shall not be released from confinement until the animal control officer has determined that the animal is free from rabies and until the owner has paid the costs of any veterinary tests made upon the animal, as well as the costs of any confinement on premises other than that of the owner.
(c) If the costs are not paid by the owner or custodian within ten days following written notice to the owner or custodian that the animal is available for release, the animal enforcement officer shall forthwith cause the animal to be surrendered to the Animal Humane Society or to be euthanized.
(d) Any person who shall fail to deliver to the animal enforcement officer any animal which has bitten a human being and against which a sworn, written complaint has been filed, shall be guilty of a misdemeanor. Each day's neglect or failure to comply with the provisions of this subdivision shall be deemed a separate offense.
(e) A dog or other animal displaying symptoms of being rabid may be seized at any place or time and shall be confined in the city impounding facility at the expense of the owner until found to be free from rabies.
(f) If a dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and the dog or other animal cannot be impounded without serious risk of personal injury, the dog or other animal may be destroyed, if reasonably necessary for the safety of any person or persons.

Subd. 3. Rabies in City, Proclamation.

The city adopts Minnesota statutes 35.68 and 35.69, and any revisions thereof, regarding rabies proclamations.

Section 445.60. Abuse / Neglect of Animals.

Subd. 1. Improper Care.

(a) *Food.* Animals must be provided with food of sufficient quantity and quality to allow for normal growth and maintenance of body weight.

(b) *Water.* Animals must be provided with clean, fresh water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water supply.

(c) *Shelter*. Animals must be provided with proper shelter and protection from the weather. A person in charge or control of any animal which is kept outdoors or in an unheated enclosure shall provide the animal with shelter and bedding as prescribed in this section as a minimum. The shelter shall include a moisture proof and wind proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31, the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat. Shade from the direct rays of the sun, during the months of May to October shall be provided.

(d) *Sanitation.* It shall be unlawful for any person to allow food and water receptacles, kennels, yards, or the premises where the animal is kept to be or to remain in an unhealthy, unsanitary, or obnoxious condition, or to permit the premises to be in such condition that obnoxious odors can be plainly detected on adjacent public or private property.

(e) *Veterinary Care*. The owner or custodian of a domesticated animal shall provide adequate health care, including parasite and pest control, and care needed to prevent suffering.

(f) *Cruelty to animals*. It shall be unlawful for any owner to beat, cruelly ill-treat, torment or otherwise abuse or neglect any animal. A person may not inflict cruelty on a pet or companion animal by the use of a cruel training or handling device or method.

(g) *Interpretation of Terms.* A dispute as to the meaning of abuse, cruelty, neglect or adequate healthcare shall be resolved by an expert opinion.

(h) *Animals in motor vehicles.* A person may not leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the animal’s health or safety.

Subd. 2. Removal of Animals. A peace officer, animal enforcement officer, or a volunteer or professional member of a fire or rescue department of a political subdivision may use reasonable force to enter a motor vehicle and remove an animal which has been left in the vehicle in violation of this section. A person removing an animal under this subdivision shall use reasonable means to contact the owner of the animal to arrange for its return home. If the person is unable to contact the owner, the person may take the animal to an animal shelter.

Section 445.65. Dangerous Animals and Potentially Dangerous Animals.

The city is authorized pursuant to Minnesota Statute Section 347.53 to regulate potentially dangerous and dangerous dogs or other animals.

Subd. 1. Potentially Dangerous Animals; Declaration.

1. The animal control authority shall make such declaration upon a finding that the animal in question:

   (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property; or

   (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or

   (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or

   (d) Has been declared a potentially dangerous animal by any lawful authority of this or any other state or subdivision thereof.

2. In making such a determination, the animal enforcement officer may rely upon any or all of the following:

(a) Citizen complaint from an identified member of the public;

(b) Police or citizen reports of running at large or other public nuisance;

(c) Citation or convictions of an ordinance or statutory violation independent of site of violation involving the animal in question with the exception of a charge of failure to license;

(d) Determination by any state or subdivision thereof that the animal in question is a potentially dangerous animal.

3. When a declaration of potentially dangerous animal is made, SLMPD must promptly provide to the owner/custodian a copy of the form for request of a hearing per 445:65.S5.2, and if same is requested a hearing shall be held pursuant to 445:65.S5.2.

Subd. 2. Potentially Dangerous Animals; Requirements.

(a) *Microchip Identification.* The owner of a potentially dangerous animal must have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the animal's owner. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous animal.

(b) *Confinement.* All potentially dangerous animals shall be kept under control of the owner at all times or in a securely enclosed and locked pen, kennel, or fenced yard, except when leashed as required. Confinement does not include a porch, patio, unfenced yard, “invisible fence” or any part of a house, garage, cage, or other structure that would allow the animal to exit of its own volition or any house or structure in which screens are the only obstacles to preventing the animal from exiting.

(c) *Impoundment.* Any potentially dangerous animal found off the premises of the owner, harborer, keeper, or custodian of same, is subject to immediate seizure and impoundment.

Subd. 3. Dangerous Animals; Declaration.

1. The animal control authority shall make such declaration upon a finding that the animal in question has:
   (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
   (b) Killed a domestic animal without provocation while off the owner's property; or
   (c) 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.
2. In making such a determination, the animal enforcement officer may rely upon any or all of the following:
   (a) Citizen complaint from an identified member of the public;
   (b) Police or citizen reports of running at large or other public nuisance;
   (c) Citation or convictions of an ordinance or statutory violation independent of site of violation involving the animal in question with the exception of a charge of failure to license;
   (d) Determination by any state or subdivision thereof that the animal in question is a dangerous animal.
3. When a declaration of dangerous animal is made, SLMPD must promptly provide to the owner/custodian a copy of the form for request of a hearing per 445.65.S5.2, and if same is requested a hearing shall be held pursuant to 445.65.S5.2.

Subd. 4. Dangerous Animals; Registration.

1. Requirement. No person may own a dangerous animal in the city unless the animal is registered as provided in this section.

2. Registration. The animal control authority shall issue a certificate of registration to the owner of a dangerous animal, if the owner presents sufficient evidence that:

(a) A proper enclosure exists for the dangerous animal and a posting on the premises with a clearly visible warning sign that there is a dangerous animal on the property, including a warning symbol to inform children;
(b) A policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least $1,000,000 insuring the owner for any personal injuries inflicted by the dangerous animal;
(c) The owner has paid an annual fee to the SLMPD, in addition to any regular licensing fees, to obtain a certificate of registration for a dangerous animal under this section; and
(d) The owner has had microchip identification implanted in the dangerous animal.

3. *Warning Symbol***.** If the animal control authority issues a certificate of registration to the owner of a dangerous animal pursuant to Subdivision 2, the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous animal on the property. The warning symbol must be the uniform symbol provided by the Minnesota Commissioner of Public Safety. The Animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

4. *Dangerous Animal Designation Review.* Beginning six months after an animal is declared dangerous, an owner may request annually that the designating animal control authority review the designation. The owner must provide evidence that the animal 's behavior has changed due to age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the animal 's behavior has changed, the Authority may rescind the dangerous animal designation.

5. *Law Enforcement; Exemption.* The provisions of this section do not apply to dogs used by law enforcement officials for police work.

6. *Exemption.* Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person:

(a) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;
(b) Who was 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
(c) Who was committing or attempting to commit a crime.

7. *Tag.* A dangerous animal registered under this section must have a standardized, easily identifiable tag identifying the animal as dangerous and containing the uniform dangerous animal symbol, affixed to the animal's collar at all times.

Subd. 5. Dangerous Animals; Requirements.

1. *Requirements.*

(a) An owner of a dangerous animal shall keep the animal, while on the owner's property, in a proper enclosure. If the animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible adult. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration.
(b) The owner of a dangerous animal must have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the animal's owner. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous animal.
(c) An owner of a dangerous animal must renew the registration of the animal annually until the animal is deceased. If the animal is removed from the jurisdiction, it must be registered as a dangerous animal in its new jurisdiction.

(d) An owner of a dangerous animal must notify the animal control authority in writing of the death of the animal or its transfer to a new location where the animal will reside, within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition or the complete name, address, and telephone number of the person to whom the animal has been transferred or the address where the animal has been relocated.
(e) An animal control authority shall require a dangerous animal to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the animal and have it sterilized at the owner's expense.
(f) A person who owns a dangerous animal and who rents property from another where the animal will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous animal that will reside at the property.

2. *Right to hearing.* The owner of any animal declared potentially dangerous or dangerous has the right to a hearing concerning the dangerous dog or dangerous animal declaration and, if applicable, prior potentially dangerous dog or potentially dangerous animal declarations for the animal. The animal owner / custodian must make the request in writing, on a form provided by the SLMPD, within 14 days of receiving notice of the declaration. Failure to do so within 14 days of the date of receiving the notice will terminate the owner's right to a hearing under this section. Any hearing must be held within 14 days of the request to determine the validity of the declaration. The hearing officer must be an impartial person retained by the city or by the SLMPD to conduct the hearing. All hearings shall be conducted according to chapter 12 of this code book. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

3. *Requirements during appeals process.* While awaiting final disposition of an appeal of a dangerous animal declaration, the owner of the animal shall keep the animal, while on the owner's property, in a proper enclosure. If the animal is outside the proper enclosure, it must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration. A person who transfers ownership of a dangerous dog or dangerous animal must notify the new owner that the animal control authority has identified the animal as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

Subd. 6. Confiscation.

1. *Seizure.*

(a) The animal control authority having jurisdiction shall immediately seize any dangerous animal if:

1) After 14 days after the owner has notice that the animal is dangerous, the animal is not validly registered under this section; or
2) After 14 days after the owner has notice that the animal is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under this section; or
3) The animal is not maintained in the proper enclosure; or
4) The animal is outside the proper enclosure and not under physical restraint of a responsible person as required in the previous section.
5) The animal is not sterilized within 30 days.

(b) If an owner of an animal is convicted of a crime for which the animal was originally seized, the court may order that the animal be confiscated and may be disposed of in a manner permitted by law and that the owner pay the costs incurred in confiscating, confining, and destroying the animal.

2. *Animals reclaimed.* A dangerous animal seized under subd 6(1) may be reclaimed by the owner of the animal, upon payment of impounding and boarding fees, and presenting proof to the animal control authority that the requirements of the previous section will be met. An animal not reclaimed under this subdivision within seven days may be surrendered to the Animal Humane Society or humanely euthanized, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the animal.

Subd. 7. Destruction of Animals in Certain Circumstances.

1. *Circumstances.* An animal may be destroyed in a proper and humane manner by the animal control authority if the animal:

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

2. *Right to hearing.* The animal control authority may not destroy an animal until the animal owner has had the opportunity for a hearing before an impartial hearing officer designated by the animal control authority. The animal owner must request a hearing within 14 days after the animal control authority provides notice that it intends to destroy the animal.

Section 445.70. Penalties for Violation.

A person who violates a provision of this ordinance is guilty of a misdemeanor.

Section 445.75. Enforcement.

Citations are issued for certain violations. The animal control officer or police officer is authorized to issue a citation to any person, firm, or entity for any alleged violations of this ordinance and any other ordinances or statutes which provide the basis for prosecution of violations of this ordinance. Nothing within this ordinance shall be construed to limit the authority of animal control officers or police officers to enforce any provisions of this ordinance or related statutes or ordinances.

Section 445.80. Appendices.

Subd. 1. Dog Licensing Required.

(a) All dogs kept in the city shall be registered in the office of the city clerk. The owner shall obtain a license and tag for each dog and pay for each such fee as the city council may adopt and set forth in chapter 5 of this code book. The council may provide for higher license fees for female dogs than for male or spayed females. The license tag shall be securely attached around the dog's neck and kept there at all times during the license period. If the tag is lost or stolen, the owner shall purchase a duplicate license and tag from the city clerk.
(b) The license shall be for a term of up to 2 years provided that in the event the dog's rabies certificate from a licensed veterinarian expires prior to the end of the license term, the owner shall, on or before expiration of the rabies certificate, provide evidence of a new, valid rabies certificate or the license shall become null and void. No license shall be issued for a dog unless the owner shall show written evidence that the dog has been inoculated for the prevention of rabies within the past 2 years.

Subd. 2. Reserved.

Subd. 3. Running at Large Prohibited. No owner of a dog, cat, or other animal owner, shall permit same to run at large, but this shall not prohibit the appearance of the animal upon the streets or other public places when such animal is under restraint. The finding of any dog, cat or animal running at large shall be prima facie evidence of a violation of this section by the owner of said animal.

(SECTION 445 AMENDED FEB 2014 ORD 224)

SECTION 450. GARAGE SALES AND SHOWCASE EVENTS.

Section 450.00. Purpose and Objectives.

The purpose of this section is to establish standards to protect the health, safety, and general welfare of the public from the undesirable effects associated with garage sales and home showcase events conducted at residentially zoned property.

Section 450.05. Definitions.

See chapter 12 for definitions.

Section 450.10. Limits on Garage Sales and Showcase Events.

Subd. 1. Showcase Events may be held Thursdays through Sundays up to a maximum of 5 consecutive weeks. Applicants are limited to obtaining one showcase event permit per calendar year at the same street address.

Subd. 2. Garage Sales may be held Thursdays through Sundays over a single weekend period. Any given residential property may be host to a single garage sale each year without a permit first required. Thereafter, a permit is required to host a second garage sale in the same calendar year at the same street address. A total of two garage sales per calendar year may be held at the same street address. Goods to be sold at garage sales must be personal property and may not include new goods purchased specifically for the sale.

Section 450.15. Permits Required.

Subd. 1. Showcase Events. No showcase event may occur at a residential property unless a showcase event permit has been first procured from the city. A person seeking issuance of a permit shall file an application with the city. The application shall be accompanied by the fee listed in chapter 5 of this code book. To ensure an orderly approval process, a permit application must be filed at least 14 days prior to the first date of the showcase event. Permit applications received less than 14 days prior to the first day of the showcase event, or after the event has started, shall be accompanied with a payment that is two times the fee listed in chapter 5 of the this code book. The application shall set forth all such information as the city shall find necessary to properly evaluate the application.

Subd. 2. Garage Sales. In the event a given residential property has been the site of a garage sale at anytime in the calendar year, a second garage sale may occur at such residential property in the same calendar year only if a garage sale permit has been first procured from the city. A person seeking issuance of a permit shall file an application with the city. The application shall be accompanied by the fee listed in chapter 5 of this code book. To ensure an orderly approval process, a permit application should be filed at least 2 days before the first date of the garage sale. The application shall set forth all such information as the city shall find necessary to properly evaluate the application. Failure to file a complete application in a timely manner may be grounds for denial of the permit.

(SECTION 450.15 AMENDED BY ORD 276 APR 2018)

Section 450.20. Required Submittal Information.

Subd. 1. Showcase Events.

(a) Dates of proposed showcase event.
(b) A site plan that identifies buildings, driveways, local streets, parking locations for employees and the public, temporary structures, temporary restrooms, any cordoned off area(s), and the location of all proposed on-site and off-site signage.
(c) Proposed shuttle pick-up point and route to the showcase property.
(d) A Certificate of General Liability Insurance – The applicant shall provide public liability insurance in the amounts determined by the city council and set forth in chapter 5 of this code book. The city, its agents and employees must be named as additional insured.

Subd. 2. Garage Sales.

(a) Dates of proposed garage sale.
(b) Number of garage sales held at the residential site in the past calendar year.
(c) Certification that the goods to be sold at the garage sale are personal property and do not include goods purchased specifically for the sale.
(d) A site plan that identifies buildings, driveways, local streets, parking locations for the public, and the location of all proposed on-site and off-site signage whether for parking, advertising, and or directions.

Section 450.25. Showcase Event Permit Procedure.

Subd. 1. Notice. The applicant shall cause a copy of the application and details of the showcase event to be mailed to all property owners within 350 feet of the property at which the proposed showcase event is to be held, not less than 14 days prior to the first date of the showcase event. If the city receives the application less than 14 days prior to the first day of the showcase event, the applicant shall instead within one calendar day of filing the application with the

city deliver a copy of the application and details of the showcase event to all property owners within 350 feet of the property at which the proposed showcase event is to be held.

Subd. 2. Considerations. The zoning administrator shall consider the following criteria before issuing a permit:
(a) the showcase event will not endanger the public health, safety or general welfare of its residents; and
(b) the showcase event will not cause undue traffic hazards, congestion or parking shortages; and
(c) the showcase event will not impose an excessive burden on the city or its residents or cause damage to private property, parks, streets, rights-of-way, or other public property.

Subd. 3. Decision. The zoning administrator may grant or deny the application on the foregoing standard, and in granting the application may impose reasonable conditions relating to the preservation of public health, safety and welfare related to the event, including but not limited to, limitation on hours, traffic routing, policing and parking. The application may be denied for cause related to completeness of application, adequacy of proposal or concerns related to public health, safety and welfare. In the event that an application is denied, the zoning administrator shall state the reasons for the denial by letter to the applicant issued in a timely manner. The applicant shall have the right to appeal any decisions by the zoning administrator to the city council.

(THIS SECTION AMENDED BY ORD 278 JUNE 2018)

Section 450.27. Garage Sale Permit Procedure.

The city clerk shall review the garage sale permit application. If the application is complete and complies with the limits set forth in section 450.10 subd. 2, the clerk shall issue the garage sale permit. Such permit may include specific conditions imposed that the city clerk deems necessary for protection of the public health, safety, or welfare including limitations on hours and parking.

Section 450.35. Conditions.

The city may impose additional conditions upon the permit holder as deemed necessary for the protection of the public including the properties located in the vicinity of the showcase event or garage sale and to ensure compliance with the requirements of this section.

(SECTION 450 UPDATED PER ORD 265 NOV 2016)

SECTION 455. POLICE ALARM SYSTEMS.

Section 455.00. Statement of Policy.

The city deems it necessary to provide for the regulations of police alarm systems that are designed to signal an event requiring urgent attention to which public safety personnel are expected to respond, in order to protect the public health, safety and welfare.

The city council finds that the regulation of alarms is necessary in order to reduce the increasing frequency of false alarms in the city. The great number of and increasing frequency of these false alarms requires intensive, time-consuming efforts by the police department and thereby distracts from and reduces the level of services available to the rest of the community. This diminishes the ability of the city to promote the general health, welfare and safety of the community. In consideration for the necessity on the part of the city to provide numerous public safety services to all segments of the community, without an undue concentration of public services in one area to work to the detriment of members of the general public, it is hereby decided that the alarm systems shall be regulated through the permit process described below.

Section 455.05. Definitions.

See chapter 12 for definitions.

Section 455.10. Permits and Exemptions.

Subd. 1. Permits. Every alarm user who, within a 12-month period, incurs more than 2 false police alarms shall be required to obtain an alarm user permit. The city council shall set the permit fee from time to time, which shall then be recorded in chapter 5 of this code book.

Subd. 2. Review of Permit. The chief of police shall review the issuance of all alarm permits.

Subd. 3. Process for Issuance of Permit. Upon receipt and determination of the third false police alarm report at an address within a 12-month period, the chief of police, after review, shall notify the city clerk who shall then assess the alarm user for an alarm user's permit. The assessment invoice shall be sent by U.S. mail. The alarm user must submit the required permit fee to the city clerk within 10 working days after receipt of the assessment invoice in order to continue to use their alarm system. Any subsequent false police alarms at that address within a period of 12 months from the date of issuance of the permit shall automatically revoke the permit; the process must then be repeated and a new permit obtained. A permit holder shall comply with all orders and directives of the chief of police made pursuant to this ordinance.

Subd. 4. Duration of Permit. All permits, unless otherwise revoked, will expire 12 months from date of issue.

Subd. 5. Exemptions. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.

Section 455.15. False Alarms Reports Required.

Subd. 1. False Alarm Reports. The chief of police may at their discretion, require a false alarm report to be filed by the alarm user with the police department, within a time period specified by the chief of police. If the chief of police determines that a false alarm has occurred at an address, the alarm user at that address may submit a written report to the chief of police to explain the cause of the alarm activation. If the chief of police determines that the alarm was caused by conditions beyond the control of the alarm user, the alarm will not be counted as a false alarm at that address.

Subd. 2. "False Alarms" will be excused if they are the result of an effort or order to upgrade, install, test, or maintain an alarm system and if the police department is given notice in advance of said upgrade, installation, test and maintenance.

Section 455.20. Prohibited Conditions.

Subd. 1. Alarm Systems Utilizing Taping or Prerecorded Message. No person shall install, monitor, or use and possess an operative alarm that utilizes taped or prerecorded messages that deliver a telephone alarm message to the police or fire department.

Section 455.25. Revocation and Suspension of Permit.

Subd. 1. Basis for Revocation or Suspension. In addition to the automatic revocation process described in section 455.10, subdivision 3, the police department may suspend or revoke any alarm user permit issued pursuant to this ordinance if the police department finds that any of the following occur:

(a) That any provision or condition of this ordinance has been violated by an alarm user or their agents;
(b) That an alarm system has actuated an excessive number of false alarms;
(c) That the alarm user has knowingly made false statements in or regarding their application for an alarm user's permit;
(d) That the alarm user has failed to correct or remove, within a reasonable period, violations of this ordinance after receipt of notice to do so;
(e) That the continuation of the alarm user permit constitutes a substantial threat to the public peace, health, safety or welfare.

Subd. 2. Investigation. All alleged violations defined above shall be investigated by the police department. The alarm user shall be given notice of the proposed revocation or suspension and be provided an opportunity to informally present evidence to the chief of police prior to the final decision on revocation or suspension. Anyone aggrieved by the decision of the chief of police may appeal that decision to the city council.

Section 455.35. Criminal Penalties.

Subd. 1. Any alarm user who continues to use an alarm system after receiving notice of revocation or suspension by the police department shall be guilty of a misdemeanor, and subject to the process outlined in chapter 12.

Subd. 2. Any person required by this ordinance to obtain an alarm user's permit who knowingly fails to do so shall be guilty of a misdemeanor, and subject to the process outlined in chapter 12.

Subd. 3. Any permit holder who fails to comply with an order or directive of the police chief, shall be subject to the process outlined in chapter 12.

SECTION 460. FIRE ALARM SYSTEMS.

Section 460.01. Statement of Purpose.

The city deems it necessary to provide for the regulations of fire alarm systems that are designed to signal the presence of a hazard requiring urgent attention to which public safety personnel are expected to respond, in order to protect the public health, safety and welfare.

The city council finds that the regulation of alarms is necessary in order to reduce the increasing frequency of false alarms in the city. The great number of and increasing frequency of these false alarms requires intensive, time-consuming efforts by the fire department and thereby distracts from and reduces the level of services available to the rest of the community. This diminishes the ability of the city to promote the general health, welfare and safety of the community. As the city must provide numerous fire safety services to all segments of the community, without an undue consideration of certain public services that would work to the detriment of members of the general public, it is hereby decided that the fire alarm systems shall be regulated through the permit process described below.

Section 460.02. Definitions.

See chapter 12 for definitions.

Section 460.03. Permits.

Subd. 1. Permit Required. Every alarm user who, during the course of a 12-month period, incurs more than 1 false fire alarm shall be required to obtain an alarm user's permit. The city council shall set the permit fee that shall be recorded at in chapter 5 of this code book.

Subd. 2. Review of Permit. The fire chief shall review the issuance of all alarm permits.

Subd. 3. Process for Issuance of Permits. Upon receipt and determination of the second false fire alarm report at an address within a 12-month period, the fire chief, after review, shall notify the city clerk, who shall then assess the alarm user for an alarm user's permit. The assessment invoice shall be sent by U.S. mail or delivered and accepted personally. The alarm user must submit the required permit fee to the city clerk within 10 working days after receipt of the assessment invoice in order to continue to use his their alarm system. Any subsequent false fire alarms at that address within a period of 12 months from the date of issuance of the permit shall automatically revoke the permit and the process must then be repeated and a new permit obtained. A permit holder shall comply with all orders and direction of the fire chief made pursuant to this ordinance.

Subd. 4. Duration of Permit. All permits, unless otherwise revoked, will expire 12 months from date of issue.

Section 460.04. False Alarm, Reports Required.

Subd. 1. False Alarm Reports. The fire chief may, at their discretion, require a false alarm report to be filed by the alarm user with the fire department within a time period to be specified by the fire chief. If the fire chief determines that a false alarm has occurred at an address, the alarm user at that address may submit a written report to the fire chief to explain the cause of the alarm activation. If the fire chief determines that the alarm was caused by conditions beyond the control of the alarm user, the alarm will not be counted as a false alarm at that address.

Subd. 2. False Alarms Excused. False alarms will be excused if they are the result of an effort or order to upgrade, install, test, or maintain an alarm system and if the fire department is given notice in advance of said upgrade, installation, test and maintenance.

Section 460.05. Prohibited Conditions.

No person shall install, monitor, or use and possess an operative alarm that utilizes taped or prerecorded messages that deliver a telephone alarm message to the fire department.

Section 460.06. Suspension or Revocation of Permit.

Subd. 1. Basis for Revocation or Suspension. In addition to the automatic revocation process described in section 460.03, subdivision 3, the fire department may suspend or revoke any alarm user's permit issued pursuant to this chapter if the fire department finds that any of the following occur:

1. That any provision or condition of this section has been violated by an alarm user or his agents;

2. That an alarm system has actuated an excessive number of false alarms (e.g., in excess of 4 in a 12-month period);
3. That the alarm user has knowingly made false statements in or regarding their application for an alarm user's permit;
4. That the alarm user has failed to correct or remove, within a reasonable period, violations of this section after receipt of notice to do so;
5. That the continued effectiveness of the alarm user permit constitutes a substantial threat to the public peace, health, safety, or welfare.

Subd. 2. Investigation. All alleged violations defined above shall be investigated by the fire chief. The alarm user shall be given notice of the proposed revocation or suspension and be provided an opportunity to informally present evidence to the fire chief prior to the final decision on revocation or suspension. Anyone aggrieved by the decision of the fire chief may appeal that decision to the city council.

Section 460.07. Criminal Penalties.

Subd. 1. Any alarm user who continues to use an alarm system after receiving notice of revocation or suspension by the fire department shall be guilty of a misdemeanor and subject to the process outlined in chapter 12 of this code book.

Subd. 2. Any person required by this section to obtain an alarm user's permit who knowingly fails to do so shall be guilty of a misdemeanor and subject to the process outlined in chapter 12 of this code book.

Subd. 3. Any permit holder who fails to comply with an order or directive of the fire chief shall be subject to the process outlined in chapter 12 of this code book.

SECTION 465. PEDDLERS, ETC.

Section 465.00. In General.

No person shall engage in the activities of a hawker or peddler, transient merchant or canvasser without first having obtained a permit therefor, pursuant to this ordinance and without first having obtained a license pursuant to Minnesota statutes.

Section 465.05. Definitions.

See chapter 12 for definitions.

Section 465.10. Permit Registration.

Subd. 1. Permit registration shall be made with the city clerk at least 5 days prior to the date when the activity to be carried on is to commence. Persons registering must file with the city clerk an accurate sworn registration statement in writing, on a form furnished by the city clerk that shall give the following information:

1. Name and physical description of the applicant;
2. Complete home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
3. A brief description of the nature of the business and the product or services involved;
4. If employed, the name and address of the employer, together with credentials therefrom, establishing the exact relationship;
5. The dates and hours of the day during which the activity will be carried on;
6. The source of supply of any goods or property proposed to be sold or orders taken for the sale thereof, where such goods or products are located at the time said registration is filed and the proposed method of delivery;
7. Two copies of a recent photograph of the registrant, which picture shall be approximately 2-1/2" x 2-1/2", showing the head and shoulders of the applicant in a clear and distinguishable manner;
8. A statement as to whether or not the registrant has been convicted of any crime, misdemeanor or any violation of municipal ordinance other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor;
9. The last cities or villages, not to exceed 5, where the applicant carried on business, immediately preceding the date of the application and the address from which such business was conducted in those municipalities.

Subd. 2. The permit application shall be filed together with evidence of a license under Minnesota statutes, and at or before the time of filing, a fee in the amount duly established by the council from time to time shall be paid to the clerk, which fee shall not be reduced. The fee shall be set forth in chapter 5 of this code book.

Subd. 3. If as a result of the investigation the applicant is found to be of good character a permit shall be issued by the clerk upon compliance with section 465.10, subdivision 1.

Section 465.15. Duration - Terms.

Subd. 1. A permit issued hereunder shall have a duration of 6 months from the date of issuance; such permit shall specify the commencement and expiration dates.

Subd. 2. A permit shall be issued to only one individual, or, if issued to a corporation or other business entity, shall apply to only one individual who shall be named in said permit together with such corporation or other business entity. A corporation or other business entity may apply for more than one permit.

Subd. 3. A permit or certified copy thereof shall be kept in the possession of the individual to whom it applies or to whom issued at all times during which activities thereunder are conducted.

Subd. 4. Activities shall be conducted under a permit only during reasonable hours of the day. The time stated in the application, or reasonable times of the day, shall be specified in the permit.

Subd. 5. The permit or a certified copy thereof, shall be displayed upon request of any person solicited for a sale or any employee of this municipality. No reference to the permit in any solicitation shall state or imply endorsement of the merchandise, other property or services offered by the city because of its issuance.

Section 465.20. Exemptions.

Subd. 1. This ordinance shall not apply to the following:

(a) Newsboys.
(b) Farm and garden product vendors.
(c) Charitable, political or religious vendors or solicitors, unless done primarily for the profit of the individual, corporation or other business entity so engaged in such activity.
(d) Milkmen, icemen, bakermen or other vendors of perishable food products who have regular routes within the corporate limits of this municipality.
(e) Political canvassers, or persons having licenses or permits under other applicable ordinances of the city or under state laws or regulations.

Subd. 2. The exemptions hereinabove shall not relieve any person from compliance with state laws and regulations or other applicable ordinances.

Section 465.25. Proof of Registration.

Upon receipt of a complete registration, the city clerk shall transmit the same to the chief of police for informational purposes. Within 5 days after such registration, the city clerk shall provide the registrant with a written certificate showing proof of registration. Such proof of registration shall have one copy of the registrant's photograph attached to it, and shall be exhibited by the registrant upon request of any policy officer of the city at any time and at the request of any person in the city of Greenwood who is being contacted by the registrant in pursuance of the registrant's registered activity.

Section 465.30. Registration Nontransferable.

No registration shall be transferable from one individual to another. Each individual shall be separately registered where more than one individual is involved in the same type of activity even though associated with the same organization.

SECTION 470. CITY LICENSE BACKGROUND CHECKS.

470.00. Applicants for City Licenses.

Subd. 1. 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.

Subd. 2. Criminal History Employment Background Investigations. The police department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city: Tobacco, Liquor, Peddlers.

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, or others 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 Minnesota statutes chapter 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.

(THIS SECTION ADDED JULY 2011, ORD. 195 ~ A RELATED ORDINANCE IS IN SECTION 130)

SECTION 475. GARBAGE AND BURNING.

Section 475.00. Definitions.

See chapter 12 for definitions.

Section 475.05. Open Burning Prohibited.

From and after the effective date of this ordinance, except as herein otherwise provided, open burning shall be prohibited within the corporate limits of this municipality.

Section 475.10. Exemptions from Open Burning Prohibitions.

Subd. 1. Open burning of the types and subject to the conditions set forth in subdivisions 2 and 3 below shall be exempt from the prohibition of section 475.05 of this ordinance.

Subd. 2. Recreational fires shall only be permitted under the below conditions. Any violations of the recreational fire conditions listed shall be a misdemeanor.

1. A recreational fire fuel area (logs, branches, etc) shall have a total area of 3 feet or less in diameter and 3 feet or less in height.
2. Recreational fires shall be contained within a fire ring, pit, container, or device designed for such use.
3. The area within a 5-foot radius of the recreational fire shall be reasonably clear of all combustibles.
4. Recreational fires shall not be conducted within 25 feet of a neighboring dwelling, garage, or structure.
5. The fire shall be under the immediate supervision of the resident or his / her authorized adult representative.
6. Buckets, shovels, garden hose, or a fire extinguisher shall be readily available for use at recreational fires.
7. The prevailing wind at the time of the recreational fire shall be away from nearby residences and must be less than 15mph.
8. No flammable or combustible liquids shall be used to kindle or rekindle a recreational fire.
9. Only clean material can be burned as part of a recreational fire. Demolition debris, industrial solid waste, hazardous materials, oil, rubber, plastic, railroad ties, shingles, tarpaper, insulation, composition boards, sheetrock, wiring, painted materials, paint filters, garbage, chemically-treated wood, or other materials that would give off a toxic smoke irritant to nearby residents are prohibited material.
10. Fires must be fully extinguished when unattended.

11. Recreational fires can be cancelled or terminated at the discretion of the police or fire department if a complaint has been received from a nearby resident concerning the smoke, irritants, or a medical condition that is aggravated by the residential fire.
12. No leaves, grass, compost, or other yard waste shall be burned. No rubbish can be burned at any time.
13. Recreational fires are prohibited when the fire danger level is at or above VERY HIGH. Current fire danger levels can be found at the Minnesota Department of Natural Resources website at www.dnr.state.mn.us.

Subd. 3. Fires under managed supervision, for which a burning permit has been obtained from the city, and, where required by state law from the Pollution Control Agency, but limited to the following:

a) Fires purposely set for the instruction and training of public and industrial fire-fighting personnel.
b) Fires set for the elimination of a fire hazard that cannot be abated by any other practicable means.
c) Fires purposely set for forest or game management and in accordance with the practices recommended by the Minnesota Department of Conservation, the Minnesota Department of Agriculture and the United States Forest Service.
d) The burning of trees, brush, grass and other vegetable matter in the clearing of land, prairie restoration, the maintenance of street, road and highway right-of-way, and in accepted agricultural land management practices.

Subd. 4. Exemption to conduct fires under this section does not excuse the person from the consequences and damages or injuries which may result therefrom; nor does it exempt any person from regulations promulgated by the Minnesota Pollution Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

Subd. 5. The fee for a burning permit shall be determined by the council from time to time and set forth in chapter 5 of this code book.

(SECTION 475.10 AMENDED BY ORD 241 FEB 2014)

Section 475.15. Refuse Storage and Disposal.

Subd. 1. Containers Required. The owner of any premises, and any other person having refuse as herein defined, shall provide and keep on such premises as they may own or occupy, sufficient containers for storage of refuse accumulated on the premises between disposal or collection. Each container shall be water-tight, shall be impervious to insects, rodents, shall be fireproof and shall not be less than 20 gallons nor more than 96 gallons in capacity, except that all commercial or business establishments having refuse volume in excess of 2 cubic yards per week shall provide bulk or box type refuse storage containers as shall be approved by the council. Notwithstanding the foregoing, non-putrescible solid wastes such as leaves, trimmings from shrubs, grass clippings, shavings and other trash of similar volume and weight may be stored in closed containers or bags as accumulated between collections. In addition to the foregoing, no container allowable for the storage of refuse hereunder shall be of weight or dimension that prohibits handling thereof by 1 person.

Subd. 2. All refuse on any premises shall be stored in the containers hereinabove required with the lids kept fully closed. (THIS SUBD AMENDED BY ORD 256, MAY 2016)

Subd. 3. Refuse, recycling, yard waste, and organics recycling containers shall be kept within or adjacent to a building using the same. Containers that are larger than 96 gallons shall be screened from all neighboring properties and pubic street rights-of-way. Screening shall be properly maintained so as not to become unsightly, hazardous, or lose its opaqueness. The containers and their screening shall not interfere with the use of adjoining properties, shall not be placed in such a manner as to permit the entry or harboring of animals or insects or so maintained as to be readily tipped over. The containers and the area where they are kept shall be maintained and kept in a reasonably clean condition and the adjacent area shall be kept free of debris and litter at all times.

Residential and commercial properties with 96-gallon or smaller refuse, recycling, yard waste, and organics recycling containers and weekly collections may, but are not required to, place the containers adjacent to the adjoining public street and off the traveled portion of the public street, but not earlier than 12 hours prior to the day scheduled for collection. Within 12 hours after the scheduled collection, the containers and any material not collected shall be removed from adjacent of traveled portion of the public street and returned to the location where they are normally kept. (THIS SUBD AMENDED BY ORD 256, MAY 2016)

Subd. 4. All garbage shall be wrapped before it is placed in such container in some suitable material.

Section 475.20. Refuse Collectors Regulations.

Subd. 1. License Required. It shall be unlawful for any person to collect refuse for hire from any other person within the corporate limits of this municipality without first having secured a license to do so as herein below provided.

Subd. 2. Licensing Procedure. Any person desiring a license to collect refuse within the corporate limits of this municipality shall make application for the same to the council, on a form provided by the clerk, which application shall state the following information:

(a) The name and address of the applicant.
(b) The kind of equipment that is proposed to be used in such collection.
(c) The portion of the municipality in which such collections are proposed to be made.
(d) An annual licensing fee shall be paid by the applicant in the amount duly established by the council from time to time and set forth in chapter 5 of this code book.

Subd. 3. Insurance. No such license shall be issued until the applicant files with the city clerk a certificate of insurance issued by an insurance company licensed to do business in the state of Minnesota currently covering all vehicles to be used by the applicant in their business. The minimum limits of coverage for such insurance shall be determined by the city council and set forth in chapter 5 of this code book.

Such insurance shall name the city as an additional insured, be kept in force during the term of the license, and shall provide for notification to the city prior to termination or cancellation. Any license issued hereunder shall automatically be revoked upon notice of termination or cancellation of such insurance and shall remain revoked until and unless other insurance is provided as required herein.

Subd. 4. Number of Licenses; Duration. Licenses shall be issued by the council in such numbers as the council may from time to time determine as not adversely affecting or interfering with any refuse collector or collectors under contract with this municipality as hereinafter provided. Each refuse collector license shall be for 1 year from January 1 to December 31.

Subd. 5. Vehicle Identification and Maintenance. Each refuse collection vehicle shall be lettered on the outside so as to identify such licensed refuse collector. Vehicle or containers used for the collection and transportation of garbage and similar putrescible waste, or refuse containing such materials, shall be covered, leak-proof, durable and of easily cleanable construction. The vehicle or containers used for the collection and transportation of garbage, rubbish or refuse shall be reasonably airtight so that unreasonable quantities of dust, paper or other collected materials do not escape therefrom. These vehicles or containers shall be clean to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be covered when necessary to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or the container and the area properly cleaned.

Vehicles and containers used for the collection and transportation of toxic or hazardous waste shall be durable, enclosed and leak-proof and shall be constructed, loaded, moved and unloaded in a safe manner and in compliance with the regulations of federal, state and local governments and their regulatory agencies.

All refuse collection vehicles shall be maintained and kept in good repair, shall be kept clean and as free from offensive odors as possible; such vehicles shall not be permitted to stand in any street, alley or public place for a period longer than is reasonably necessary to collect refuse.

Section 475.25. Collection Service.

Subd. 1. Refuse Collection Contract. This municipality may provide a municipal refuse collection service and also may enter into a contract for the collection of refuse whereby an adequate refuse collection is provided for the residents and occupants of the municipality.

(a) Such contract shall be awarded to the lowest responsible bidder under and pursuant to statutory requirements made and provided for municipal bid contracts in Minnesota.
(b) Such contract shall be made by the city for a period of 2 years, which contract shall commence February 1, and expire 2 years later.
(c) Such contract may be extended for a period not to exceed 1 year for each extension. Such extension shall be in writing, signed by the parties thereto and attached to the original of such contract so extended. Such contract may

be terminated prior to the expiration thereof under and pursuant to provisions for termination that are included in such contract.

(d) The council is authorized to make specifications for such contract bids to give reasonable assurance that any such contract is with a responsible bidder.

(e) The council is authorized to require liability or indemnity insurance, or bid or performance bonds, and in such amounts, as the council may determine necessary for refuse collection under such contract.

Subd. 2. Charge for Refuse Collection. The owners of premises occupied as 1 or 2 family residences shall be charged a quarterly base rate for refuse collection, together with administrative expenses to be determined by the council from time to time, based upon the rates to be paid by the municipality to the refuse collector with which the municipality contracts.

(a) Such charge shall be based upon the refuse collection contract for the collection of 2 refuse containers no smaller than 20 gallons nor larger than 96 gallons in capacity and for service providing collection once each week for each occupied place of residence or business.

(b) In the event the collection consists of more than two 96 gallon containers of refuse, or collection more once per week, the person from whom such collection is made shall be charged at a rate to be determined by such contract per month for each additional container collection.

(c) In the event a person occupies a residence for only part of a year, such person may request a reduction in the said charge; however, in no case shall the charge be less than one-fourth of the annual primary rate for any fraction of a year less than 3 months.

(d) The clerk shall from time to time, send statements to residents and occupants of the municipality for refuse collection under such contract in amounts to be determined as hereinabove provided. Remittance of the total amount of any charge shall be made within 30 days after the mailing date thereof or be subject to a penalty in the amount of 20% of the current statement. Thereafter, upon failure to make a remittance of the amount so charged, such amount may be added to the real estate tax statement for the premises and for which refuse collection service was rendered and shall become a lien upon such premises.

Section 475.30. Recyclables Collection Charges.

Subd. 1. Basis of Charges. Property owners shall be charged for recyclables collected in accordance with the fee schedule set forth in chapter 5 of this code book. Charges shall be billed quarterly, and payments shall be required within 30 days after the mailing date of the statement.

Subd. 2. Quarterly Charges. Charges shall be based upon the cost of:

(a) Service once each week.

(b) Recycling containers located outside the occupied place of residence.

Subd. 3. Delinquent Bills. If recyclable collection charges are not paid within 30 days of the date of the city statement, a delinquency charge may be added. All unpaid charges plus the delinquency charges which remain unpaid on September 15, annually, may, together with an assessment fee, be assessed by the city against the property served and shall become a lien upon the property assessed. The fees shall be set forth in chapter 5 of this code book. The clerk shall prepare an assessment roll each year that provides for assessment of the delinquent recyclables collection charges plus the additional charges against the respective properties served. The assessment roll shall be submitted by the clerk to the council for adoption on or before October 10 of each year.

Section 475.35. Recyclables, Collection Contract.

Subd. 1. Contract. The city may elect to enter into a contract for the collection of recyclables from all residential properties in the city. For the purposes of this section, “residential properties” means buildings housing no more than 4 single-family residential units.

Subd. 2. Duration and Provisions of Contract. A collection contract may be for a period of 1 or more years and may contain such provisions as the council deems appropriate. The city shall require, of contractors, liability or indemnity insurance in such amounts as the council may determine necessary and appropriate.

Subd. 3. Collection Times. Recyclables shall not be collected by the city’s recyclables collection contractor or by any other person between the hours of 9:00 p.m. and 7:00 a.m. daily.

Subd. 4. Collection of Recyclables from Multiple Unit Residential Buildings. All residential buildings housing 5 or more residential units (multiple unit residential buildings) may elect to participate in city collection of recyclables provided the owner or homeowner’s association, (whichever is applicable), and provide recycling containers and access for

recycling service vehicles deemed acceptable to the city and the contractor engaged by the city to collect recyclables. In the event the city's recyclables contractor determines that additional fees are necessary to provide service to multiple unit residential buildings, the owner or homeowner's association thereof must accept in writing all such additional charges before service may be rendered by the city through its recyclables contractor. An agreement between the city and a homeowner's association of a multiple unit residential building shall be deemed binding on all individual residential units therein. Any recyclable collection charges, delinquency charges, or assessment fees incurred may be levied against the individual property tax identification parcels served and shall become a lien upon the individual property assessed.

SECTION 480. HOME OCCUPATIONS.

Section 480.00. Definitions.

See chapter 12 for definitions.

Section 480.05. Purpose.

The purpose of this ordinance is to allow people to work out of their home, while maintaining the character of residential zones.

Section 480.10. Home Occupations that Do NOT Require a License.

A business meeting the definition of a home occupation as defined in chapter 12 which is conducted in accordance with the terms and conditions of section 480.15 do not require a license, but are subject to review by the city zoning administrator for code compliance and compatibility with the residential area.

Section 480.15. Home Occupations General Regulations.

All home occupations, licensed or unlicensed, shall be conducted and operated subject to following regulations:

A. Other than individuals who reside within the residential premises who work for or conduct the business of the home occupation, a home occupation may have no more than 1 employee.
B. Home occupations must be incidental and secondary to the primary residential use of the dwelling and may not adversely impact or change the residential appearance and character thereof.
C. No residence host to a home occupation shall be used to store vehicles associated with the home occupation unless kept and stored wholly within a garage upon the premises.
D. No residence host to a home occupation shall be used to store, park, or keep any industrial or commercial equipment, buses, limousines, motor homes, or commercially licensed vehicles.
E. A home occupation may receive individual customers or clients by appointment, but the residential premises may not be held open to the general public as a showroom nor serve as an on-demand, walk-in service center.
F. A home occupation may not be host to more than four members of the general public at any one time nor more than one such gathering weekly. A home occupation may be host to invitation-only private social / sale events (e.g. Tupperware parties) provided such events occur no more than 4 times per year at any given residence and otherwise comply with city code regulating same.
G. All activity related to the conduct of the home occupation shall be conducted entirely within the principal residential structure and may not be conducted in a garage or accessory building.
H. No more than one home occupation shall be conducted upon or within any one residential property.
I. No residential premises may be employed as a shipping or receiving center for goods.
J. No home occupation shall:
   (a) Produce light glare, noise, odor or vibration that will have an objectionable affect upon neighboring properties.
   (b) Use equipment that will create electrical interference to surrounding properties.
   (c) Require alterations or construction features not customarily found in residential dwellings.
   (d) Store business-related equipment, vehicles, materials, or supplies upon the premises except within a building.
   (e) Conduct any activity of a non-residential character discernible from any neighboring property or public street.
   (f) Display signs related to the home occupation visible from any neighboring property or public street.
K. A home occupation shall not occupy or employ more than 25% of the area of the total area of the principal and accessory structures upon the premises, nor shall a residential dwelling be used exclusively for business purposes.
L. A home occupation shall not be conducted in a manner that would constitute a nuisance or otherwise be in

violation of city code.

M. No home occupation may offer, gift or serve intoxicating or non-intoxicating alcoholic beverages to guests, invitees, potential or actual customers or clients, nor serve same at social or sale events.

Section 480.20. Home Occupations Requiring a License.

Home occupations whose business operations require no more than two exceptions to the regulations of section 480.15 may apply for a license authorizing the specific exceptions. Such licenses may be granted or denied in the sole discretion of the city council and may be issued subject to conditions deemed necessary to protect and preserve the residential character of the neighborhood and city. The fee for such license applications and annual license fee shall be established from time to time by the city council and set forth in chapter 5 of this code book.

Section 480.25. Prohibited Home Occupations.

The following business activities may not be conducted as a home occupation:

(a) Service, repair, or painting of any motor vehicle.
(b) Dispatch centers where persons come to a site and are dispatched to other locations.
(c) Medical, dental, or veterinary clinics.
(d) Rental or mechanical service or repair businesses.
(e) Contracting, excavating, welding, or machine shops.
(f) Commercial kennels or boarding.
(g) Tow truck services.
(h) The sale, lease, trade, or other transfer of firearms or ammunition.
(i) Sale of hazardous materials.
(j) Shipping and/or receiving or delivery services.
(k) Hotel or motel.
(l) Event center.
(m) Lake recreation center.
(n) Marina.

Section 480.30. Zoning Administrator Authority.

The zoning administrator shall have authority under section1180 to enforce this code section and may make determinations that specific home occupations adversely impact or change the character of a residential area in violation of this code. The zoning administrator may issue demands that uses in violation of code cease and may issue civil citations as provided under chapter 12 for violations of this code section.

(THIS SECTION 480 ADDED MAY 2013, ORD. 217)

SECTION 485. RESERVED.

SECTION 490. ADVERTISEMENT TUBES.

Section 490.00. Commercial Mailing and Advertisement Tubes.

Subd. 1. License Required. No person, partnership, association or corporation shall place or cause to be placed commercial mailing tubes or advertisement tubes adjacent residences within the corporate limits of the municipality without having first obtained a license for a fixed number of tubes. Any person or other entity desiring such a license shall apply therefor to the city council.

Subd. 2. License Procedure. The application shall be in writing, signed by the applicant and filed with the city clerk. The application shall set forth the name and address of the applicant and all persons interested in the applicant's business as owners; a description of the mailing or advertisement tubes or other depository device including dimensions, color, height of placement and materials of construction; the exact locations at which the applicant proposes to place the tubes or depository device; and whether the applicant is presently or has ever engaged in a similar business. Upon submission of the application the clerk shall present the application to the city council at its next regularly scheduled meeting.

Subd. 3. Fee. A fee per tube or depository device shall be tendered at time of application. The fee amount will be determined from time to time by the council and shall be set forth in chapter 5 of this code book.

Subd. 4. Term of License. Licenses shall expire at the close of the calendar year during which they were issued. Licenses may be renewed annually upon payment of the current license fee. All changes in the number of tubes or depository devices are subject to review by the city council, which may grant or deny the application for a change in the number of tubes or depository devices.

Subd. 5. Definitions. See chapter 12 for definitions.

Subd. 6. License Fee Waiver. The required license fee shall be waived on a per tube basis for each signed request from the owner of an individual residence within the city who desires the service of the licensee.