

CHAPTER 5: MUNICIPAL REGULATIONS AND LICENSES

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SECTION 500: GENERAL REGULATIONS

500.01 Licenses and Permits; Application. All licenses and permits required by any ordinance shall be granted by the Council. Applications shall be made to the Clerk on forms provided by the Clerk. Statements made in the application shall be verified by the oath of the applicant.

500.02 Licenses and Permits; Granting. The Clerk shall issue the license or permit applied for, on order of the Council, after payment of any required fee and the filing of any required bond. Except as provided in Subsection 500.03, no license shall be issued for any shorter period, nor for any less fee, than is specified in the section, even if the license cannot be used by the applicant for the whole of the license period.

500.03 Probationary Licenses. When the Council wishes to put an applicant for a license on trial period for a time before granting a regular license, a probationary license may be granted for the period, less than the shortest license period provided in the section. The cost for a probationary license shall not be less than the pro rata share of the regular fee as set in the salary and fees schedule adopted by the Council to cover the cost of issuance. All section provisions referring to licenses and licensees shall be construed to refer also to probationary licenses and licensees.

500.04 Licenses and Permits; Late Application. Failure to secure a license or permit before engaging in any enterprise or activity for which a license or permit is necessary, shall be a misdemeanor. If any person engages in an enterprise or activity, for ten (10) days or more after expiration of a former license, or prior to obtaining an original license, the person shall be required to pay a license fee fifty percent (50%) higher than that stated in the section, in order to pay for extra administrative costs incurred by the City.

500.05 Displaying License or Permit. Every license to carry on any business shall be kept conspicuously posted about the place where the business is carried on. Every holder of a license or permit shall exhibit the same to any person upon request. No person shall post a license or

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permit on premises other than those for which issued. No person shall alter, deface or destroy any license or permit, while it is in effect.

500.06 Licenses; Expiration, Suspension, Revocation, Return. All annual licenses, unless otherwise specified, shall expire on December 31 of each year. Any license or permit may be suspended or revoked by the Council for cause after a public hearing held on reasonable notice to the licensee. Ten (10) days notice shall in any event be considered a reasonable notice; and where circumstances make it advisable, a shorter notice may be given. If any condition of a license or permit is disregarded, or if any holder of a license or permit, or employee of a holder, violates any section or regulation relating to the licensed activity, the license or permit may be suspended or revoked with a shorter notice. On revocation or expiration of a license or permit, the Clerk shall inform the Sheriff or the head of the Police Department, who shall secure the license or permit and deliver it to the Clerk. Failure of any holder of a license or permit to deliver the same to any police officer on demand, after revocation or termination, shall be a misdemeanor.

500.07 Non-Transferability of Licenses. Except as otherwise provided, all licenses and permits shall be non-transferable.

500.08 Duplicate Licenses. A duplicate license to replace a lost original or a license for a different location after the original is surrendered, may be issued by the Council at its discretion. The Council may prescribe the payment of a fee of one-half the fee for the original license, but not to exceed the fee set in the salary and fees schedule adopted by the Council.

SECTION 505: SPECIAL EVENTS

(Ord #19-03 1-2-19)

505.01 Purpose, the following ordinance shall set forth the regulation of special events within the city right-of-way parks, or other City property.

Subd. 1 Special Event. Special Event shall mean any private or public gathering within a street, park, other publicly owned land, other than the routine uses the City intends for that particular land, or which may constrain such routine uses by others. These Special Event uses may include a consumption of food, beverage or alcohol as part of the event. Any consumption, distribution, or sale of alcohol shall also be subject to the provisions of Chapter 6 of the City's Code of Ordinances: The Liquor and Beer Ordinance.

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505.02 Licenses. No person(s) shall conduct a Special Event in this City unless a license has been procured from the City. The fees for the licenses shall be as set in the salary and fees schedule adopted by the Council. However, the Council may grant a license without charge where it is satisfied that the applicant is a nonprofit and the event provides a public rather than private benefit.

505.03 Application. Any person(s) desiring a license to hold or conduct a Special Event shall apply on forms furnished by the City. The application shall set forth the name and address of the person(s), or organization that is conducting the event; time and place where the event is to be held, including a detailed map and a clear description of right-of-way street closures and where alcoholic beverages will be served; proof of insurance; and any other information the City may request.

505.04 Grant or Denial of License. The City shall refer the application to the Council, which may grant the license if all requirements are met.

Subd. 1 If the license is issued, it shall be posted in a visible location at the premises where the event is to take place. The person(s) named in the license shall be responsible for the manner in which the event is conducted.

Subd. 2 The City may deny a Special Event permit due to any past violation, including: acts of violence, inappropriate and or hostile conduct, damage to City-owned or neighboring property, failure to keep space clean/orderly, failure to comply with City's alcohol and beer ordinance, and violations of the City's noise or other ordinance.

505.05 Revocation. Special Event licenses are subject to revocation by the City. When City Staff or Law Enforcement determines that an event is in violation of its license or of any law or ordinance, that officer may immediately revoke the Special Events license and order all persons present at the premises where the violation is occurring, other than the owner or tenants, to disperse immediately.

505.06 Liability Insurance

Subd. 1 Liability Insurance Required. The applicant or sponsor of a Special Event must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the Special Event. A certificate of insurance must be filed with the City prior to issuance of the Special Events permit. The certificate of insurance must name the City, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the Special Event.

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Subd. 2 Minimum Limits. Insurance coverage must be a commercial general liability policy acceptable to the City, with limits of at least \$1,500,000. If alcoholic beverages are to be sold or distributed at the special event, the policy must also include an endorsement for liquor liability. The City Council may require additional endorsements depending upon the type of Special Event and proposed activities.

SECTION 510: CURFEW

510.01 Purposes and Findings.

Subd. 1 Violence, Gang Activity and General Crime. The City Council of Pine City is concerned about juvenile violence, juvenile gang activity and crime by juveniles in the City of Pine City.

Subd. 2 Susceptibility. Juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful activities, including gang related activity, and to be victims of older perpetrators of crime.

Subd. 3 Special Regulation Required. Because of the foregoing, special and extenuating circumstances presently exist within this City that require special regulation of juveniles within the City in order to protect them and other persons during the nighttime hours, to aid in crime prevention, to promote parental supervision and authority over minors and to decrease juvenile crime rates.

Subd. 4 Conduct Regulation. In accordance with prevailing community standards, this section serves to regulate the conduct of minors in public places during nighttime hours, to be effectively and consistently enforced for the protection of juveniles from each other and from other persons, in public places during nighttime hours, for the enforcement of parental control of, authority over and responsibility for their children, for the protection of the general public from nighttime mischief by juveniles, for the reduction in the incidents of juvenile criminal activities, for the furtherance of family responsibility and for the public good, safety and welfare.

Subd. 5 Need for Curfew. It is the intent of the City Council to review and evaluate the need and effect of nighttime curfew for juveniles set forth in this section on the incidents of juvenile criminal activity and protection of juveniles against criminal activity.

510.02 Authority. This section is enacted pursuant to the authority granted under Minn. Stat. §§ 412.231 and 145A.05, as they may be amended from time to time.

510.03 Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Subd. 1 Authorized Adult. "Authorized adult" shall mean any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control of a juvenile.

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Subd. 2 Emergency. “Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster or automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Subd. 3 Juvenile. “Juvenile” means a person under the age of eighteen (18) years. The term does not include persons under eighteen (18) who are married or have been legally emancipated.

Subd. 4 Parent. “Parent” shall mean any person having legal custody of a juvenile:

- A. As natural parent, adoptive parent or step-parent.
- B. As a legal guardian.
- C. As a person to whom legal custody has been given by order of the court.

Subd. 5 Public Place. “Public place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, roadways, parks, public recreation, entertainment or civic facility, schools and the common areas of hospitals, apartment houses, office buildings, transport facilities and shops.

Subd. 6 Serious Bodily Injury. “Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

510.04 Prohibited Acts.

Subd. 1 Minors under the Age of Thirteen (13). It is unlawful for juveniles under the age of thirteen (13) years to be present in any public place within the City of Pine City:

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

Subd. 2 Minors Between the Ages of Thirteen (13) and Fifteen (15). It shall be unlawful for juveniles who are at least thirteen (13) but less than fifteen (15) years of age to be present in any public place within the City of Pine City:

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

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Subd. 3 Minors Between the Ages of Fifteen (15) and Eighteen (18). It shall be unlawful for juveniles who are at least fifteen (15) but less than eighteen (18) years of age to be in any public place within the City of Pine City:

A. Any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day, except that between Memorial Day and Labor Day of each calendar year for a juvenile age seventeen (17) the hours shall be 12:01 a.m. to 5:00 a.m. for the days noted.

B. Any time between 12:01 a.m. and 5:00 a.m. on any Friday or Saturday.

Subd. 4 Authority. It shall be unlawful for a parent or authorized adult of a juvenile to knowingly, or through negligent supervision, to habitually permit the juvenile to be in any public place within the City during the hours prohibited hereby, under circumstances not constituting an exception to this section, as set forth herein. The term “knowingly” includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a juvenile under the person's care.

Subd. 5 Establishment Owners; Responsibility. It shall be unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly and habitually permit any juvenile to be in the place during the hours prohibited hereby, under circumstances not constituting an exception to this section, as set forth herein. The term “person operating” shall mean any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

510.05 Exceptions.

Subd. 1 Exceptions. The following shall constitute valid exceptions to the operation of the curfew:

A. At any time, if a juvenile is accompanied by his or her parent or an authorized adult.

B. At any time, if a juvenile is involved in, or attempting to remedy, alleviate or respond to an emergency.

C. If the juvenile is engaged in a lawful employment activity, or is going to or returning home from his or her place of employment.

D. If the juvenile is attending an official school, religious or other social or recreational activity supervised by adults or sponsored by a City or the county, a civic organization or another similar entity that takes responsibility for the juvenile.

E. If the juvenile is going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults or sponsored by the City or the County, a civic organization or another similar entity that takes responsibility for the juvenile.

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- F. If the juvenile is on an errand as directed by his or her parent, without any detour or stop.
- G. If the juvenile is engaged in interstate travel.
- H. If the juvenile is on the public right-of-way boulevard or sidewalk abutting the juvenile's residence or abutting the neighboring property, structure or residence.
- I. If the juvenile is exercising First Amendment rights protected by the United States Constitution (or those similar rights protected by Article I of the Constitution of the State of Minnesota), as free exercise of religion, freedom of speech and the right of assembly.
- J. If the juvenile is homeless or uses a public or semi-public place as his or her usual place of abode.

Subd. 2 Affirmative Defense. It is an affirmative defense to prosecution hereunder that:

- A. The owner, operator or employee of an establishment promptly notify the Police Department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.
- B. The owner, operator or employee reasonably and in good faith relied on a juvenile's representations of proof of age. Proof of age may be established pursuant to Minn. Stat. § 340A.503, Subd. 6, as it may be amended from time to time, or other verifiable means, including, but not limited to school identification cards and birth certificates.

510.06 Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in a public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that no exception set forth herein.

510.07 Penalties. Violation of Subsection 510.04, Subds. 1 through 3, will be prosecuted pursuant to Minn. Stat. § 260.195, as it may be amended from time to time, and will be subject to the penalties therein. Violation of Subsection 510.04, Subds. 4 and 5, shall be a misdemeanor.

510.08 Continuing Review and Evaluation. The City Attorney and City Administrator shall prepare and submit a report annually to the City Council evaluating violations of this section and the criminal activity by and against juveniles within the City during the preceding year. The first report shall be submitted six (6) months after the effective date of this code.

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SECTION 515: LAWFUL GAMBLING

515.01 License Required. Heath Perkins American Legion Post 51 shall be granted a license to operate gambling devices and conduct raffles, as defined in the City's fee schedule, for a fee of two hundred dollars (\$200) per year. This operation shall be conducted in accordance with Minn. Stat. Chap. 349, as it may be amended from time to time, with the monthly report of the gross receipts, expenses, profits and distribution of profits to be furnished to the City in accordance with the State law.

515.02 Lawful Gambling Permitted.

Subd. 1 Criteria. Lawful gambling, as defined in Minn. Stat. § 349.12, Subd. 2, as it may be amended from time to time, shall be permitted in the City if the organization conducting gambling meets the following criteria:

- A. Is licensed by the Minnesota Gambling Control Board.
- B. Is a tax exempt organization pursuant to § 501(c) of the Internal Revenue Code or has a § 501 (c) application pending with the Internal Revenue Service.
- C. Maintains an address within the City.
- D. Has been in existence as a union nonprofit corporation or as a § 501(c) tax exempt organization at least three (3) consecutive years prior to the date it begins its gambling operations.
- E. Complies with all of the provisions of this section, as well as any other restrictions on gambling.

Subd. 2 Exception. Organizations which lawfully conducted gambling in the City before the effective date of this Code and which meet the requirements of Subd. 1 above, except did not maintain an address in the City prior to the effective date of this section may continue to conduct gambling notwithstanding the fact that the organization does not maintain an address within the City.

Subd. 3 Maximum Number of Gambling Locations. The number of locations where lawful gambling may be conducted within the City shall not exceed ten (10). No organization may conduct lawful gambling at more than three (3) locations within the City.

515.03 Approval of Premises Permit.

Subd. 1 Application. Any organization applying to the Gambling Control Board for a premises permit, bingo hall license or for the renewal of the same to conduct lawful gambling in the City shall, within ten (10) days of making the application, file the following with the City:

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- A. A duplicate copy of the Gambling Control Board application along with all supporting documents submitted to the Gambling Control Board.
- B. A copy of the articles of incorporation and by-laws of the organization.
- C. The names and addresses of all officers and directors of the organization.
- D. A copy of the organization's written procedures and/or criteria for distribution of funds derived from lawful gambling, its standardized application form, and its written fiscal control procedures.
- E. A copy of the Internal Revenue Service's tax exempt letter.

Subd. 2 Applicant Investigation. Upon receipt of the materials required by Subd. 1 above, and not later than sixty (60) days from receipt of notice from the Gambling Control Board, City staff shall investigate the applicant, and based upon the investigation, the Council shall act on the application.

Subd. 3 Council Action. The action of the Council to approve an application for a premises permit or bingo hall license within the City shall be by resolution. Failure to receive a majority affirmative vote of the Council shall constitute a denial of the application.

Subd. 4 Filing of Additional Reports and Documents. Copies of any other reports or documents which are required to be subsequently filed by the organization with the Gambling Control Board, including monthly financial statements, shall be filed with the City within ten (10) days of filing the materials with the Gambling Control Board.

Subd. 5 Compliance Required. To assure compliance with this section the City may require a premises permit holder or bingo hall licensee to provide copies of the records described in Minn. Stat. § 349.215, as it may be amended from time to time.

515.04 Distribution of Proceedings.

Subd. 1 Trade Area. During any year that an eligible organization is licensed to conduct lawful gambling, no less than 50 percent (50%) of its lawful purpose expenditures shall be for lawful purposes conducted or located within the City of Pine City's trade area. The City of Pine City's trade area is defined as the municipal boundaries of Pine City, Pine City Township, Chengwatana Township, and Pokegama Township and that 50 percent (50%) of the charitable gambling proceeds be spent within the defined trade area. Such expenditures shall be made within the same calendar year that such proceeds are received by the organization conducting the charitable gambling. Any expenditures made during January of any year may, at the option of the charitable organization, be deemed to have been made in a prior calendar year to the extent necessary to meet the requirements of this Section.

515.05 Law Enforcement and Administrative Costs. All organizations conducting lawful gambling within the City shall, within thirty (30) days of the end of each month, pay to the City an amount

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equal to three percent (3%) of the gross receipts from lawful gambling conducted in the City in the month, less amounts actually paid for prizes, to cover the City's law enforcement and administrative costs in regulating lawful gambling.

515.06 Gambling Exempt from State Licensing Requirements.

Subd. 1 Exception to Required Permit. Organizations which conduct lawful gambling which is exempt from State gambling licensing requirements may conduct the gambling within the City upon receipt of a permit from the City, except this requirement shall not apply to door prizes or raffles and bingo where total prizes are less than fifty thousand dollars (\$50,000) in a calendar year.

Subd. 2 Permit Application. An application for a permit along with a fee as set in the salary and fees schedule adopted by the Council shall be made at least thirty (30) days prior to the date gambling shall be conducted. The application shall contain the following:

- A. The name of the organization.
- B. The address of the organization.
- C. The place where gambling will occur.
- D. The total prizes to be awarded.

Subd. 3 Filing Reports with the City. Within thirty (30) days of filing any reports with the Gambling Control Board, the organization shall file a copy of the reports with the City.

Subd. 4 Exception to Law Enforcement and Administrative Costs. The provisions relating to law enforcement and administrative costs set forth in Subsection 515.03 shall not apply to gambling permitted pursuant to this section. All other provisions of this section apply to the organizations.

515.07 Video Games of Chance. Video games of chance, as defined by Minnesota Statutes, are prohibited in the City.

SECTION 520: THE CONDUCT OF BINGO

520.01 Purpose. The purpose of this section is to closely regulate and control the conduct of the game of bingo and to prohibit commercialization of bingo operations that are exempt from State licensing requirements.

520.02 Definitions. Unless the context indicates otherwise, the following terms have the stated meanings.

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Subd. 1 Active Member. "Active member" means a member of the organization requesting a license whose dues are paid for the current membership period and who has been a member for at least six (6) months.

Subd. 2 Bingo. "Bingo" means a game where each player has a card or board for which a consideration has been paid, containing five (5) horizontal rows of spaces, with each row, except the central one (1) containing five (5) figures. The central row has four (4) figures with the work "free" marked in the center space thereof. A player wins the game of bingo by completing any preannounced combination of spaces or, in the absence of a pre-announcement of a combination of spaces, any combination of five (5) spaces in a row, either vertical, horizontal or diagonal.

Subd. 3 Bingo Occasion. "Bingo occasion" means a single gathering or session at which a series of one (1) or more successive bingo games is played.

Subd. 4 Eligible Organization. "Eligible Organization" means any fraternal, religious, veterans or other nonprofit organization which has been in existence for at least three (3) years and has at least thirty (30) active members and which is exempt from State licensing requirements.

Subd. 5 Profit. "Profit" means the gross receipts collected from one (1) or more bingo occasions less reasonable sums necessarily and actually expended for bingo supplies and equipment, prizes, rent and utilities used during the bingo occasions, bingo license fees and compensation to persons lawfully hired to conduct or assist in conducting a bingo occasion.

520.03 Permit Required. (Note. State law allows the issuing of a permit, not a formal license.)

Subd. 1 Required. No bingo occasion shall be conducted, except by an eligible organization which has secured a permit for the purpose, as provided in this section.

Subd. 2 Annual Fee. The annual permit fee shall be as set in the salary and fees schedule adopted by the Council.

Subd. 3 Non-transferable. No bingo permit issued may be transferred to any other person or organization. No bingo permit shall be transferred to any other location other than the location specified in the license, without prior approval by the Council.

520.04 Permit Applications. Every application for a bingo permit shall be made to the City Clerk on a form supplied by the City and containing the information as the Clerk or the Council may require. No person shall make a false statement in an application. Copies of each application shall be referred, in the Council's discretion, to the Chief of Police and the Fire Chief for their recommendations.

520.05 Suspension or Revocation. The Council may suspend for a period not exceeding sixty (60) days, or revoke, any bingo permit for violation of any provision of Minn. Stat. Ch. 349, as it may be amended from time to time, or this section. The holder of the permit shall be granted a hearing upon at least ten (10) days notice before revocation or suspension is ordered. The notice

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shall state the time and place of the hearing and the nature of the charges against the permit holder.

520.06 Conduct of Bingo.

Subd. 1 Bingo Manager. Each organization shall appoint a bingo manager to supervise bingo occasions conducted by it. The bingo manager must be a member of the organization, with dues paid for the current membership period, and must have been a member of the organization for at least two (2) years. The bingo manager shall give a fidelity bond in the sum of three thousand dollars (\$3,000) in favor of the organization conditioned on the faithful performance of the manager's duties. Terms of the bond shall provide that notice shall be given in writing to the Council not less than thirty (30) days prior to its cancellation. Each bingo occasion shall be conducted under the direct supervision of the bingo manager, who shall be responsible for the conduct of the bingo occasion in compliance with all applicable laws and ordinances. No person shall act as bingo manager for more than one (1) organization.

Subd. 2 Additional Persons. Additional persons may be engaged for other duties in connection with bingo occasions as needed, but no person shall assist in the conduct of a bingo occasion who is not an active member of the organization, or the spouse of an active member of the organization.

Subd. 3 Compensation. No person shall receive for any duties in connection with any one (1) bingo occasion more than the compensation set in the salary and fees schedule adopted by the Council.

Subd. 4 Hours. A bingo occasion shall not continue for more than four (4) consecutive hours.

520.07 Bingo on Leased Premises. Any person which leases any premises that it owns to two (2) or more eligible organizations for purposes including the conduct of bingo occasions, shall not allow more than four (4) bingo occasions to be conducted on the premises in any week.

520.08 Prizes.

Subd. 1 Limit for Prizes. Prizes shall not exceed the maximum authorized by State law or by the rules and regulations promulgated by the State to regulate bingo. Merchandise prizes shall be valued at fair market retail value.

Subd. 2 Prizes Awarded Same Day. Each bingo winner shall be determined and every prize shall be awarded and delivered the same day on which the bingo occasion is conducted.

520.09 Records.

Subd. 1 Records. Each organization holding a permit under this section shall keep records of all its gross receipts and profits for each bingo occasion. All deductions from gross receipts from a bingo occasion shall be documented with receipts or other records. The distribution of profits shall be itemized as to payee, amount and date of payment. Records required by this section

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shall be preserved for three and one-half (3.5) years.

Subd. 2 Bingo Gross Receipts Separate. Bingo gross receipts shall be segregated from other revenues of an organization and placed in a separate account. Each organization shall maintain separate records of its bingo operations. The person who accounts for bingo gross receipts and profits shall not be the same person who accounts for other revenues of the organization.

520.10 Reports.

Subd. 1 Monthly Report. Each organization holding a permit under this section shall report monthly to its membership its gross receipts from bingo, its profits from bingo and the distribution of those profits itemized, as required by Subsection 520.09, Subd. 1, above.

Subd. 2 Application Requirements. At the time of making its first permit application under this section, and on an annual basis thereafter, each organization shall file with the Council copies of the following:

- A. Forms it files with the Department of the Treasury.
- B. Forms it files with the Minnesota Department of Revenue.
- C. Forms it files with the Gambling Control Board.

Subd. 3 False Statements. No person shall knowingly make a false statement in any report required by this section.

520.11 Inspection and Investigation. Any police officer, City official or employee, having a duty to perform with reference to a bingo permit, may inspect and examine the bingo records of any organization upon twenty-four (24) hours notice.

520.12 Use of Bingo Receipts. No expense shall be incurred or amounts paid in connection with the conduct of bingo, except those reasonably expended for bingo supplies and equipment, prizes, rent or utilities used during the bingo occasion, bingo license fees and compensation to persons lawfully hired to conduct or assist in conducting a bingo occasion.

520.13 Use of Bingo Profits. Profits from any bingo occasion shall be expended only as authorized by a resolution recorded in the official minutes at a regular meeting of the organization and only lawful purposes as provided by State law.

520.14 Exemptions. Bingo may be conducted without complying with the requirements of this section if conducted in connection with the county fair conducted by the County Agricultural Society or in connection with a civic celebration recognized by resolution of the Council, provided that bingo shall not be conducted for more than twelve (12) days during any one (1) County fair or recognized civic celebration, or by an organization that conducts fewer than five (5) bingo occasions in any calendar year. (Note: Verifying exemption requirements.)

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SECTION 525: ANIMAL CONTROL

525.01 General.

Subd. 1 Care; abuse; abandonment.

- a) No owner of an animal shall fail to provide such animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and the owner shall provide humane care and treatment.
- b) No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
- c) No owner of an animal shall abandon such animal.

Subd. 2 Steel-jawed spring traps.

The setting of steel-jawed spring traps which could catch the foot or leg of an animal is hereby prohibited in the city, except for mouse and rat traps set in homes or buildings by the owners or occupants of the homes or buildings.

Subd. 3 Quarantine of animal having bitten person; destruction of rabid animals.

- a) Any dog or other animal that has bitten a person and caused an abrasion or puncture of the skin shall immediately be quarantined for a minimum of ten days. Such an animal shall be confined at a veterinary hospital or at the owner's home in such a manner that it does not escape or come in contact with other people or animals. When the dog or animal is quarantined as stated in this subsection, it shall be at the owner's expense. A quarantine report must be completed by the local animal control agency. A stray animal that has bitten a person shall be quarantined through the local animal control agency.
- b) No animal suspected of being rabid shall be killed by anyone until after the animal has been placed in quarantine and the diagnosis of rabies made.

525.02 Wild or Exotic Animals

Subd. 1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings

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ascribed to them in this section, except where the context clearly indicates a different meaning:

Wild animal and *exotic animal* mean any mammal, amphibian, reptile or bird which is of a species not usually domesticated and of a species which, due to size, wild nature or other characteristic, is dangerous to humans. The terms "wild animal" and "exotic animal" include animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, raptors and pheasants. By way of example and not of limitation, the terms "wild animal" and "exotic animal" includes snakes, eagles, ocelots, jaguars, cougars, weasels, ferrets, badgers, monkeys, chimpanzees, deer and bison. The terms "wild animal" and "exotic animal" also includes crossbreeds such as the cross between dogs and coyotes and dogs and wolves.

Subd. 2 Keeping of certain animals.

- a) Prohibited animals. No person shall keep, maintain or harbor within the city any of the following animals:
 - (1) Any animal or species prohibited by federal or state law.
 - (2) Any exotic animal or species when kept in such numbers or in such a way as to constitute a likelihood of harm to the animals themselves, to human beings or to the property of human beings or which constitutes a public or private nuisance.
 - (3) Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.
 - (4) Any large cat or members of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated cats.
 - (5) Any member of the family Canidae, such as wolves, dingoes, coyotes and jackals, except domesticated dogs.
 - (6) Any crossbreed such as the crossbreed between dogs and coyotes and dogs and wolves.
 - (7) Any raccoon.
 - (8) Any red-eared turtle (*Pseudemys scriptaelegans*) with a shell length of less than four inches.
 - (9) Any Vietnamese potbellied pig.
- b) Restricted animals. Any wild or Exotic animals not prohibited in paragraph a) shall only be allowed as a conditional use under the Zoning Ordinance in an A-O district.
- c) Exceptions. This section does not apply to the following:

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- (1) Animals temporarily brought into the city for the purpose of participating in any circus or show;
- (2) Any public zoo or persons keeping animals for a public zoo as volunteers, docents or otherwise;
- (3) Any bona fide research institution or veterinary hospital, provided protective devices adequate to prevent such animals from escaping or injuring the public are provided;
- (4) Animals kept on a temporary basis of not more than 21 days for purposes of veterinary care; or
- (5) Those individuals designated as foster care homes by the Humane Society. Such foster care services shall be limited to 21 days.

Subd. 3 Impoundment.

Any wild animal kept in violation of this article may be impounded by the city. Unless such impounded animal is reclaimed and removed from the city or issued a license to allow it to remain in the city or unless the owner petitions the district court for a determination that the animal is exempt from this article, the animal may be destroyed or sold seven days following notice to the owner of such animal of its impoundment and this article. Any person reclaiming any such animal shall pay the costs of impounding and boarding the animal at the time of its release.

525.03 Dogs.

Subd. 1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shelter means any premises designated by the city administrative authority for the purposes of impounding and caring for dogs held under authority of this article.

Dangerous Dog means any dog that has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is

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potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Dog means any living dog.

Officer means any person designated by the City as an enforcement officer.

Owner means any person owning, keeping or harboring dogs.

Pet shop means any person engaged in the business of feeding, buying, selling or boarding animals of any species.

Potentially Dangerous Dog means any dog that:

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

Restraint. A dog or cat is under restraint within the meaning of this article if it is controlled by a leash which does not extend beyond the boundaries of the private property or within a vehicle being driven or parked on the streets or within the property of its owner/keeper, in a fenced area, if within an electronic fence with signage, controlled by a chain or under owner's control and supervision.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.

Subd. 2 Rules and regulations relating to licenses and humane treatment.

The council shall promulgate regulations governing the issuance of licenses, and such regulations shall include requirements for humane care of the owner's dogs and for compliance with all sections of this article and other applicable state and local laws. The council may amend such regulations from time to time as it deems desirable for the public health and welfare and to protect dogs from cruelty.

Subd. 3 Limitation on number for each dwelling unit in residential zones.

No more than two dogs over three months of age shall be housed or be kept on any one residential site in any area of the city zoned R-1 residential district or R-2 residential district. No

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more than one dog of any age shall be kept in a dwelling unit in any area of the city zoned MF residential (1 or 2).

Subd. 4 Enforcement.

Officers designated by the City and approved by the council shall have police powers in the enforcement of this article; and no person shall interfere with, hinder or molest any such officer in the exercise of such powers.

Subd. 5 Violations.

- a) Any person violating any of the sections of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 100.11
- b) If any person is found guilty by a court of violation of sections 525.02 & 525.03, his license to own, keep, harbor or have custody of dogs shall be deemed automatically revoked; and no new license may be issued for a period of one year.

Subd. 6 Required; exceptions.

No person shall, without first obtaining a license in writing from the clerk, own, keep, harbor, or have custody of any dog over three months of age. However, this section shall not apply to the keeping of small caged birds or aquatic and amphibian animals solely as pets or for police canines of any political subdivision.

Subd. 7 Fees; issuance; current rabies vaccination certificate required.

- a) Upon a showing by any applicant for a license required under this division that he is prepared to comply with the regulations promulgated by the council, a license shall be issued following payment of the applicable fee, as follows:
- b) The City Council may appoint Veterinary offices, Human Societies, Animal care facilities, or Animal control officers to issue dog licenses for a five year period with the ability to reappoint.
 - (1) For each dog, the fee is as may be imposed, set, established and fixed by the city council, by resolution, from time to time.
 - (2) No fee or license shall be required of any Humane Society or veterinary hospital.
- c) No license shall be granted for a dog which has not been vaccinated against rabies as provided in this section on such date, but not more than two years will have elapsed from the date of such vaccination to the time of the expiration of the license to be issued, unless stated upon the certificate that the vaccination is effective for at least three years. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated, and the applicant shall present an original

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certificate from a qualified veterinarian showing that the dog to be licensed has been given a vaccination against rabies and the date on which the vaccination was administered.

Subd. 8 Term.

The license period under this division shall be the same as the term of the rabies vaccination. The license shall only be renewed upon certifying that vaccinations are up to date.

Subd. 9 Revocation.

The City may revoke any license issued under this division if the person holding the license refuses or fails to comply with this article, any regulations promulgated by the City pursuant to this article, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose license is revoked shall, within ten days thereafter, humanely dispose of all dogs being owned, kept or harbored by such person; and no part of the license fee shall be refunded.

Subd. 10 Tags.

Upon issuing a license to keep any dog under this division, the clerk shall issue to the owner a metallic or durable plastic tag stamped with an identifying number so designated that it may be conveniently fastened to a dog collar or harness. Such tag shall be fastened to the dog's collar or harness by the owner and shall be worn at all times. The clerk shall maintain a record of the identifying numbers and shall make this record available to the public.

Subd. 11 Exemptions from division.

The sections of this division requiring a license shall not apply to owners of certified seeing eye and other handicapped-aid dogs, owners and handlers of bona fide working dogs (guard dogs, search dogs, etc.) and nonresidents of the city who are keeping only domestic pets, provided that domestic pets of nonresident owners shall not be kept in the city longer than 30 days annually and the animals shall be kept under restraint.

Subd. 12 Restraint.

All dogs shall be kept under restraint at all times in the city.

Subd. 13 Duty of owners.

- a) No owner or custodian of any dog, whether licensed or unlicensed, shall permit such dog to run at large, with the exception of within a designated off-leash dog area. It shall be the obligation of the owner or custodian of any dog in the city, whether permanently or temporarily therein, to prevent any such dog at any time on any street, public park (with the exception of a park with an off-leash dog area as designated by the City), school grounds or public place without being effectively restrained by a chain or leash not exceeding eight feet in length.

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- b) Any person having custody or control of any dog shall have the responsibility for cleaning up any feces of the dog and disposing of such feces in a sanitary manner. It shall furthermore be the duty of each person having the custody and control of any dog to have on such person possession of a device or equipment for picking up and removal of animal feces. This subsection shall not apply to a guide dog accompanying a blind person or to a dog when used in police or rescue activities.
- c) No owner or custodian of any dog within the city shall allow the dog to remain outside and unattended for a period exceeding four consecutive hours. For the purpose of this subsection, the term "outside and unattended" shall mean that the dog is on or has free access to the exterior grounds of any premises and the owner or custodian is not physically present and in the company of the dog.
- d) Owners or custodians of dogs are hereby charged to prevent their dogs from barking or making other noises which unreasonably disturb the peace and quiet of any person. The phrase "unreasonably disturb the peace and quiet" includes, but is not limited to, the creation of noises, by such dogs, audible to a peace officer or animal control officer outside the building or premises where the dogs are being kept and which noise occurs repeatedly over [a] five-minute period with a time lapse of one minute or less between repetitions over a five-minute period. Failure on the part of the owner or custodian to prevent a dog from committing such acts shall be subject to penalty provided in section 10-65

Subd. 14 Female dogs in heat.

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

Subd. 15 Duty of temporary visitors to city.

It shall be unlawful for any person temporarily in the city, while staying at any private home or at any public accommodation such as a hotel or motel, to have a dog running at large or to permit his dog at any time, when out of the room or suite occupied by such person, to be upon the street or in any public or private place, unless firmly upon a leash at all times.

Subd. 16 Authority; notice to known owners; reclamation by owners; humane disposal of unclaimed dogs.

Unrestrained dogs running at large in the city may be taken by the Sheriff's Department, the animal control officer or the Humane Society and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than five days, unless reclaimed by their owners. If by a license tag or by other means the owner can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone or mail of the impoundment of the dog. A dog not claimed by its owner within five days shall be

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humanely disposed of by an agency delegated by the council to exercise that authority.

Subd. 17 Fees; additional penalties.

Any owner reclaiming a dog under this article, which has been impounded for any reason, shall pay a fee as set by council resolution from time to time. The owner may also be proceeded against for violation of this article, and his license may be revoked.

Subd. 18 Return to owner of dog found at large.

Notwithstanding the sections of this division, if a dog is found at large in the city and its owner can be identified and located, such dog need not be impounded but may, instead, be taken to the owner.

Subd. 19 Dangerous/potentially dangerous dogs.

The provisions of Minn. Stats. §§ 347.50—347.56, inclusive, are hereby adopted as the potentially dangerous and dangerous dog regulations for the City of Pine City. Where a conflict exists between the provisions of the City Code and the provisions of Minn. Stats. §§ 347.50—347.56, inclusive, the provisions of the Minnesota Statutes shall apply.

- (1) Initial determination. The City shall be responsible for initially determining (initial determination) whether a dog is a potentially dangerous dog or a dangerous dog. The City may retain custody of a dog which has been initially determined to be a dangerous dog pending the hearing as hereinafter provided. The initial determination shall be conclusive unless the owner appeals the initial determination as hereinafter provided.
- (2) Notice of initial determination. The notice of initial determination shall be personally served on the owner of the dog or on a person of suitable age at the residence of such owner. The notice of initial determination shall describe the dog deemed to be potentially dangerous or dangerous, shall identify the officer making the initial determination and shall inform the owner of the owner's right to appeal the initial determination.
- (3) Request for hearing and hearing. An owner may appeal the initial determination by filing a request for hearing with the City within five days of the owner's receipt of the notice of initial determination. A hearing shall be held within seven days after the city's receipt of the request for hearing. The City shall assign a hearing officer, who shall not be the person who made the initial determination. At the hearing, the hearing officer shall consider the reports and comments of the City, the testimony of any witnesses, witness statements and the comments of the owner of the dog. After considering all of the evidence submitted, the hearing officer shall make written findings and shall determine whether the dog is a potentially dangerous dog or a dangerous dog (final determination). The findings shall be made within five days of the date of the hearing and shall be personally served upon the owner of the dog or upon a person of suitable age at the residence of the owner.
- (4) Seizure of dangerous dog. The City shall immediately seize any dangerous dog if, within 14

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days after the service of the notice of final determination declaring a dog to be a dangerous dog:

- a. The owner has not registered the dog in compliance with the provisions of this ordinance.
 - b. The owner does not secure the proper liability insurance pursuant to this ordinance.
 - c. The dangerous dog is not maintained in a proper enclosure.
 - d. The dangerous dog is outside a proper enclosure and not under the physical restraint of a responsible person.
- (5) Reclaiming a dangerous dog. A dangerous dog may be reclaimed by the owner of the dog upon payment of the impounding and boarding fees and upon presentation of proof to the City that the requirements of this Ordinance have been satisfied. A dangerous dog not reclaimed under this provision within seven days may be disposed of as provided in Minn. Stats. § 35.71, subd. 3, and the owner shall be liable to the City for costs incurred in confining and disposing of the dangerous dog.
- (6) Substantial/great bodily harm. Upon a final determination, a dangerous dog that inflicted substantial bodily harm or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the City.
- (7) Dangerous dog restrictions.
- a. Registration required. No person may keep a dangerous dog in the City of Pine City unless the dog is registered with the City as provided in this chapter. The City shall issue a certificate of registration to the owner of the dangerous dog if the owner presents the following information:
 1. Proper enclosure. A proper enclosure exists for the dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property.
 2. Insurance. Proof of animal liability insurance that meets or exceeds minimum requirements per Minnesota §347.51.
 3. Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the City. If the microchip is not implanted by the owner, it may be implanted by the City, with the costs borne by the dog's owner.

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4. Warning symbol. The owner has posted a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.
5. Tag. The dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol affixed to the dog's collar at all times per Minnesota §347.51.

(8) Dangerous dog regulations.

- a. Annual fee. The owner of a dangerous dog shall pay an annual fee as determined by the adopted Pine City Fee Schedule, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.
- b. Annual renewal. The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the City of Pine City, it must be registered as a dangerous dog in its new jurisdiction.
- c. Death/transfer from city. The owner of any dangerous dog must notify the City in writing of the death of the dog, of its transfer to a residence outside of the City of Pine City or of its transfer within the City of Pine City within 30 of the death or transfer.
- d. Notice to landlord. The owner of a dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.
- e. Sale. The owner of a dangerous dog must notify the purchaser that the City has identified the dog as a dangerous dog. The seller must also notify the City in writing of the sale and provide the City with the new owner's name, address, and telephone number.
- f. Muzzling. If the dangerous dog is outside a proper enclosure, the dog must be muzzled and restrained by substantial chain or leash and be under the physical restraint of a reasonable person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
- g. Sterilization. The City may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the dangerous dog sterilized, the City may have the animal sterilized at the owner's expense.

(9) Potentially dangerous dog restrictions.

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a. Registration required. No person may keep a potentially dangerous dog in the City of Pine City unless the dog is registered with the City as provided in this chapter. The City shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner presents the following information:

1. Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the City. If the microchip is not implanted by the owner, it may be implanted by the City, with the costs borne by the dog's owner.
2. Warning symbol. The owner has posted a warning symbol to inform children that there is a potentially dangerous dog on the property. The City shall approve the warning symbol and its location on the property.

The City may also require any of the following to register a potentially dangerous dog:

1. Proper enclosure. A proper enclosure exists for the potentially dangerous dog, and there is a posting on the premises with a clearly visible warning sign, including a warning symbol, to inform children that there is a potentially dangerous dog on the property.
2. Bond/insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the City in the sum of at least \$50,000.00, payable to any person injured by the potentially dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$50,000.00 insuring the owner for any personal injuries inflicted by the potentially dangerous dog.
3. Photograph. The owner of the potentially dangerous dog shall make the dog available to be photographed for identification by the City at a time and place specified by the City.

(10) Potentially dangerous dog regulations.

- a. Annual fee. The owner of a potentially dangerous dog shall pay an annual fee as determined by council ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.
- b. Annual renewal. The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the City of Pine City, it must be registered as a potentially dangerous dog in its new jurisdiction.
- c. Death/transfer from city. The owner of any potentially dangerous dog must notify the City in writing of the death of the dog, of its transfer to a residence outside of the City of Pine City or of its transfer within the City of Pine City within 30 days of the death or

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transfer.

- d. Notice to landlord. The owner of a potentially dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a potentially dangerous dog that will reside at the property.
- e. Sale. The owner of a potentially dangerous dog must notify the purchaser that the City has identified the dog as potentially dangerous. The seller must also notify the City in writing of the sale and provide the City with the new owner's name, address, and telephone number.

Subd. 20 Construction and purpose of division.

This division is supplementary to and in addition to all other sections of this Code or other ordinances in effect relating to the ownership, care and custody of dogs within the city and is deemed necessary by the council in order to regulate and control the ownership and the keeping of dogs in and near residential areas of the city.

Subd. 21 Required; limited to licensee's dogs; zoning classifications where permitted.

- (a) No person shall keep more than two dogs over three months of age anywhere within the city without first obtaining a small kennel license under this division for the keeping of such dogs for breeding, sale or show purposes.
- (b) Any licensee under this division may not board or train dogs belonging to other persons on such licensed premises.
- (c) Small kennel licenses will not be issued under this division in any part of the city, except on property zoned commercial, or A-O, R-1 or R-2.

Subd. 22 Application; investigation; grant or denial of small kennel license.

- (a) Application. Any person desiring a small kennel license required under this division shall make written application to the city clerk upon a form prescribed by and containing such information as required by the city clerk. Among other things, the application shall contain the following information:
 - (1) A description of the real property upon which it is desired to keep the dogs.
 - (2) The species and number of dogs to be maintained on the premises.
 - (3) A statement that the applicant or licensee will at all times keep the dogs in accordance with all the conditions prescribed by the City or a modification thereof and that failure to obey such conditions will constitute a violation of this chapter and grounds for cancellation of the license.

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- (4) Such other and further information as may be required by the City.
 - (5) The associated fee, per the *Pine City Fee Schedule*, shall be paid at the time of application and it is nonrefundable.
- (b) Comments and investigation; issuance or denial. The applicant for any license required under this division shall have the city request written comments within 30 days from the owners or occupants of privately or publicly owned real estate within 150 feet of the outer boundaries of the property line for which the license is being requested or, in the alternative, proof that the applicant's property lines are 150 feet or more from any structure. All comments from owners or occupants of privately or publicly owned real estate within 150 feet of the outer boundaries of the property line shall have their comments submitted to the City Administrator within 15 days after they receive their letter. Where a property within 150 feet consists of a multiple dwelling, the City shall request written comments within 30 days from the owner or manager or other person in charge of the building. All comments from owners or occupants of privately or publicly owned real estate within 150 feet of the outer boundaries of the property line shall have their comments submitted to the City Administrator within 15 days after they receive their letter. The City shall grant or deny any application based on written comments received from adjacent property owners regarding health, safety, and welfare and/or for any history of ordinance violations related to animal control.
- (c) Conditions. If granted, the license shall be issued by the city clerk and shall state the conditions, if any, imposed upon the permittee for the keeping of dogs under the license. The license shall specify the restrictions, limitations, conditions and prohibitions which the City deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors or annoyance or to protect the public health and safety. Such license may be modified from time to time or revoked by the City for failure to conform to such restrictions, limitations or prohibitions. Such modification or revocation shall be effective from and after ten days following the mailing of written notice thereof by certified mail to the person keeping or maintaining such dogs.
- (d) Outside kennel or fence. An outside kennel must be constructed of open-faced, galvanized fabric of suitable size to maintain and secure the keeping of particular breeds of dogs and to allow for sufficient space for particular breeds of dogs to exercise freely. The surface of an outside kennel must be constructed of material of either concrete or gravel of sufficient depth to provide for proper cleaning, drainage, maintenance and needs of all particular breeds of dogs. An area fully enclosed by a fence adequate for the breed of dog may be substituted and must comply with the City's Zoning Ordinance.
- (e) Refusal to grant or renew license. The City may refuse a license to keep or maintain dogs under this division for failure to comply with this chapter, if the facilities for the keeping of the dogs are or become inadequate for their purpose, if the conditions of the license are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting of such license. Refusal to grant or renew a

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small kennel license by the City may be appealed to the city council.

Subd. 23 Application and renewal fees.

The initial application fee for a small kennel license under this division shall be imposed, set, established and fixed by the city council, by resolution, from time to time. The five-year renewal fee for any license issued under this division shall be imposed, set, established and fixed by the city council, by resolution, from time to time.

Subd. 24 Limitation on number of dogs kept on licensed premises.

The maximum number of dogs over three months of age which may be kept under a small kennel license issued under this division shall be three.

525.04. Cats

Subd. 1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shelter means any premises designated by the City for the purpose of impounding and caring for animals held under authority of this article.

Cat means any animal that is a member of the feline species.

Officer means any person designated by the city to enforce this article.

Owner means any person keeping or harboring a cat.

Subd. 2 Limitations on number kept in residential areas.

No more than two cats over three months of age shall be housed or be kept on/within any residential unit in any area of the city limits zoned residential R-1 or R-2. No more than one cat of any age shall be kept in a dwelling unit in any area of the city limits zoned MFR (1 or 2).

Subd. 3 Violations.

Any person violating any of the sections of this article shall be deemed guilty of a petty misdemeanor and shall be punished in accordance with this ordinance. If any violation is continuing, each day's violation shall be deemed a separate violation. If any person is found guilty by a court of violation of this article, his right to own, keep, harbor or have custody of a cat shall be deemed automatically revoked, for a period of one year.

Subd. 4 Restraint; duty to prevent nuisance.

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- (a) Every cat in the city shall be kept under restraint at any time such cat is off the owner's premises.
- (b) It shall be the obligation and responsibility of the owner or custodian of any cat in the city, whether permanently or temporarily therein, to prevent such cat from committing any act which constitutes a nuisance as defined in subsection (c) of this section.
- (c) For the purpose of this section, a cat shall be deemed to constitute a nuisance when the cat:
 - (1) Is not confined to the owner's or custodian's property by adequate fencing or leashing or if the cat is off the premises of the owner or custodian and is not under control of the owner or custodian by a leash not exceeding eight feet in length, when not confined in a motor vehicle or cage.
 - (2) Commits damage to the person or property of anyone other than the owner; creates a nuisance on the property of one other than the owner, such as damaging property, plantings, or structures; deposits fecal material on property other than that of the owner; scratches or bites a person; or cries, howls or loudly mews at night to disturb people other than the owner.
- (d) Failure on the part of the owner or custodian to prevent his cat from committing an act of nuisance shall be a petty misdemeanor and shall be subject to the penalty provided for such offense.

Subd. 5 Female cats in heat.

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

Subd. 6 Authority; notice to known owners; reclamation by owners; disposal of unclaimed cats.

Cats running at large in the city may be taken by the City, or the Humane Society and impounded in an animal shelter and there confined in a humane manner. Impounded cats shall be kept for not less than five days, unless reclaimed by their owners. If by a permit, by a tag or by other means the owner can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone or mail of the impoundment of the cat. Cats not claimed by their owners within five days shall be humanely disposed of by an agency designated by the City.

Subd. 7 Fees; additional penalties.

Any owner reclaiming an animal under this division shall pay a fee as set by council resolution from time to time. The owner may also be proceeded against for violation of this article, and his

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permit may be revoked.

525.05 Commercial Kennels

Subd. 1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Kennel means any place which operates to provide for boarding, training, confining or otherwise caring for or providing service to dogs, cats or any other domestic pets. This definition includes any place where more than two female dogs, cats or other domestic pets are kept for breeding purposes.

Subd. 2 License required; exceptions.

It shall be unlawful for any person to engage in the business of operating a kennel within the city, unless such person is licensed under this article. This article shall not apply to a veterinary hospital or clinic operated by a duly licensed and qualified doctor of veterinary medicine licensed under the laws of the state.

Subd. 3 Application for license.

A license to operate a kennel under this article shall be obtained from the City. The application for a license shall be made to the City, and such application shall set forth the following:

- (1) The full name, date of birth and address of the applicant.
- (2) The legal description of the property on which the kennel is to be located.
- (3) The capacity of the kennel by number of animals.
- (4) The kind of services to be provided.
- (5) The qualifications and experience of the applicant for operating a kennel business.

Subd. 4 License period; fees; renewal; transfer of license.

The kennel license provided for in this article shall be an annual license, and the annual license period shall be the calendar year. The fee for the first license shall be imposed, set, established and fixed by the City from time to time, payable to the city at the time the application for the license is made. The renewal fee, payable upon application therefor, for each year shall be imposed, set, established and fixed by the City from time to time, and the application for renewal shall be made prior to December 20 for the year to commence on the following January 1. The license provided for by this article shall not be transferrable.

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Subd. 5 Rules and regulations.

The City shall supervise all kennels licensed under this article, and the City hall shall make known the rules and regulations governing the operation of any licensed kennel. These rules and regulations shall include size and design of buildings, construction materials, sanitary provisions and any other provisions deemed necessary to accomplish proper protection for the public in the administration of this article.

Subd. 6 Violations.

- (a) Any person who operates a kennel business in violation of this article shall be guilty of a misdemeanor.
- (b) Any licensed kennel operator who fails to comply with all rules, regulations and orders of the City shall be guilty of a misdemeanor.
- (c) Each day that any violation under subsection (a) or (b) of this section continues shall be considered a separate offense and punishable as a separate misdemeanor in accordance with this ordinance.

Subd. 7 Revocation.

Whenever any licensee under this article is convicted of a misdemeanor for violation of this article, the City may thereupon revoke the kennel license of such convicted licensee.

525.06 Chickens

Subd. 1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brooding means the period of chicken growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.

Chicken means a domesticated bird that serves as a source of eggs or meat.

Coop means the structure for the keeping or housing of chickens permitted by the article.

Exercise yard means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

Hen means a female chicken.

Officer means any person designated by the City as an enforcement officer.

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Rooster means a male chicken.

Run means a fully-enclosed and covered area attached to a coop where the chickens can roam unsupervised.

Subd. 2 Limitations. The keeping of chickens is allowed with no limitations in the A-O District. The keeping of chickens is otherwise prohibited in the following districts: CBD, GB, HB, MFR-1, MFR-2, MHP, MXU, PUD, TI-1, TI-2 and Cluster-Residential. The keeping of chickens in the R-1 and R-2 districts (per each single dwelling unit) is allowed with the following limitations:

- (1) No more than five (5) hens shall be housed or kept on any one (1) residential lot.
- (2) Roosters are prohibited.
- (3) Slaughtering of chickens on the property is prohibited.
- (4) A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:
 - a. Located in the rear or side yard.
 - b. Setback at least seven (7) feet from the rear or side property lines.
 - c. Interior floor space – two (2) square feet per bird.
 - d. Interior height – six (6) feet to allow access for cleaning and maintenance.
 - e. Doors – one (1) door to allow humans to access the coop and one (1) for birds (if above ground level, must also provide a stable ramp).
 - f. The roofed structure shall be fully enclosed, wind proof, have one (1) square foot of window to fifteen (15) square feet of floor space and have a heat source to maintain an adequate temperature during extreme cold conditions.
 - g. Nest boxes – one (1) box per every three (3) hens.
 - h. For rental properties, written landlord consent submitted to the City.
 - i. Roosts – one and one-half (1 ½) inch diameter or greater, located eighteen (18) inches from the wall and two (2) to three (3) inches above the floor.
 - j. Rodent proof – coop construction and materials must be adequate to prevent access by rodents and raccoons.
- (5) A run or exercise yard is required.

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- a. Runs must be constructed and maintained to meet the following minimum standards:
 1. Location: rear or side yard.
 2. Size: Eight (8) square feet per bird, if access to a fenced exercise yard is available; sixteen (16) square feet per bird, if access to an exercise yard is not available. If the coop is elevated two (2) feet so the hens can access the space beneath, that area may count as a portion of the minimum run footprint.
 3. Height: Six (6) feet in height to allow access for cleaning and maintenance.
 4. Gate: One gate to allow human access to the run.
 5. Cover: Adequate to keep hens in and predators out.
 6. Substrate: Composed of material that can be easily raked or regularly replaced to reduce odor and flies.
- b. Exercise yards must be fenced and are required if the run does not provide at least sixteen (16) square feet per bird. They shall be setback 10 feet from rear and side property lines.

(6) Chickens must not be housed in a residential house or an attached or detached garage, except for brooding purposes only.

(7) All premises on which hens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible from another property. Failure to comply with these conditions may result in the City removing chickens from the premises.

(8) All grain and food stored for the use of the hens on a premise with a chicken permit shall be kept in a rodent proof container.

(9) Hens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

Subd. 3 Fees and Penalties.

Application shall be made to the City along with a fee according to the adopted Pine City Fee Schedule. Letters of support shall be included with the application from adjacent property owners. Upon receipt of the application and fee, a permit shall be issued. Violations of this ordinance make the permit subject to revocation. Additionally, any owner reclaiming a chicken under this article, which has been impounded for any reason, shall pay the costs of impounding and boarding the bird at the time of its release. The owner may also be proceeded against for violation of this article, and his or her permit may be revoked.

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525.07 Keeping of Bees

Subd. 1 Definitions. The following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.

Apiary means the assembly of one or more colonies of bees at a single location.

Beekeeper means a person who owns or has charge of one or more colonies of bees.

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

Colony means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

Hive means the receptacle inhabited by a colony that is manufactured for that purpose.

Honey bee means all life stages of the common domestic honey bee, *apis mellifera* (African subspecies and Africanized hybrids are not allowed).

Lot means a contiguous parcel of land under common ownership.

Subd. 2 Purpose of ordinance. The purpose of this ordinance is to establish certain requirements for beekeeping within the City, to avoid issues that might otherwise be associated with beekeeping in populated areas.

(1) Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance, but such compliance may be offered as evidence of the beekeeper's efforts to abate any proven nuisance.

(2) Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health, but such compliance may be offered as evidence of the beekeeper's compliance with acceptable standards of practice among hobby beekeepers in the State of Minnesota.

Subd. 3 Standards of Practice.

- (1) Honey bee colonies shall be kept in hives with removable frames, which must be kept in sound and usable conditions.
- (2) Each beekeeper must ensure that a convenient source of water is available within 10 feet of each colony at all times that the colonies remain active outside the hive.
- (3) Each beekeeper must ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once

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removed from the site shall be handled and stored in sealed containers, or placed within a building or other vermin-proof container.

- (4) Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. Honey bee colonies may only be kept on single-family residential property zoned A-0, R-1 and R-2. In all other districts beekeeping is prohibited.
- (5) Each beekeeper is allowed to make in person sales of honey from the beekeeper's residence as long as the requirements of the Municipal Development Ordinance regarding Home Occupations is met, Section 10.500.0200.

Subd. 4 Colony density.

1) No person is permitted to keep more than the following numbers of colonies on any lot within the City, based upon the size of the apiary lot:

- a. One half acre lot or smaller: 2 colonies;
- b. Lot larger than half acre but smaller than 3/ 4 acre: 4colonies;
- c. Lot larger than 3/ 4 acre lot but smaller than 1 acre: 6 colonies;
- d. One acre lot but smaller than five acres: 8 colonies;
- e. Larger than five acres: no restriction.

2) In each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, the beekeeper shall establish and maintain a flyway barrier at least six feet in height.

Subd. 5 Permit required.

1) No beekeeping may occur on any property in the City unless the City issues a permit to the beekeeper on that specific property. The permit will be valid for two growing seasons.

2) A beekeeping permit will only be issued if:

- a) the permit application documents the satisfaction of all applicable items found in this ordinance;
- b) notices have been mailed to all homes within 150 feet of the applicant's property lines.
 - i. If there are objections received within ten days of mailing the notices, then the permit application must be considered by the City Council.

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- ii. If there are no objections received within ten days of mailing the notices, then the permit application will be processed by City staff. It will not be referred to the City Council for consideration.

- 3) Permits are non - transferable and do not run with the land.
- 4) A permit constitutes a limited license granted to the beekeeper by the City and in no way creates a vested zoning right.
- 5) By signing the permit, the beekeeper acknowledges that he or she shall defend and indemnify the City against any and all claims arising out of keeping the bees on the premises.
- 6) The fee for the initial permit shall be as established by the City. For each subsequent permit there shall be no fee for the permit, unless there are substantial changes to the apiary or there is a new beekeeper. All standards of practice and colony density standards must be met in order to issue a permit.
- 7) If the standards of practice are not maintained subsequent to issuance of a beekeeping permit, the permit may be revoked by the City.
- 8) Beekeeping training is required for the beekeeper prior to issuance of an initial beekeeping permit by the City. Either provide a certificate of completion from an educational institution offering a beekeeping course; or request consideration for substituting equivalent experience for the beekeeping course; or provide a letter from a current beekeeping instructor at an educational institution offering beekeeping courses that states that the permit applicant has gained through other means a substantially similar knowledge base to one that could be gained through appropriate beekeeping courses.
- 9) Any beekeeper wishing to make in person sales of honey from their home according to the Home Occupations section must so indicate on the annual permit.

Subd. 6 Penalty for violation of section. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor. *(Section 525 adopted 3-7-18 published 3-15-18)*

SECTION 530: OPEN AIR FIRES

530.01 Refuse Burning.

Subd. 1 Restriction. No person shall burn any refuse or any material whatever in any outdoor fire, without a special permit from the Fire Chief, and then only between the hours of 6:00 p.m. to 8:00 a.m. (Daylight savings time, 5:00 p.m. to 8:00 a.m.) and in compliance with the regulations of the DNR.

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Subd. 2 Supervision Required. The burning must be done under the supervision of an adult person who must remain until the fire is entirely extinguished.

530.02 Recreational and Cooking Fires.

Subd. 1 Diameter. No person shall start a recreational or cooking fire wider than three (3) feet in diameter nor three (3) feet in height. The surrounding area is to be cleared of any combustible material surrounding the fire.

Subd. 2 Supervision Required. An adult person shall supervise the fire and shall remain until the fire is entirely extinguished.

SECTION 535: FLAMMABLE OR COMBUSTIBLE LIQUIDS; EXPLOSIVES

535.01 Flammable or Combustible Liquids; Explosives.

Subd. 1 Limits; Storage of Flammable and Combustible Liquids. The limits referred to in the Minnesota Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established as follows: the entire area located within the City, except by special permit from the Fire Marshal or Fire Chief in General Industrial (I-1).

Subd. 2 Limits; Bulk Plants for Flammable and Combustible Liquids. The limits referred to in the Minnesota Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: The entire area located within the City, except by special permit from the Council and Fire Marshall or Fire Chief in General Industrial (I-1).

535.02 Liquefied Petroleum Gases Storage. The limits referred to in the Minnesota Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: the entire area located within the City, except where storage facilities are established by the date this section is adopted. Previously established facilities shall not be enlarged.

~~SECTION 540: WASTE DISPOSAL~~

~~540.01 Definitions. Unless the context otherwise indicates, the following terms shall have the stated meanings.~~

~~Subd. 1 Garbage. "Garbage" includes only organic refuse resulting from the preparation of food and decayed and spoiled food from any source.~~

~~Subd. 2 Rubbish. "Rubbish" includes all inorganic refuse matter such as tin cans, glass, paper, ashes, sweepings and the like.~~

~~540.02 Garbage Collector. No person for hire, shall collect or remove any garbage in this City, unless the person has entered into a license agreement with the Council to provide garbage collection and disposal service (which shall be specifically described in the contract). The~~

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~~collection and disposal service shall operate in accordance with this code, and with other State orders and regulations. If deemed advisable, different persons may be granted license agreements for garbage collection in different parts of the City.~~ **Removed 9-7-18 for duplicity in Chapter 4 per Ordinance Review Committee**

SECTION 545: PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

545.01 Definitions. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) Non-Commercial Door-to-Door Advocate. “Non-Commercial Door-to-Door Advocate” means a person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purpose of this ordinance, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.

(B) Peddler. “Peddler” means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property that the person is carrying or otherwise transporting. For purpose of this ordinance, the term peddler shall have the same common meaning as the term hawker.

(C) Person. “Person” means any natural individual, group, organization, corporation, partnership, or similar association.

(D) Regular Business Day. “Regular Business Day” means any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.

(E) Solicitor. “Solicitor” means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person’s activity is to obtain or attempt to obtain orders as discussed above. For purposes of this ordinance, the term solicitor shall have the same meaning as the term canvasser.

(F) Transient Merchant. “Transient Merchant” means a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the

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purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days.

545.02 Exceptions to Definitions. For the purpose of this chapter, the terms *PEDDLER*, *SOLICITOR*, and *TRANSIENT MERCHANT* shall not apply to:

(A) Non-commercial door-to-door advocates. Nothing within this ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates.

(B) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.

(C) Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.

(D) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.

(E) Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.

(F) Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.

(G) Any person participating in an organized multi-person bazaar or flea market.

(H) Charitable organizations, and representatives thereof, duly registered under the laws of Minnesota, as set forth in Minnesota Statutes Chapters 309.50 - 309.61.

(I) Any person conducting an auction as a properly licensed auctioneer.

(J) Any officer of the court conducting a court-ordered sale.

Exemption from these definitions shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by another city ordinance.

545.03 Licensing; Exemptions.

Subd. 1 County license required. No person shall conduct business as a peddler, solicitor, or transient merchant within the city limits without first having obtained the appropriate license from the county as may be required by Minnesota Statutes Chapter 329 as it may be amended

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from time to time, if the county issues a license for the activity.

Subd. 2 City license required. Except as otherwise provided for by this ordinance, no person shall conduct business within this jurisdiction as a peddler, solicitor, or a transient merchant without first obtaining a city license. Each individual shall be responsible for paying a background check fee (as per the city fee schedule) pursuant to Section 545.03, Subd. 4.

Subd. 3 Application. An application for a city license to conduct business as a peddler, solicitor, or transient merchant shall be made at least fourteen (14) regular business days before the applicant desires to begin conducting a business within the city. Application for a license shall be made on a form approved by the City Council and available from the office of the city clerk. All applications shall be signed by the applicant. All applications shall include the following information:

(A) The applicant's full legal name.

(B) Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.

(C) A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).

(D) Full address of applicant's permanent residence.

(E) Telephone number of applicant's permanent residence.

(F) Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.

(G) Full address of applicant's regular place of business, if any exists.

(H) Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.

(I) The type of business for which the applicant is applying for a license.

(J) Whether the applicant is applying for a weekly or daily license.

(K) The dates during which the applicant intends to conduct business. If the applicant is applying for a daily license, the number of days he or she will be conducting business within the city, with a maximum of fourteen (14) consecutive days.

(L) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up his or her business.

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(M) A statement as to whether or not the applicant has been convicted within the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.

(N) A list of the three (3) most recent locations where the applicant has conducted business as a peddler, solicitor, or transient merchant.

(O) Proof of any required county license.

(P) Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.

(Q) A general description of the items to be sold or services to be provided.

(R) Any and all additional information as may be deemed necessary by the City Council.

(S) The applicant's driver's license number or other acceptable form of identification.

(T) The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.

Subd. 4 Fee. All applications for a license under this chapter shall be accompanied by the license fee (if required) and the background check fee for each individual as established in the city licensing fee schedule as it may be amended from time to time.

Subd. 5 Procedure. Upon receipt of the application and payment of the license fee (if required) and background check fee for each individual, the city clerk will, within two (2) regular business days, determine if the application is complete. An application will be considered complete if all required information is provided. If the city clerk determines that the application is incomplete, the city clerk must inform the applicant of the required, necessary information that is missing. If the application is complete, the city clerk must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten (10) regular business days of receiving a complete application the city clerk must issue the license unless grounds exist for denying the license application under Section 545.04, in which case the clerk must deny the request for a city peddler, solicitor, or transient merchant license. If the city clerk denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal within twenty (20) days of the date of the request for a hearing. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

Subd. 6 Duration. All licenses granted to peddlers, solicitors, and transient merchants under this ordinance shall be valid only during the time period indicated on the license.

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Subd. 7 License exemptions.

(A) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on a farm or garden occupied and cultivated by themselves.

(B) No license shall be required for any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

545.04 License Ineligibility. The following shall be grounds for denying a peddler, solicitor, or transient merchant license:

(A) The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.

(B) The failure of an applicant to truthfully provide any information requested by the city as part of the application process.

(C) The failure of an applicant to sign the license application.

(D) The failure of an applicant to pay the required fees at the time of application.

(E) A conviction with the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(F) The revocation with the past five (5) years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.

(G) When an applicant has a bad business reputation. Evidence of a bad business reputation shall include, but is not limited to, the existence of more than three (3) complaints against an applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general's office, or other similar business or consumer rights office or agency, within the preceding twelve (12) months, or three (3) complaints filed with the city against an applicant within the preceding five (5) years.

545.05 License Suspension and Revocation.

Subd. 1 Generally. Any license issued under this section may be suspended or revoked at

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the discretion of the City Council for violation of any of the following:

(A) Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.

(B) Fraud, misrepresentation or false statements made during the course of the licensed activity.

(C) Subsequent conviction of any offense to which the granting of the license could have been denied under Section 545.04.

(D) Engaging in any prohibited activity as provided under Section 545.07 of this ordinance.

(E) Violation of any other provision of this ordinance.

Subd. 2 Multiple Persons Under One License. The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers, solicitors, or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler, solicitor, or transient merchant on behalf of the licensee whose license is suspended or revoked.

Subd. 3 Notice. Prior to revoking or suspending any license issued under this chapter, the city shall provide a license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

Subd. 4 Public Hearing. Upon receiving the notice provided in Subd. 3 of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the city clerk within ten (10) days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within twenty (20) days from the date of the request for the public hearing. Within three (3) regular business days of the hearing, the City Council shall notify the licensee of its decision.

Subd. 5 Emergency. If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this ordinance, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in Subd. 3 of this section.

Subd. 6 Appeal. Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.

545.06 License Transferability. No license issued under this chapter shall be transferred to any

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person other than the person to whom the license was issued.

545.07 Prohibited Activities. No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manners:

(A) Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

(B) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

(C) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

(D) Conducting business before 8 a.m. or after 8 p.m.

(E) Failing to provide proof of license, and identification when requested.

(F) Using the license of another person.

(G) Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license to that person.

(H) Remaining on the property of another when requested to leave.

(I) Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

545.08 Exclusion by Placard. Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or similar activity when the property is marked with a sign or placard:

(A) At least four inches long.

(B) At least four inches wide.

(C) With print of at least 48 point in size.

(D) Stating "No Peddlers, Solicitors or Transient Merchants," "Peddlers, Solicitors, and Transient Merchants Prohibited," or other comparable statement. No person other than the

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property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

545.09 Penalty. Any individual found in violation of any provision of this ordinance, shall be a guilty of a misdemeanor.

545.10 Severability. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

545.11 Effective Date. This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, Subd. 4, as it may be amended from time to time, which meets the requirements of Minnesota Statute Section 331A.01, Subd. 10, as it may be amended from time to time.