

CHAPTER VIII. NUISANCES AND OFFENSES

Part 1. Nuisances

801.01 Public Nuisance Defined.

Whoever by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor, and, with respect to continuing or repeated nuisances, is subject to liability for police services fees:

Whoever by his act of failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (1) Maintains or permits a condition which unreasonably annoys, injures or endangers

the safety, health, morals, comfort, or repose of any considerable numbers of the

public; or

- (2) Interferes with, obstructs, or renders dangerous for passage, any public highway or

right-of-way, or waters used by the public; or

- (3) Is guilty of any other act or omission declared by law or this ordinance to be a public

nuisance and for which no sentence is specifically provided.

801.02 Public Nuisances Affecting Health.

The following are hereby declared to be nuisances affecting health:

- (1) Exposed accumulation of decayed or unwholesome food or vegetable matter;

- (2) All diseased animals running at large;

- (3) All ponds or pools of stagnant water;

- (4) Carcasses of animals not buried or destroyed within 24 hours after

death;

(5) Accumulations of manure, refuse, or other debris;

(6) Privy vaults and garbage cans which are not rodent free or fly tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(7) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;

8 All noxious weeds and other rank growths of vegetation upon public or private property.

(a) Noxious Weeds and Rank Vegetation. Includes, but is not limited to the following:

(1) Noxious weeds and rank vegetation shall include but not be limited to:

Alum (Allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild

Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip.

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years.

(3) Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties.

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches. Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants.

(5) The term Weeds does not include shrubs, trees, cultivated plants or crops. However, in no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

(9) All public exposure of persons having a contagious disease;

(10) Any offensive trade or business as defined by statute not licensed by the City as defined by law.

801.03 Public Nuisances Affecting Morals and Decency.

The following are hereby declared to be nuisances affecting public morals and decency:

(1) All gambling devices, slot machines and punch boards;

(2) Betting, bookmaking and all apparatus used in such occupations.

801.04 Public Nuisances Affecting Peace and Safety.

Subd. 1 Declaration of Nuisances.

The following are hereby declared to be nuisances affecting peace and safety:

(1) All unnecessary noises and annoying vibrations;

(2) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;

(3) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(4) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or to fire, health or safety hazards from such accumulation or from the rank growth of vegetation among the items so accumulated;

(5) Any well, hole or similar excavation which is left uncovered or in

such other condition as to constitute a hazard to any child coming on the premises where it is located;

- (6) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles, or other substances which may injure any person or animal or damage any pneumatic tire when passing over such substance;
- (7) The depositing of garbage, refuse, or litter of any description, on a public right-of-way or on adjacent private property;
- (8) All other conditions or things which are likely to cause injury to the person or property of anyone;
- (9) loud and boisterous conduct;
- (10) congregation of two or more persons in intoxicated conditions or under the influence of drugs or alcohol;
- (11) fighting or use of obscene or inflammatory language;
- (12) loud music constituting a nuisance or disturbing the peace;
- (13) activities causing excessive pedestrian or vehicular traffic and parking problems and congestions;
- (14) actions or conduct which disturb the peace and tranquility of the neighborhood;
- (15) use or display of narcotics, illegal drugs, controlled substances, or paraphernalia for their use;
- (16) congregating in a tumultuous, noisy or rowdy crowd;
- (17) indecent exposure or lewd conduct;
- (18) Use of police, fire, ambulance or any other emergency services for non-emergency situations;
- (19) Any other action which is reasonably likely to cause injury to the person or property of anyone.

Subd. 2 Continuing or Repeated Nuisances.

The persons responsible for nuisances defined herein shall be:

- (a) the persons committing the actions constituting the nuisance,

- (b) the property owner of the location where the nuisance occurred, and
- (c) the lessee or other person in charge of the premises where the nuisance occurred.

One or more responsible persons may receive a written notice from the City Clerk-Treasurer that the occurrence constitutes a nuisance. The notice shall further state that the responsible person will be liable hereunder for subsequent police responses for continuing or repeated nuisances occurring at the same location or premises within a thirty day period following the initial nuisance occurrence and shall inform the recipient of the possible action when the City could take pursuant thereto.

Notice under this section shall be directed to the last known address of the responsible person or persons to whom the notice is sent and may be served in the following manner:

- (a) personally by any of the responding officers, or
- (b) certified mail.

Subd. 3 Police Service Fees.

The chief of police of Mendota Heights shall notify the City of continuing or repeated nuisances occurring within the thirty-day period following the initial nuisance occurrence and provide the City clerk-treasurer with the following information:

- (a) identity and last known address of one or more of the responsible person or persons;
- (b) date and time of the initial nuisance occurrence;
- (c) date and time of the continuing or repeated nuisance occurrence; and
- (d) identity of responding officer or officers and the police services performed; and
- (e) the amount of the proposed liability for police services.

Responsible persons shall be jointly and severally liable for police services for the greater amount of \$250.00 or the amount of the charges to the City from the Police Department of Mendota Heights directly attributable to their

responding to the continuing nuisance, but not in excess of \$1,000.00.

Subd. 4 Administrative Appeal.

Responsible persons may request a hearing regarding the assessed police services fee. A request for a hearing shall be directed to the City clerk-treasurer and must be made in writing within fourteen (14) days of the date of billing by the City treasurer. Requests for hearing shall include copies of the notice as defined in Section 801.04. The grounds for appeal shall also be identified. The City Council or its designee may waive or modify the service fee upon a finding that the responsible person or persons are making a good faith effort to prevent further reoccurrences.

Subd. 5 Other Actions.

Action taken pursuant to this Section shall not preclude any other actions which the City may legally exercise.

Part 2. Tree Diseases

802.01 Declaration of Policy.

The City Council of Lilydale determines that the health of the elm and oak trees within the municipal limits is threatened by fatal diseases known as Dutch elm and oak wilt diseases, and other trees may be threatened by other epidemic diseases of shade trees. It further determines that the loss of elm, oak and other trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of those diseases and this ordinance is enacted for that purpose.

802.02 Forester.

Subd. 1. Position Created. The position of Forester is hereby created to carry out the provisions of Minnesota Statutes, Section 18.023.

Subd. 2. Duties of Forester. It is the duty of the Forester to coordinate, under the direction and control of the Council, all activities of the municipality relating to the control and prevention of Dutch elm disease and oak wilt disease and other epidemic diseases of shade trees. He shall recommend to the Council the details of a program for the control of such diseases; and perform the duties incident to such a program adopted by the Council.

802.03 Epidemic Disease Program.

It is the intention of the Council of Lilydale to conduct a program of plant

pest control pursuant to all the powers of this City including the authority granted by Minnesota Statutes, Section 18.022.

This program is concentrated on, but not limited to, the control and elimination of Dutch elm disease fungus, elm bark beetles and the oak wilt fungus and is undertaken at the recommendation of the Commissioner of Agriculture. The Forester shall act as coordinator between the Commissioner of Agriculture and the Council in the conduct of this program.

802.04 Nuisances Declared.

Subd. 1. Trees Constituting Nuisances. The following are public nuisances whenever they may be found within the City of Lilydale:

1. Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease, fungus **Ceratocystis Dlmi** (Buisman) Moreau, or which harbors any of the elm bark beetles, **Scolytus Multistriatus** (Eichh.) or **Hylungopinus Rufipes** (Marsh).
2. Any dead elm tree or part thereof including legs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.
3. Any living or standing oak tree or part thereof infected to any degree with the oak wilt fungus **Ceratocystis fagacearum**.
4. Any dead oak tree or part thereof which in the opinion of the Forester constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide.
5. Any other shade trees with an epidemic disease.

Subd. 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in Subdivision 1 to remain on any premises owned or controlled by him within the City. Such nuisances may be abated in the manner prescribed by this part.

802.05 Inspection and Investigation.

Subd. 1. Annual Inspection. As often as practicable, the Forester shall inspect all public and private premises within the City which might harbor any plant pest as defined in Minnesota Statutes, Section 18.46, Subd. 13, to determine whether any condition described in Section 802.04 of this ordinance exists thereon. He shall investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles, oak wilt fungus, or any other epidemic disease of shade trees.

Subd. 2. Entry on Private Premises. The Forester or his duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under this ordinance.

Subd. 3. Diagnosis. The Forester shall, upon finding conditions indicating Dutch elm, oak wilt, or other infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 802.07, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

802.06 Abatement of Dutch Elm Disease Nuisance.

In abating a nuisance defined in Section 802.04, the Forester shall cause the infected tree or wood to be sprayed, removed, burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of epidemic diseases including Dutch, elm disease and oak wilt disease. He shall also take such steps as are necessary to prevent root graft transmission of the diseases. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

802.07 Procedure for Removal of Infected Trees and Wood.

Subd. 1. Action by Forester. Whenever the Forester finds with reasonable certainty that the infestation defined in Section 802.04 exists in any tree or wood in any public or private place in the City, he shall proceed as follows:

- (1) If the Forester finds that the danger of infestation of other elm, oak or other trees is not imminent because of the dormancy of the infected trees, he shall make a written report of his findings to the Council which shall proceed by (a) abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429, or (b) abating the nuisance as provided in Subdivision 2 of this section.
- (2) If the Forester finds that danger of infestation of other elm, oak, or other trees is imminent, he shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than 20 days from the date of mailing of such notice. The Forester shall immediately report such action to the Council, and after the expiration of the time limit in the notice, he may abate the nuisance.

Subd. 2. Action by Council. Upon receipt of the Forester's report required by Subdivision 1, Paragraph (2), the Council shall by resolution order the nuisance abated. Before action is taken on such resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and

the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

Subd. 3. Record. The Forester shall keep a record of the costs of abatements done under this section and shall report monthly to the City Clerk (or other appropriate officer) all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

Subd. 4. Assessment. On or before September 1 of each year, the Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this ordinance. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101, and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.

802.08 Spraying Elm Trees.

Subd. 1. When to Spray. Whenever the Forester determines that any elm tree or elm wood within the City is infected with Dutch elm fungus, he may spray or treat all nearby high value elm trees with an effective elm bark beetle destroying concentrate or fungicide, or both. Activities authorized by this section shall be conducted in accordance with technical and expert opinions and plans for the Commissioner of Agriculture and under the supervision of the Commissioner and his agents whenever possible.

Subd. 2. Notice. The notice provisions of Section 802.07 apply to spraying and treatment operations conducted under this section.

802.09 Transporting Elm Wood Prohibited.

It is unlawful for any person to transport within the City any bark-bearing elm or oak wood without having obtained a permit from the Forester. The Forester shall grant such permits only when the purpose of this ordinance will be served thereby.

802.10 Interference Prohibited.

It is unlawful for any person to prevent, delay or interfere with the Forester or his agents while they are engaged in the performance of duties imposed by this ordinance.

Part 3. Offenses

803.01 Use of Weapons.

Subd. 1. Restrictions. No person except a police officer in the performance of duty shall, within the City, discharge any gun, pistol, or firearm of any description or carry any such weapon unless it is dismantled or broken apart or carried in a case in such a manner that it cannot be discharged. This subdivision does not prevent the carrying of a handgun within the City under a permit subject to the restrictions imposed by law.

Subd. 2. Air Rifles, Sling Shots. No person shall use or discharge any air rifle or sling shot within the City.

Subd. 3. Offense by Parents, Guardians. It is unlawful for any parent or guardian of any person under the age of 18 years knowingly to permit such person to violate any provision of this section.

803.02 Trapping Prohibition.

Trapping of any fur-bearing animals is prohibited within the City of Lilydale. Any violation of this provision shall be deemed a misdemeanor.

PART 4. REGULATION OF DOGS AND CATS

804.01. DEFINITIONS OF SOME TERMS

1. Owner: Any person, group of persons or entity owning, keeping, or harboring a dog or dogs or cat or cats. The "Harborer" of a dog shall mean any person, group of persons or entity who has the custody of any dog or cat or permits the same to be kept or stay on or about his/her premises.
2. Kennel: Any person, group of persons or entity engaged in the commercial business of breeding, buying, selling or boarding dogs.
3. At Large: A dog shall be termed to be At Large when it is not under Restraint as defined in this ordinance.
4. Restraint: A dog is under Restraint, within the meaning of this Ordinance, if it is controlled by a leash not exceeding six feet in length by a competent person and immediately obedient to that person's command, or if it is within a vehicle being driven or parked on the public streets, or if it is within the property limits of its Owner's or Harborer's premises and is being kept on such premises by a means which prevents the dog from going outside the boundaries of such premises.

5. Animal Shelter: Any premises designated by the Animal Warden for the purposes of impounding and caring for animals pursuant to this ordinance.
6. Animal Warden: The person or persons designated by the City Council as the enforcement officer of this ordinance.
7. Potentially Dangerous Dog: Defined in Lilydale Code Section 804.20.1 of this Ordinance.
8. Dangerous Dog: Defined in Lilydale Code Section 804.20.2 of this Ordinance.
9. Substantial Bodily Harm: Means bodily injury, which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member as defined in Minnesota Statute 609.02 Subd. 7A.
10. City Police Department and Police Department: The police department of the City of Mendota Heights, MN. All references to police officers and Chief of Police shall be to members of the City Police Department.

804.02. LICENSING

- 2.1 The licensing of all dogs shall be in accordance with Lilydale Code Section 502.01 subd. 1.

804.03. RESTRAINT OF ALL DOGS AT ALL TIMES

- 3.1 No Owner or Harboring of a dog shall permit such dog to be at large in this city, but shall keep such dog under Restraint at all times.

804.04. CONFINEMENT INDOORS OF CERTAIN DOGS

- 4.1 Every female dog in heat shall be confined in a building, secure enclosure, veterinary hospital or Kennel.

804.05. KEEPING OF NUISANCE DOGS PROHIBITED

1. No person shall keep or harbor a dog which habitually barks or cries. Any such dog is hereby declared a public nuisance.
2. No person shall keep more than three (3) dogs or cats over sixteen (16) weeks of age upon any premises within the City limits. The keeping of more than three (3) such dogs or cats is hereby declared to be a public nuisance.

804.06. BITING

6.1 No Owner or Harboring shall permit his/her dog to attack or bite a person outside the owner's premises.

804.07. ANIMAL SHELTER

7.1 The Animal Warden may provide for a City-owned Animal Shelter or may designate as the Animal Shelter a suitable Kennel either within or outside the City.

804.08. ANIMAL WARDEN AND ASSISTANTS

8.1 The City Council shall designate an Animal Warden and may, if it so determines, appoint such additional persons as it may deem necessary to aid and assist such Animal Warden in the performance of his/her duties hereunder. All references to the Animal Warden in this ordinance shall be deemed to include such assistants. Such persons and the police officers of the City are authorized to cite Owners and Harborers of dogs for violations of this Ordinance, in addition to their authority to impound dogs as prescribed by Section 9.1 herein.

804.09. IMPOUNDING DOGS

1. The Animal Warden and his/her assistants and any police officer of the City may take up and impound any dog found not to be kept, confined or under Restraint in the manner required by this Ordinance. To enforce this Ordinance, such officers may enter upon private premises whenever there is reasonable cause to believe that a dog is not being kept, confined or under restraint as herein required. Any dog so impounded shall be confined in the Animal Shelter in a humane manner for a period of not less than five (5) days, if not claimed prior thereto by the Owner or Harboring. If said dog is not claimed by its Owner or Harboring within the five (5) day period, it shall become property of the City, and may be disposed of in a humane manner or may be sold to or placed in the custody of some other suitable person. If a dog is destroyed pursuant to this chapter, the license for such dog shall expire.

2. Immediately upon the impounding of a dog wearing a current license, the Animal Warden shall make reasonable effort to notify the Owner or Harboring of such dog of such impoundment and of the conditions whereby the Owner or Harboring may regain custody of the dog. The Animal Warden shall immediately confirm any verbal notices in writing.

804.10. REDEMPTION OF IMPOUNDED ANIMALS

10.1 Any dog impounded hereunder, not being held for suspected disease, may be reclaimed by the Owner or Harboring within five (5) days, upon payment by the Owner or Harboring to the City of an impounding fee as determined by the City Council, plus the costs incurred by the City for keeping such dog in the City Animal Shelter. If the dog so reclaimed requires a license under the provisions of this Ordinance, such license shall be obtained pursuant to Section 2 herein before such dog is released.

804.11. INTERFERENCE

No person shall interfere with, hinder, or obstruct the Animal Warden or any of his/her assistants or any police officer in the performance of their duties hereunder, or seek to release any animal in the custody of the Animal Warden except as herein provided.

804.12. KILLING OF DOGS WHICH CANNOT BE IMPOUNDED

If a dog is diseased, vicious, Dangerous, rabid or exposed to rabies and/or such dog cannot be impounded after a reasonable effort, or cannot be impounded without serious risk to the persons attempting to impound, such dog may be immediately killed.

804.13. DISEASED ANIMALS

13.1 Whenever the Animal Warden or any police officer has reason to believe that any dog or cat in the City of Lilydale has been exposed to rabies, or whenever the Animal Warden or any City police officer has reason to believe that a dog or a cat has bitten any person within the City of Lilydale, the Animal Warden, or any City police officer, is hereby authorized and empowered to take such dog or cat to the Animal Shelter and there keep such dog or cat for a reasonable time to determine whether such dog or cat is diseased. No diseased dog or cat shall be killed unless so ordered by the Animal Warden or Chief of Police. The cost of keeping such dog or cat in the Animal Shelter shall be paid by the Owner or Harboring of such dog or cat. Such impounding may be by the owner who must keep such dog or cat inaccessible to other animals and confined within a building approved by the Animal Warden or Chief of Police, and the Owner or Harboring shall furnish proof in writing that such dog or cat is being impounded, unless a complaint is signed by the person bitten, or a parent or legal guardian of the person bitten, which requires impoundment at the City Animal Shelter. On expiration of such impoundment period, if the dog or cat is not diseased, it may be released and, if the dog or cat is impounded in the Animal Shelter, such dog or cat may be reclaimed on expiration of such impoundment period after payment by the Owner or Harboring of the costs of such impoundment.

804.14. REPORTS OF BITE CASES

14.1 It shall be the duty of every physician or any other person to report to the City Police Department the names and addresses of persons treated for bites inflicted by animals within the City of Lilydale, together with such other information as will be helpful in disease control.

804.15. RESPONSIBILITIES OF VETERINARIANS

It shall be the duty of every licensed veterinarian to report to the City Police Department his/her diagnosis of any animal within the City of Lilydale observed by him/her as a rabies suspect, and the police department shall immediately take the steps prescribed by Lilydale Code Section 804.13.1 herein.

804.16. INVESTIGATION

16.1 For the purposes of discharging the duties imposed by this Ordinance and to enforce its provisions, the Animal Warden or any police officer of this City is empowered to enter upon the premises upon which a dog is kept or harbored and to demand the exhibition by the Owner or Harboring of such dog and/or the license for such dog. The Animal Warden or any police officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his/her opinion, it requires humane treatment.

804.17. EXEMPTIONS

- 1 Hospitals, clinics and other premises operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this chapter except where such duties are expressly stated.
- 2 The licensing requirements of this chapter shall not apply to any dog belonging to a nonresident of the City and kept within the City for not longer than thirty (30) days, provided that all such dogs shall at all times while within the City be kept under Restraint.

804.18 RECORDS

It shall be the duty of the Animal Warden to keep or cause to be kept, accurate and detailed records of the, impoundment and disposition of all animals coming into his/her custody. It shall be the responsibility of the City Clerk to keep or cause to be kept, accurate and detailed records of dog licensing.

- 2 It shall be the duty of the police department to keep, or cause to be kept, accurate and detailed records of all animal bite cases reported under

Lilydale Code Section 804.14.1 herein.

- 3 The Animal Warden shall account for and pay over monthly to the City any money received by him/her on behalf of the City hereunder, and shall also give an accurate written report to the City police department stating all monies collected, all dogs impounded and the duration of impoundment, and all dogs destroyed.

804.19 DOG WASTE

- 1 It is unlawful for any person to cause or permit a dog to be on any property, whether public or private, not owned or leased by such person, unless such person has in his/her immediate possession a device for the removal and transmission of excrement and does immediately remove and transmit all excrement to a proper receptacle located upon property owned or leased by such person.
- 2 It is unlawful for any person in control of a dog and causing or permitting such dog to be on any property, public or private, not owned or leased by such person, to fail to remove excrement left by such dog to a proper receptacle.
- 3 The provisions of this section shall not apply to the ownership or use of Seeing Eye dogs by blind persons, dogs used in police activities by the City, or tracking dogs when used by or with the permission of the City.

804.20. POTENTIALLY DANGEROUS DOGS/DANGEROUS DOGS

20.1 For the purpose of this Ordinance, Potentially Dangerous Dog means any dog that:

- (1) When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
- (2) When unprovoked, chases or approaches a person upon the streets, sidewalks or any public 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.

20.2 For the purpose of this Ordinance, Dangerous Dog means any dog that has:

- (1) Without provocation, inflicted substantial bodily harm on a human on public or private property; or

(2) Killed a domestic animal without provocation while off the owner's property; or

(3) Been found to be a Potentially Dangerous Dog, and after the Owner or Harboring has notice that the dog is a Potentially Dangerous Dog, the dog bites, attacks, or endangers the safety of humans or domestic animals.

3 The City Police Chief or Animal Warden may declare a dog to be Potentially Dangerous or Dangerous when either of them has reason to believe the dog is Potentially Dangerous or Dangerous as defined herein. A written notice declaring the dog Potentially Dangerous or Dangerous will be served upon the Owner or Harboring of the dog. Such notice will include a copy of the provisions of this Section and Minnesota Statutes Sections 347.50 - 347.55.

4 Any Owner or Harboring of a dog declared Potentially Dangerous or Dangerous may appeal by serving upon the City Clerk within three (3) business days of receipt of the notice declaring the dog Potentially Dangerous or Dangerous, inclusive of the date the notice is received, a written notice of appeal.

The City Council shall hear the appeal hearing within fourteen (14) days of the date the declaration notice is served upon the dog Owner or Harboring. The appeal hearing shall be conducted in an informal manner and the Minnesota Rules of Civil Procedure and Rules of Evidence shall not be strictly applied. A record shall be made of the hearing. The hearing need not be transcribed but may be transcribed at the sole expense of the party who requests transcription.

After considering all evidence submitted, the City Clerk at the direction of the City Council, shall record written findings of fact and conclusions as decided by the Council as to whether the dog is a Potentially Dangerous or Dangerous Dog. The findings and conclusions shall be made and served upon the dog Owner or Harboring within five (5) business days of the appeal hearing.

An Owner's or Harboring's right to appeal or otherwise contest a Potentially Dangerous or Dangerous Dog declaration shall be deemed waived if the owner fails to serve a written request for appeal as required herein or fails to appear at the scheduled appeal hearing.

From the time that a dog is declared Potentially Dangerous or Dangerous until the appeal process is completed, for the purposes of this Ordinance

such dog shall be deemed Potentially Dangerous or Dangerous as declared.

5 No person shall permit a Potentially Dangerous or Dangerous Dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a Potentially Dangerous or Dangerous Dog to be kept on a chain, rope or other type of leash outside a secure pen or structure unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings and the like. In addition, all Potentially Dangerous and Dangerous Dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

6 All Potentially Dangerous and Dangerous Dogs shall be securely confined indoors or in a securely enclosed and locked pen or other structure, except when leashed and muzzled as above provided. Such pens or other structures must have secure sides and a secure top attached to the sides. All pens or other structures used to confine Potentially Dangerous or Dangerous Dogs must be locked with a key or combination lock when such animals are within the pens or other structures. Such pens or other structures must have secure bottoms or floors attached to the sides of the pens or other structures or the sides of the pens or structures must be embedded in the ground no less than two (2) feet. All pens or other structures erected to house Potentially Dangerous or Dangerous Dogs must comply with all

zoning and building regulations of the City. All such pens or other structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

7 No Potentially Dangerous or Dangerous Dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure. All Owners and Harborers of Potentially Dangerous or Dangerous Dogs within the city shall immediately display in a prominent place on their premises, and on the pen or other structure of such dog, a sign easily readable by the public using the words, "Beware of Dangerous Dog." In addition, a second sign, as approved by the Minnesota Department of Public Safety, which depicts a warning symbol, and is available from the City Police Department shall be displayed in close proximity to this first sign.

9 All Owners and Harborers of Potentially Dangerous and Dangerous Dogs must,

within thirty (30) days of receiving notification that their dog has been declared a Potentially Dangerous or Dangerous Dog, provide proof to the City Clerk of liability insurance in a single incident amount of two-hundred-fifty thousand dollars (\$250,000.00) for bodily injury to or death of any person or persons which may result from the ownership, keeping, maintenance or acts of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless thirty (30) days written notice is first given to the City Clerk.

10 All Potentially Dangerous and Dangerous Dogs must be registered with the City Police Department within sixty (60) days after the effective date of this Ordinance and annually thereafter during the month of January of each year. At the time of registration each Owner or Harboring of a Potentially Dangerous or Dangerous Dog must provide the City Clerk with proof of liability insurance.

11 The Owner and Harboring of each dog having been declared Potentially Dangerous or Dangerous by another political entity shall notify the City Police Department in writing when the Owner or Harboring moves into the City of Lilydale with the dog. In addition, the Owner and Harboring of each dog which has been declared Potentially Dangerous or Dangerous by the City of Lilydale shall notify the City Police Department in writing when moving from Lilydale. Such notification shall include the Owner's and Harboring's new address.

12 It shall be unlawful for the Owner or Harboring of a Potentially Dangerous or Dangerous Dog to fail to comply with the requirements and conditions set forth in this Ordinance. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal requiring the immediate removal of the animal from the City.

804.21. PENALTY

A violation of this Ordinance shall be a misdemeanor and any person violating any of the provisions of this Ordinance shall, upon conviction therefore, be punished by a fine of not to exceed Seven Hundred Dollars (\$700.00), or by imprisonment not to exceed ninety (90) days, or both.

Each day on which a violation of this Ordinance occurs shall be a separate violation even if such days of violation are consecutive.

805.01 General Provisions.

1. **Purpose and Intent.** The purpose of this Section is to reduce public exposure to health risks associated with hazardous chemicals or

residue from a clandestine drug lab site. Professional testing and investigations show that chemicals used in the production of illicit drugs can condense, penetrate and contaminate surfaces, furnishings and equipment of surrounding structures. The City Council finds that such sites, and the personal property within such sites, may contain suspected chemicals and residues that place people, particularly children or adults of childbearing age, at risk when exposed through inhabiting or visiting the site or being exposed to contaminated personal property.

2. Interpretation and Application. The provisions of this Section must be construed to protect the public health, safety and welfare. When the conditions imposed by this Section conflict with comparable provisions imposed by another law, ordinance, statute or regulation, the regulations that are more restrictive or that impose higher standards will prevail.

805.02 Definitions. Unless the context clearly indicates otherwise, the words and phrases below are defined for the purpose of this Section as follows: