

Claremont City Code – Chapter Eleven
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Chapter 11: Public Protection, Crimes and Offenses

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CHAPTER 11
PUBLIC PROTECTION, CRIMES AND OFFENSES

SEC. 11.01. STORAGE, DEPOSIT AND DISPOSAL OF REFUSE.

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

- A. "Refuse" - Includes all organic material resulting from the manufacture, preparation or serving of food or food products, and spoiled, decayed or waste foods from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, tree or lawn clippings, leaves, weeds and other waste products, except human waste or waste resulting from building construction or demolition.
- B. "Residential Dwelling" – Any single building consisting of one through four dwelling units with individual kitchen facilities for each.
- C. "Multiple Dwelling" – Any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each.
- D. "Commercial Establishment" - Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, and schools where food is prepared or served.

Subd. 2. Storage.

- A. It is unlawful for any person to store refuse on residential dwelling premises for more than one week. All such storage shall be in five to thirty gallon metal or plastic containers with tight-fitting covers, which shall be maintained in a clean and sanitary condition; provided, that tree leaves, weeds and grass clippings may be stored in plastic bags and tree limbs must be stored in bundles weighing no more than seventy-five pounds and no longer than four feet.
- B. It is unlawful for any person to store refuse on multiple dwelling premises for more than one week. Such storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted.
- C. It is unlawful for any person to store refuse on commercial establishment premises for more than seventy-two hours. Such storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted.
- D. It is unlawful to store organic refuse unless it is drained and wrapped.

Subd. 3. Deposit. It is unlawful for any person to deposit refuse from any source, rubbish, offal, or the body of a dead animal, in any place other than a sanitary landfill.

Subd. 4. Fire Danger. It is unlawful for any person to store, deposit or dispose of any refuse which is in flames or heated to the point where it could cause danger of fire in other refuse.

SEC. 11.02. TOILET INSTALLATION REQUIRED.

It is the duty of every owner or occupant of any property within the city, having a dwelling house or business building situated thereon, which property is abutting a street in which there are City water and sewer mains, to install a toilet in such dwelling or business building and make connection thereof with such water and sewer mains. The City shall serve written notice upon said owner or occupant requiring the installation of toilet facilities upon premises described in said notice, and connection thereof with the sewer and water mains, all of which shall be done within thirty (30) days after service of such written notice. Whenever any owner or occupant shall default in compliance with such written notice the Council may by resolution direct that a toilet be installed and connection made with the water and sewer mains and that the actual cost of such installation be paid in the first instance out of the General Revenue Fund, and assessed against the property so benefited. After such installation and connection is completed by order of the Council, the city shall serve a written notice of intention to make an assessment therefore. If such assessment is not paid within ten (10) days the city shall certify the amount thereof to the County Auditor in the same manner as with other special assessments, provided that the Council may by resolution provide that the assessment be spread over a term of three (3) years upon written request by the owner of the property.

SEC. 11.03. UNLAWFUL USE AND FURNISHING OF TOBACCO.

Subd. 1. It is unlawful for any person, under the age of eighteen years, to use tobacco in any form.

Subd. 2. It is unlawful for any person to furnish tobacco, by any manner or means and in any form, to any person under the age of eighteen years.

SEC. 11.04. DANGEROUS WEAPONS AND ARTICLES.

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

- A. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another; or,
- B. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or,

- C. Manufacture or sell for any unlawful purpose any weapon known as a slung-shot or sand club; or,
- D. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or,
- E. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or,
- F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,
- G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or,
- H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of a peace officer.
- I. Possess, sell, transfer, or have in possession for sale or transfer, any weapon commonly known as a throwing star, nun chuck or sharp stud. For the purposes of this Subparagraph, (1) a "throwing star" means a circular metallic device with any number of points projecting from the edge, (2) a "nun chuck" means a pair of wood sticks or metallic rods separated by chain links attached to one end of each such stick or rod, and (3) a "sharp stud" means a circular piece of metal attached to a wrist band, glove, belt or other material which protrudes one-fourth inch, or more, from the material to which it is attached, and with the protruding portion pyramidal in shape, sharp or pointed.

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

Subd. 3. Discharge of Firearms and Explosives. It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket or other fireworks, air gun, air rifle, or other similar device commonly referred to as a B-B gun.

Subd. 4. Exception. Nothing in Subdivision 3 of this Section shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of his duty, or to a person in the lawful defense of his person or family. This section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

Subd. 5. Possession and Sale of Fireworks. It is unlawful for any person to sell, possess or have in possession for the purpose of sale, except as allowed in Subdivision 4 of this Section, any firecrackers, sky rockets or other fireworks.

Subd. 6. Exposure of Unused Container. It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges or latches.

Subd. 7. Use of Bow and Arrow. It is unlawful for any person to shoot a bow and arrow except in the Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by a peace officer, or a bow and arrow range authorized by the Council.

SEC. 11.05. ANIMAL REGULATION.

Subd. 1. Running at Large. No owner of any animal, whether kept, harbored, or maintained within or without the city, shall permit or suffer such animal to run or move at large at any time within the city. Any dog or cat shall be deemed to be running at large with the permission of the owner unless it is on a durable leash or is kept under control of the accompany person. For the purpose of this section, every such animal at large shall be deemed at large with the permission and at the sufferance of its owner, and in the event of a violation of the provisions of this section, it shall be no defense that the offending animal escaped or is otherwise at large without the permission or sufferance of its owner.

SUBD. 1. WAS AMENDED AND ADOPTED BY THE CITY COUNCIL ON JUNE 13, 2017

Subd. 2. Adoption of Fees. All fees for the impounding and maintenance of animals may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the Clerk Administrator and open to inspection during regular business hours.

Subd. 3. Tag Required. All animals shall wear a collar and have a tag firmly affixed thereto evidencing that the animal has a current rabies vaccination by a veterinarian licensed to practice veterinary medicine in the State of Minnesota and the contact information of the owner of the animal. Tags shall not be transferrable from one animal to another.

Subd. 4. Apprehension of Animals.

- A. **Animal Pound.** Any animal found in the City running at large, or otherwise in violation of this Section, shall be placed in the Animal Pound, and an accurate record of the time of such placement shall be kept on each animal. Every animal so placed in the Animal Pound shall be held for redemption by the owner for at least five regular business days. A "regular business day" is one during which the

Pound is open for business to the public for at least four hours between 8:00 o'clock A.M. and 7:00 o'clock P.M. Impoundment records shall be preserved for at least six months and shall show (1) the description of the animal by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the animal was seized; (3) the date of seizure; (4) the name and address of the person from whom any animal three months of age or over was received; and, (5) the name and address of the person to whom any animal three months of age or over was transferred. If unclaimed, such animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the animal, or a statement by the animal's owner after seizure specifies that the animal should not be used for research, such animal shall not be made available to any such institution but may be destroyed after the expiration of the five-day period.

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

- C. **Release from Animal Pound.** Animals shall be released to their owners after payment of the impounding fee, maintenance, and immunization fee.

Subd. 5. Feces Clean Up.

- A. It is a petty misdemeanor for any person having the custody or control of any dog or cat, to permit such dog or cat to be on any property, public or private, not owned or possessed by such person, unless such person has in his/her immediate possession a device for the removal of excrement and depository for the transmission of excrement to a proper receptacle located upon property owned or possessed by such person.

- B. It is a petty misdemeanor for any person in control of, causing or permitting any dog or cat to be on any property, public or private, not owned or possessed by such person, to fail to remove excrement left by such dog or cat to a proper receptacle located on the property owned or possessed by such person.

- C. The provision of this Subdivision shall not apply to the ownership or use of seeing-eye dogs by blind persons or dogs used in law enforcement activities within the City.

Subd. 6. Diseased or Vicious Dogs and Cats.

- A. It is a petty misdemeanor for any person having the custody or control of any diseased dog or cat to keep or allow such dog or cat to suffer unless such dog or cat is under the care of a veterinarian.
- B. It is a petty misdemeanor for any person having the control or custody of a vicious dog or cat, said dog or cat having shown vicious or treacherous tendencies, to keep such dog or cat within the City limits.

Subd. 7. Obstructing Enforcement.

- A. It is a petty misdemeanor for any person to molest, hinder, or interfere with employees of the City in the enforcement of any of the provisions of this Section.
- B. It is a petty misdemeanor for any person to break open the Animal Pound or attempt to do so, or to take or let out any dogs or cats taken thereto, or to take or attempt to take from any officer, any dog or cat taken up by him in compliance with this Section.

Subd. 8. Barking Dogs.

- A. It is a petty misdemeanor for any person to have custody or control of a barking dog. It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries or makes other noise excessively so as to cause annoyance, disturbance or discomfort to any individual provided that such noise lasts for a period of more than five minutes continuously or intermittent barking that continues for more than one hour and is plainly audible outside the property limits of where the dog is kept. It shall not be a violation of this section if the dog was barking, crying or making other noise due to harassment or injury to the dog or a trespass upon the premises where the dog is located.
- B. Any police officer or animal control officer may enter onto private property and seize any barking dog, provided that the following conditions exist:
 - 1. There is an identified complainant other than the police or animal control officer making a contemporaneous complaint about the barking;
 - 2. The officer reasonably believes that the barking meets the criteria set forth in Subparagraph A above;
 - 3. The officer can demonstrate that there has been at least one previous complaint of a dog barking at this address on a prior date;
 - 4. The officer has made reasonable attempts to contact the owner of the dog(s) or the owner of the property and those attempts have either failed or have been ignored;

5. The seizure will not involve forced entry into a private residence. Use of a passkey obtained from the property manager, landlord, innkeeper, or other person authorized to have such a key shall not be considered as a forced entry;
 6. No other less intrusive means to stop the barking is available, and;
 7. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.
 8. Any dog seized under the provisions of Subparagraph B shall be impounded and disposed of pursuant to a provision of Section 12.05, Subdivision 4.
- C. Any dog seized under Subdivision 8 herein which is unclaimed may be disposed of according to the provisions of Section 11.05, Subdivision 4.
- D. Any person who violates this subdivision shall pay an administrative fine of \$100.00 to the City.

Subd. 9. Dangerous or Potentially Dangerous Dogs.

A. Definitions:

1. **“Dangerous Dog”**. A dog which has:
 - a) Caused bodily injury or disfigurement to any person on public or private property;
 - b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety;
 - c) Exhibited unusually aggressive behavior, such as an attack on another animal;
 - d) Bitten one or more persons on two or more occasions; or
 - e) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
2. **“Potentially Dangerous Dog”**. *A dog which has:*
 - a) Bitten a human or a domestic animal on public or private property;

- b) When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property, or private property other than the dog owner's private, in an apparent attitude of attack; or
 - c) Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.
3. **“Proper Enclosure”**. Securely confined indoors or in a securely locked pen or structure suitable to prevent the dog from escaping and to provide protection for the dog from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the dog from exiting. The enclosure shall not allow the egress of the dog in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:
- a) Have a minimum overall floor size of 32 square feet.
 - b) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be 13-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.
 - c) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.
 - d) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the dog is in the pen or kennel.
4. **“Unprovoked”**. The condition in which the dog is not purposely excited, stimulated, agitated or disturbed.
5. **“Owner”** means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having care, custody or control of a dog.

6. **“Animal Control Officer”** means the Dodge County Sheriff’s office.

B. Designation:

1. **Designation as potentially dangerous dog.** The Animal Control Officer shall designate any dog as a potentially dangerous dog upon receiving evidence that the potentially dangerous dog meets the definition as described in Section A (2). When a dog is declared potentially dangerous, the Animal Control Officer shall cause one owner of the potentially dangerous dog to be notified in writing that the dog is potentially dangerous.
 - a) This notice shall require that the owner of the potentially dangerous dog provide sufficient evidence that:
 - 1) The owner has had a microchip identification implanted in the dog for identification purposes.
 - 2) Liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in a form acceptable to the City in the sum of at least Fifty Thousand Dollars (\$50,000.00) payable to any person injured by the potentially dangerous dog and insuring the owner for any personal injuries inflicted by the potentially dangerous dog.
2. **Designation as dangerous dog.** The Animal Control Officer shall have the authority to designate any dog as a dangerous dog upon receiving evidence that the dangerous dog has met the definition of a dangerous dog as described in Section A (1) or the dog has been declared a potentially dangerous dog and the owner has failed to comply with the requirements of Section B (1) of designation of a potentially dangerous dog.
3. **Authority to order destruction.** The Animal Control Officer, upon finding that a dog is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the dog be destroyed based on a written order containing one or more of the following findings of fact:
 - a) The dog is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
 - b) The owner of the dog has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.
4. **Procedure.** The Animal Control Officer, after having determined that a dog is dangerous, may proceed in the following manner: The Animal Control Officer

shall cause one owner of the dog to be notified in writing or in person that the dog is dangerous and may order the dog seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the City Council for a review of this determination.

- a) If no appeal is filed, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the dog from a court of competent jurisdiction, unless the animal is already in custody or the owner consents to the seizure and destruction of the dog.
 - b) If an owner requests a hearing for determination as to the dangerous nature of the dog, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Clerk's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the dog, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control Officer take the dog into custody for destruction, if the dog is not currently in custody. If the dog is ordered into custody for destruction, the owner shall immediately make the dog available to the Animal Control Officer. If the owner does not immediately make the dog available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the dog from a court of competent jurisdiction.
 - c) No person shall harbor a dog after it has been found by to be dangerous and ordered into custody for destruction.
5. **Stopping an attack.** If any police officer or Animal Control Officer is witness to an attack by a dog upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.
 6. **Notification of new address.** The owner of a dog which has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the dog is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any.

C. Dangerous Dog Requirements:

1. No person may own a dangerous dog in the City unless the dog is registered as provided in this section.
2. If the City does not order the destruction of a dog that has been declared dangerous, the City Council may, as an alternative, issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:
 - a) That the owner provide and maintain a proper enclosure for the dangerous dog as specified in Section A (3);
 - b) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. §347.51 as may be amended from time to time;
 - c) Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;
 - d) If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of a design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
 - e) The dog must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in M.S. §347.51 as it may be amended from time to time, and shall have a microchip implant as provided by M.S. § 347.151, as it may be amended from time to time;
 - f) All dogs deemed dangerous by the Animal Control Officer shall be registered with the county in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the Animal Control Officer.
 - g) The dog must be up to date on rabies vaccination.
 - h) Fee. The City will charge the owner an annual fee to obtain a certificate of registration for a potentially dangerous or dangerous dog.

3. **Seizure.** As authorized by M.S. § 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous dog if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the dog is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.
4. **Reclaiming Dog.** A dangerous dog seized under Section C(3), may be reclaimed by the owner of the dog upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under Section (C), are fulfilled. A dog not reclaimed under this section within 14 days may be disposed of as provided under Section B(4), and the owner is liable to the city for costs incurred in confining and impounding the dog.
5. **Subsequent offenses.** If an owner of a dog has subsequently violated the provisions under Section C(2) with the same dog, the dog must be seized by animal control. The owner may request a hearing as defined in Section B(4). If the owner is found to have violated the provisions for which the dog was seized, the Animal Control Officer shall order the dog destroyed in a proper and humane manner and the owner shall pay the costs of confining the dog. If the person is found not to have violated the provisions for which the dog was seized, the owner may reclaim the animal under the provisions of Section C(4). If the dog is not yet reclaimed by the owner within 14 days after the date the owner is notified that the dog may be reclaimed, the dog may be disposed of as provided under Section B(4) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the dog.

D. Exemptions:

1. Dogs may not be declared potentially dangerous or dangerous if the threat, injury or damage was sustained by a person:
 - a) Who was committing at the time a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - b) Who was provoking, tormenting, abusing or assaulting the dog or who can be shown to have repeatedly in the past provoked, tormented, abused or assaulted a dog; or
 - c) Who was committing or attempting to commit a crime.
2. Law Enforcement Exemption. The provisions of this section do not apply to dogs used by law enforcement officials for police work.

E. Penalty:

1. Any person who violates any provisions of this subdivision is guilty of a misdemeanor.
2. It is a misdemeanor to do any of the following:
 - a) To remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death, or removal from the jurisdiction;
 - b) To sign a false affidavit with respect to a dangerous dog's death or removal from the jurisdiction, or fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.

SECTION 11.05 WAS AMENDED AND ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 13, 2016

SECTION 11.055 KENNELS.

Subd. 1. Declaration of Nuisance. The keeping of five or more dogs, cats, or any combination thereof on the same premises is subject to great abuse, causing discomfort to persons in the area, by way of smell, noise, hazard, and general aesthetic depreciation, and the irresponsible maintenance of five or more animals within a residential area has been the source of a variety of complaints. The keeping of five or more dogs, cats, or any combination thereof on one premises is hereby declared to be a nuisance and is hereby subject to the restrictions contained herein.

Subd. 2. Definitions.

- A. Commercial Kennel means a place where five or more dogs, cats, or any combination thereof are kept on the same premises, whether owned by the same person or not, for the business of selling, boarding for a fee, breeding for sale, or some other enterprise intended primarily for profit making purposes. The term Commercial Kennel shall include pet stores, but shall not include pet grooming shops, animal hospitals, or veterinary clinics.
- B. Hobby Kennel means a place where five or more dogs, cats, or any combination thereof over six months of age are kept when not a commercial kennel.

Subd. 3. License Requirements.

- A. No person shall keep or maintain a Commercial or Hobby Kennel in the City except upon obtaining a kennel license from the City Council.

- B. Application for such license shall be made to the City Administrator and shall be accompanied by the license fee established by the City Council.
- C. All kennels must conform to statutes and regulations of the State of Minnesota, Dodge County, or any of its agencies having jurisdiction over such matters such as fire control, cleanliness, temperature control, waste disposal, structure specifications, diet, and animal treatment. Waste shall not be permitted to accumulate so as to create any odor detectable by adjoining property owners. All kennels shall be kept in a clean and healthful condition at all times and shall be open for inspection by duly authorized City authorities at any reasonable time.
- D. A Commercial Kennel license shall only be granted in the commercial zoning districts.
- E. A Hobby Kennel license may be issued in a residential zoning district provided that the number of animals does not exceed six and the Council finds that the proposed operation will not adversely affect surrounding properties.
- F. The council may impose such conditions as it shall deem necessary and appropriate to carry out the intent of this chapter. A kennel license may be revoked by the City Council by reason of the violation of this ordinance, state law, or any regulation relating thereto.

SUBD. 3 PARAGRAPH E WAS AMENDED AND ADOPTED BY CITY COUNCIL ON NOVEMBER 9, 2016

Subd. 4. Insurance. No Commercial license shall be issued until such time as the applicant provides to the City Administrator a liability insurance policy of \$100,000.00 for all damages arising out of bodily injuries to, or death of, one person, and \$300,000.00 for all damages arising out of bodily injuries to, or death of, two or more persons in anyone incident arising out of or caused by the kennel operation, together with property damage liability insurance in the amount of \$100,000.00. Copies thereof or appropriate insurance certificates shall be delivered to the City Administrator's office prior to any annual renewal of such kennel licenses. The City reserves the right to revisions upward or downward in the minimum insurance requirements herein after set forth by City resolution or ordinance.

Subd. 5. Tags. Licensees shall affix an identification tag to all dogs and cats owned by or under the control of the licensee. Such identification tag shall at a minimum contain the name, address, and telephone number of the licensee.

Subd. 6. Vaccinations. The licensee shall cause every dog and cat in the kennel to be vaccinated by a licensed veterinarian with anti-rabies vaccine. Puppies and kittens shall be so vaccinated at or before the age of sixteen weeks and again at the age of one year. Adult animals shall be so vaccinated at least one in every twenty-four month period or as often as needed under the type of vaccine used to insure immunity. Rabies vaccination tags shall be affixed as set out in Subdivision 5.

Subd. 7. Penalties. Any person who maintains a kennel without first obtaining a license therefore, or after the license is revoked or not renewed, shall be guilty of a misdemeanor.

Subd. 8. Effective Date. This ordinance shall take effect and be in full force from and after its passage and publication.

SECTION 11.055 WAS ADOPTED BY THE CLAREMONT CITY COUNCIL ON 8-11-1998

SECTION 11.06. REGULATIONS GOVERNING ANIMALS AND FOWL.

Subd. 1. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. ***Animal.*** Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom.
2. ***Domestic Animals.*** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
3. ***Farm Animals.*** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, turkeys, swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.
4. ***Non-domestic Animals.*** Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:
 - (a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards, and jaguars, but excluding commonly accepted domesticated house cats.
 - (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - (c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - (d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those

members otherwise defined or commonly accepted as domesticated pets.

- (e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 - (f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys, and game fish.
5. **Fowl.** Any of various birds of the order Galliformes, including chickens, pigeons, ducks, and geese, but excluding turkeys.
 6. **Coop.** A temporary structure for housing fowl, made of wood or other materials that provides shelter from the elements.
 7. **Run.** A fenced outside area for keeping fowl.

Subd. 2. Non-domestic Animals Prohibited. It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Subd. 3. Farm Animals Allowed in Agricultural Districts. Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least 10 acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibit.

Subd. 4. Fowl.

- A. **Agricultural Districts.** Fowl may be kept in an agricultural district of the city.
- B. **Permit Required in Other Districts.** Fowl may be kept in a residential, commercial, or industrial district of the city only according to the permitting process contained herein. No person shall keep or harbor fowl on any premises in a residential district unless the city has granted them a permit. No permit shall be issued for the keeping or harboring of more than six fowl on any premises. No permit shall be issued for the keeping of a rooster on any premises. Roosters may

be present, however, on any permitted premises for time periods not to exceed 48 hours strictly for the purpose of breeding, and then must be removed for a period no less than 14 days.

- C. **Conditions and Restrictions.** The permit shall be subject to all terms and conditions of this section and any additional conditions deemed necessary by the city to protect the public health, safety, and welfare. The necessary permit applications will be available in the City Clerk's office. An initial fee and a renewal fee, which the city may establish by resolution from time to time, shall be charged for each permit. Permits shall be effective for three years and may be renewed for additional three year periods.
- D. **Confinement.** Fowl must be confined at all times in a coop or run. Coops and runs shall comply with the following requirements:
1. **Setback.** The location of the coop or run shall comply with the setback requirements for accessory structures in the zoning district in which the property lies.
 2. **Coops.** Coops must not exceed 60 square feet (by outside dimensions) or six feet in height, and must provide at least two square feet per fowl. Coops must be elevated with a clear open space at least 24 inches between the ground and the floor or framing of the coop. The coop's floor, foundation, and footings must be constructed to make the coop rodent resistant.
 3. **Runs.** Runs must not exceed 120 square feet or six feet in height, and may be enclosed with wood or woven wire.
 4. **Feed.** Feed must be stored in rodent and raccoon-proof containers.
- E. **Conditions.** The premises where fowl are kept must be maintained in a healthy and sanitary condition, in a manner that will prevent noxious or offensive odors from being carried to adjacent property.
- F. **Inspection.** Any coop or run may be inspected at any reasonable time by the city to determine compliance with this section and the applicable permit.

Subd. 5. Other Unlawful Act. It is unlawful for any person to keep any animal that disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise

SEC. 11.06 AMENDED AND ADOPTED BY CITY COUNCIL ON SEPTEMBER 10, 2013

SEC. 11.07. SMOKING PROHIBITED IN CERTAIN PUBLIC PLACES AND CITY-OWNED MOTOR VEHICLES.

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

- A. "Public Place" - An enclosed (indoor) area owned by the City and used by the general public or serving as a place of work.
- B. "City-Owned Motor Vehicle" - Any automobile, truck, or other enclosed motorized mode of transport owned and used by the City.
- C. "Smoking" - A person having in possession a lighted cigar, cigarette, pipe, or any other lighted smoking material or equipment for personal use.

Subd. 2. Unlawful Act. It is a petty misdemeanor for any person to smoke in a public place or a City-owned motor vehicle.

Subd. 3. Exception. This section shall not apply to City-owned recreational facilities which are rented for a private social function and seating arrangements are under the control of the sponsor of the function, nor shall it apply to City-owned property which is leased or licensed to a private person.

SEC. 11.08. REGULATION OF TREES ON PUBLIC AND PRIVATE PROPERTY.

Subd. 1. Purpose. It is the purpose of this section to promote and protect the public welfare, safety, and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the City.

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

- A. "Boulevard Trees" means trees, shrubs, bushes, and all other woody vegetation on land lying between the property lines or within the right-of-way lines on either side of all streets, avenues or ways within the City.
- B. "Park Trees" means trees, shrubs, bushes, and all other woody vegetation in public parks or areas owned by the City not defined as "boulevard trees".
- C. "Ordinary Care" means seeding, sodding, watering trees when necessary, mowing the boulevards and protecting trees from injury. "Ordinary care" also includes tree limb pruning of low-hanging or broken limbs or removal for power and telephone lines.

Subd. 3. Planting of Boulevard Trees. No species may be planted on public property without the prior written permission of the Arbor Committee. Prior to the Arbor Committee taking action, it shall review all requests for planting to assure that the species are appropriate. The Arbor Committee shall submit written reports to the Council on those matters of special requests by the council prior to taking official action.

Subd. 4. Care of Boulevard Trees. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure the public safety or to preserve or enhance the symmetry and beauty of such public grounds. No other planting may be done without consent of the City Arborist.

Subd. 5. Removal of Trees Endangering utilities or other Public Improvements.

- A. The Arbor Committee may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.
- B. Every tree overhanging any street or right-of-way shall be pruned so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of at least 14 feet above the street and 7 feet above sidewalks. Dead, diseased, or dangerous trees, broken or decayed limbs which endanger the safety of the public shall be removed.

Subd. 6. Trees on Private Property.

- A. The Arbor Committee shall have the authority to order the trimming, treatment and removal of trees, shrubs or plants upon private property when such action is necessary to public safety or to prevent the spread of disease or insects to trees, shrubs or plants located on public property. Any tree or shrub situated upon private property, but so situated as to extend its branches over the improved portion of a public street or highway easement shall be so trimmed by the owner of the real property upon which the same is located so that there is a clear- height of at least 14 feet above that portion of such easement that is used for vehicular traffic and 7 feet above that portion of such easement used for pedestrian travel, unobstructed by branches; and such persons shall remove the dead or diseased branches or stubs of trees which are or may become hazardous to the public use of such easement. Any trees obstructing traffic control signs or devices from the view of the pedestrian or motorist shall be pruned to a height established by the Arbor Committee to insure proper safety for motorists or pedestrians.
- B. All orders to trim, remove or treat trees, shrubs or plants given pursuant to this section, shall be in writing and shall be served in person or by first class mail upon the owner of the property where such trees, shrubs or plants are located. Such orders shall afford the owner of the property not less than fourteen (14) days from the date of mailing of such notice to comply with such order. It is unlawful for an owner of property receiving such an order to fail to comply with the order in the time specified.

- C. If the required action is not taken by the property owner within the specified time, the Arbor Committee may cause the trees, shrubs or plants concerned to be trimmed, removed or treated, with the cost being borne by the property owner. If not voluntarily paid to the city by such owner, the costs of such trimming, removal or treatment may be recovered by the City by special assessment upon the property owner.

Subd. 7. Boulevard Trees – Size and Species. For the purposes of this Section, tree size and approved species are defined, as follows:

- A. Small Size - Trees from 15 to 20 feet (approved for use under utility lines) and include flowering crabapple (fruitless preferred), mulberry, chokecherry and ornamental pear.
- B. Medium Size - Trees from 30 to 40 feet and include hawthorn (thornless varieties), white or green ash, mountain ash, ironwood, locust (thornless varieties).
- C. Large Size - Trees from 50 to 75 feet and include hard maple varieties, oak and linden.
- D. Trees of any size not approved for use in boulevard plantings shall include, but are not limited to, silver and other soft maple varieties, American elm, Siberian elm, boxelder, willow, evergreen (conifer) trees of any variety, catalpa and cottonwood.

Subd. 8. Spacing and Location of Boulevard Trees.

- A. Spacing. The spacing of trees shall be in accordance with tree size and species set forth in Subd. 7, above, and no tree shall be planted closer together than as follows: Small Trees, 20 feet; Medium Trees, 30 feet; and Large Trees, 40 feet; except in special plantings designed or approved by the Arbor Committee.
- B. Location. The distance trees may be planted from curbs or curblines and sidewalks shall be in accordance with tree size and species set forth in Subd. 6, above, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.
- C. Corners, Hydrants, and Driveways. No boulevard tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No Boulevard Tree shall be planted closer than 15 feet to any hydrant, nor 5 feet from any driveway.
- D. Utilities. No trees other than those defined as "Small Trees" may be planted under or within 10 level feet of any overhead utility wire, or over or within 10 lateral feet of any underground water line, sewer, transmission line or other utility.

Subd. 9. Destruction of Trees on Public Property or Rights-of- Way. It is unlawful for any person to top any Boulevard Tree, Park Tree or other tree on public property without prior written authorization from the City Arborist. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Arbor Committee. It is unlawful for any person to remove, alter or destroy any Boulevard or Park Tree without the prior written authorization from the City Arborist.

Subd. 10. Regulating Trees, Shrubs and Plants on Private Property. The City shall have the authority to order the trimming, treatment and removal of trees, shrubs or plants upon private property when such action is necessary to public safety or to prevent the spread of disease or insects to trees, shrubs or plants located on public property, in accordance with City Code Sec. 11.30.

Subd. 11. Insurance. It is unlawful for any person who is not properly insured to engage in the business of tree removal or trimming trees within the city limits. Any person wishing to engage in these actions must first file evidence with the City Clerk Administrator of possession of liability insurance in the minimum amounts of \$300,000.00 for bodily injury or death and \$100,000.00 property damage, indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavor as herein described.

Subd. 12. Permits.

- A. Scope of Requirements. It is unlawful for any person except the City Arborist, an agent of the City Arborist, or a contractor hired by the City Arborist, to perform any of the following acts within City parks or boulevards without first obtaining a permit (for which no fee shall be charged) from the City Clerk Administrator's office:
1. Plant or remove trees or shrubbery in city parks.
 2. Attach any rope, wire, nail, sign, poster or any other man-made object to any tree in city parks or boulevards.
- B. A lot owner adjacent to the boulevard may plant trees from the approved species list, prune, trim or remove undesirable trees without a permit. Permits are not required to give "ordinary care".

Subd. 13. Interference with Arbor committee. It is unlawful for any person to prevent, delay or interfere with the Arbor Committee, or any of its agents, while engaging in and

about the planting, cultivating, mulching, or pruning, spraying or removing of any Boulevard Trees, Park Trees, or trees on private grounds, as authorized in this section.

Subd. 14. Right of Review by Council. Any person aggrieved by any ruling or order of the Arbor committee may appeal to the Council which shall hear the matter and make a final decision. The Council shall have the right to review the conduct and decisions of the Arbor committee. The Council may modify, affirm, or reverse any determination of the Arbor Committee.

SEC. 11.09. CITY PARK REGULATIONS.

Subd. 1. Definitions. As used in this ordinance the following terms shall mean:

- A. "City Park" means the platted area of the three (3) City Parks now owned and controlled by the City of Claremont within the city limits of Claremont, Minnesota, and commonly referred to as Memorial Park, Henning Park, and Westside Park, together with any future park that may hereafter be dedicated and platted as such.
- B. "Vehicle" means every device in, upon, or by which any person or property is or may be transported except devices moved or propelled by human power.
- C. "Leash" means a chain, rope, or strap attached to the collar or harness of an animal and used to hold it in check.
- D. "Animal" means any such organism other than a human being.

Subd. 2. Prohibited Times. Except as otherwise specifically allowed by this ordinance, no person shall enter into or upon a City Park or remain in such city Park between sunset and sunrise each day of every year hereafter.

SUBD. 2. AMENDED AND APPROVED BY CITY COUNCIL ON NOV 14, 2017. Published Nov 22, 2017

Subd. 3. Vehicles Prohibited. Except as otherwise specifically allowed by this ordinance, no person shall drive or operate any vehicle upon or within a City Park.

Subd. 4. Animals Prohibited. Except for dogs and cats on leash, no person who owns, possesses, or harbors an animal shall allow such animal to enter into or upon a City Park.

Subd. 5. Special Events Excepted. The prohibitions contained in Sections 2 and 3 of this ordinance shall not apply to the times the community event now know as Hogfest Days is being held or to such other special event sponsored by any person or organization which a written permit has been authorized by the City Council and signed by the City Clerk.

Subd. 6. Prima Facia Evidence of Violation. The presence of a vehicle in or upon any City Park that is stopped, standing, or parked in violation of this ordinance, shall be prima facia evidence that the person in whose name such vehicle is registered as owner committed or authorized the commission of such violation.

Subd. 7. Impounding. Any unoccupied vehicle found parked in violation of the provisions of this ordinance may be immediately removed and impounded by any law enforcement officer or person duly authorized by such law enforcement officer.

Subd. 8. Penalty. Any person who violated any of the provisions of this ordinance shall be guilty of a petty misdemeanor punishable by a fine not to exceed the amount set by Minnesota law.

Subd. 9. Savings Clause. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that anyone or more section, subsections, sentences, clauses, and phrases be declared unconstitutional.

(Effective August 11, 1998)

(Sections 11.10 through 11.19, inclusive, reserved for future expansion).

SEC. 11.20. CURFEW.

Subd. 1. Definition. As used in this section "minor" means a person seventeen (17) years of age or under.

Subd. 2. Unlawful Acts.

- A. It is unlawful for any minor person to be or loiter upon the streets or public places, including in a motor vehicle, between the hours of 10:00 p.m. and 6:00 a.m. of the day following.
- B. It is unlawful for any parent, guardian, or other person having the legal care or custody of any minor to allow or permit such minor to be or loiter upon the streets or public places, including in a motor vehicle, in violation of this section unless such minor is accompanied by a person of lawful age having such minor in charge.
- C. It is unlawful for any person operating, or in charge of, any place of amusement, entertainment or refreshment, or other place of business, to allow or permit any minor to be or loiter in such place in violation of this section unless such minor is accompanied by a person of lawful age having such minor in charge. This

Subparagraph shall not be construed to permit the presence, at any time, of any person under age in any place where his presence is otherwise prohibited by law.

Subd. 3. Exceptions. Such curfew shall not apply to any minor student who is lawfully attending, going to or returning from school, church or community sponsored athletic, musical, or social activities or events.

SEC. 11.21. DISORDERLY CONDUCT.

It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following: (1) engage in brawling or fighting; or, (2) disturb an assembly or meeting, not unlawful in its character; or, (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or, (4) willfully and lewdly expose his person or the private parts thereof, or procure another to so expose himself; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or, (5) whether or not posted with signs so prohibiting, voluntarily enter the waters of any river or public swimming pool at any time when said waters are not properly supervised by trained life-saving personnel in attendance for that purpose, or enter such waters without being garbed in a bathing suit sufficient to cover his person and equal to the standards generally adopted and accepted by the public; or, (6) urinate or defecate in a place other than (a) if on public property then in a plumbing fixture provided for that purpose, or (b) if on the private property of another then in a plumbing fixture provided for that purpose, or (c) if on private property not owned or controlled by another, then within a building; or, (7) cause the making or production of an unnecessary noise by shouting' or by any other means or mechanism including the blowing of any automobile or other vehicle horn; or, (8) use a sound amplifier 'upon streets and public property without prior written permission from the city; or, (9) use a flash or spotlight in a manner so as to annoy or endanger others; or, (10) cause defacement, destruction, or otherwise damage to any premises or any property located thereon; or, (11) strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose; or, (12) enter any motor vehicle of another without the consent of the owner or operator; or, (13) fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

SEC. 11.22. DISORDERLY CONDUCT - NOISY PARTIES.

Subd. 1. It is unlawful for any person or persons to congregate on any private lands because of, or participate in, any party or gathering of people from which noise emanates of a sufficient volume or of such nature as to disturb the peace, quiet or repose of other persons. Any owner or person in lawful possession or control of such private lands who has knowledge of the disturbance and fails to immediately abate said disturbance shall be guilty of a violation of this section.

Subd. 2. It is unlawful for any person or persons to congregate on any private lands of another because of, or participate in, any party or gathering of people in the absence of the owner of said private lands being present, without first having obtained written permission from the landowner or other person in lawful possession of such private lands. Such written permission shall at all times be in the possession of one or more persons at the site of such congregation. The document containing the written permission must bear the signature of the landowner and date of the permitted use. Failure to display written permission upon request shall be considered prima facie evidence of an absence of permission from the owner.

Subd. 3. A violation of Subdivision 1 or 2 of this Section shall give a peace officer the authority to order all persons present, other than persons identifying themselves as the owner or person in lawful possession or control of such land, to immediately disperse. Any person who shall refuse to leave after being ordered to do so by a peace officer shall be guilty of a violation of this Section.

SEC. 11.23. CERTAIN NOISES PROHIBITED.

Subd. 1. Exhaust. It is unlawful for any person to discharge the exhaust, or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, motorcycle or motorized bike except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable State laws and regulations.

Subd. 2. Radios, Phonographs, Paging Systems, Etc. It is unlawful for any person to use or operate, or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device between the hours of 10:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

SEC. 11.24. UNLAWFUL ENTRY AND WINDOW PEEPING.

It is unlawful for any person in any public or private place, to enter a toilet designated for the use of the opposite sex or look into any window or other opening for an indecent, immoral or unlawful purpose.

(Sections 11.25 through 11.29, inclusive, reserved for future expansion).

SEC. 11.30. MAINTENANCE OF PRIVATE PROPERTY.

Subd. 1. It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than six (6) inches; to remove all public health or safety hazards therefrom; to install or repair water service lines thereon; and to treat or remove insect-infested or diseased trees thereon.

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

Subd. 3. A property owner shall be entitled to ne annual notice as set forth in paragraph 1 and 2 above. Upon subsequent nuisance violations of the same kind. The city may conduct further abatement of the nuisance violations on the property without additional notice to the property owner, and all chargers for such work shall be made a special assessment against the property.

SUBD. 3. AMENDED AND APPROVED BY CITY COUNCIL ON JULY 12, 2011

(Section 11.31 reserved for future expansion).

SEC. 11.32. ABANDONING A MOTOR VEHICLE.

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

SEC. 11.33. MINNESOTA UNIFORM FIRE CODE.

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

Subd. 2. Storage of Flammable and Explosives Material. Present installations for the purpose of storage of flammable liquid, liquefied petroleum gas and explosives and

blasting agents may continue in the Agricultural District. Provided, however, that such installation shall not be expanded nor shall new installations for such purpose be permitted without a special permit from the Council. Prior to issuance of any such permit, an application therefore shall be investigated by the Chief of Police and the Chief of the Fire Department, and a hearing held thereon before the Council.

SEC. 11.34. BURNING.

Subd. 1. Definitions. As used in this ordinance, the following terms shall mean:

- A. Open fire or open burning. Open fire or open burning means a fire burning matter which is not contained within a fully enclosed firebox, whereby the resulting combustion products are emitted directly to the atmosphere without passing through a stack, duct, or chimney.
- B. Recreational fire. Recreational fire is the burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace, or barbecue pit and with a total fuel area of 3 feet or less in diameter and 1 foot or less in height for pleasure, religious, ceremonial, cooking or similar purposes and the area within the radius of ten feet of the fire is clear of all combustible material.

Subd. 2. Certain Burning Allowed.

- A. Open burning of burnable organic matter is permitted within corporate City limits from dawn to 8:00 p.m. from March 1 through June 1 and September 15 through December 1 each year, subject to the restrictions provided herein.
- B. Recreational fires are permitted within the corporate City limits subject to the restrictions provided herein.

Subd. 3. Burning Restrictions.

- A. It shall be unlawful for any person, firm, or corporation to start or allow open burning or recreational fires on a property within the City of Claremont without material to extinguish the fire.
- B. In no event shall any open fire be located closer than 30 feet from any structure or on any public property with a bituminous or concrete surface.
- C. No person shall continue to burn after notification from law enforcement or fire chief that a complaint has been received that the permitted fire is causing bothersome smoke or live embers to float through the air.
- D. Garbage. No person shall conduct, cause, or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food, unless specifically allowed under MN Statutes 17.135.

- E. Burning ban. No person shall conduct, cause, or permit open burning during a burning ban put into effect by a local authority, county, or a state department or agency.
- F. Smoldering fires. Fires must not be allowed to smolder with no flame present, except when conducted for the purpose of managing forests, prairies or wildlife habitats.
- G. Prohibited materials. No person shall conduct, cause, or permit open burning of oils, rubber, plastics, chemically treated material or other materials which produce excessive or noxious smoke including, but not limited to: tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint filters.
- H. Hazardous wastes. No person shall conduct, cause or permit open burning of hazardous waste as defined in Section 116.08, Subdivision 11, and applicable commissioner's rules.
- I. Industrial solid waste. No person shall conduct, cause or permit open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial structure.
- J. Demolition debris. No person shall conduct, cause or permit open burning of burnable building material generated from demolition of any structure.

Subd.4. Penalties. Any person who violated the terms of this Ordinance shall be guilty of a misdemeanor.

Subd. 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage and publication.

SECTION 11.34 ADOPTED BY THE CLAREMONT CITY COUNCIL ON 4-11-2000

(Sections 11.35 through 11.98, inclusive, reserved for future expansion).

SEC. 11.99. VIOLATION A MISDEMEANOR.

Every person who violates a Section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.