

CHAPTER IX

PUBLIC SAFETY

Section 900 - Civil Defense

900.01. Act adopted. The Minnesota Civil Defense Act, Minnesota Statutes, chapter 12, insofar as it relates to cities, is adopted by reference as part of this section as fully as if set forth explicitly herein.

900.03. Civil defense agency. Subdivision 1. Agency and director. There is created and continued in the city administration a civil defense and disaster agency under the supervision and control of the director of civil defense, hereinafter called the director. The director is appointed by the mayor for an indefinite term and may be removed by the mayor at any time. The director is responsible for the organization, administration, and operation of the civil defense agency, subject to the direction and control of the mayor.

Subd. 2. Organization and functions. The civil defense agency may be organized into such divisions and bureaus, consistent with state and local defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The agency performs civil defense functions within the city and in addition conducts functions outside the city pursuant to Minnesota Statutes, chapter 12, or this code.

900.05. Powers and duties of director. Subdivision 1. Intergovernmental arrangements. With the consent of the mayor, the director represents the city on any regional or state organization for civil defense. The director must develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted and must present such agreements to the council for action. Such agreements must be consistent with the civil defense plan and, during a civil defense emergency, the civil defense agency and civil defense forces must render assistance in accordance with the provisions of such agreements.

Subd. 2. Civil defense plan. The director must prepare a comprehensive general plan for the civil defense of the city and present the plan to the city council for its approval. When the council has approved the plan by resolution, civil defense forces of the city shall perform the duties and functions assigned by the plan.

Subd. 3. Reports. The director must prepare and present to the council periodically a report of activities and recommendations.

Section 905 - Fire Department

905.01. Fire department. The fire department, consisting of a fire chief, assistant fire chief and officers subordinate to the fire chief who shall assist in management of fire department duties and functions, and not less than 15 nor more than 30 firefighters, is created and continued. The fire department chain of command shall be defined in the fire department rules and regulations. (Amended, Ord. No. 05-07)

905.03. Chief. The fire chief is the head of the department. Interested and qualified candidates belonging to the fire department shall submit an application, resume and the fire department evaluations to the city manager. The city manager shall review the candidate qualifications and evaluations. The chief is appointed by the city manager upon the advice and consent of the city council. The chief is appointed for a four year term. (Amended, Ord. No. 05-07)

905.05. Duty of chief. The chief shall be responsible for general policy-making and administrative control, directing, planning, and coordinating all activities of the fire department including, but not limited to, fire protection and emergency response, fire prevention, and safety educational services, training and safety of personnel and fire station facilities, vehicles, and equipment assigned to the fire department. The chief may submit reports and recommendations at any meeting of the council. The chief is responsible for the proper training and discipline of the members of the fire department and may recommend to the city manager the suspension or dismissal of a member for cause. The chief and all fire department employees shall perform such duties and functions as are prescribed in a position description approved by the city manager. The city's personnel policies shall apply to the fire department employees, including paid-on-call firefighters and officers in their capacity as such. (Amended, Ord. No. 05-07)

905.07. Records. The chief must keep in convenient form a complete record of fires. The record must include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm and such other information as the chief may deem advisable or as may be required from time to time by the council or as required by the state or other outside agencies. (Amended, Ord. No. 05-07)

905.09. Practice drills. The chief must hold a practice drill not less than two times a month and of at least two hour's duration for the fire department. The chief or persons assigned by the chief must instruct firefighters in approved methods of fire fighting and fire prevention. (Amended, Ord. No. 05-07)

905.11. Assistant chief. The assistant chief performs the functions of the chief in the absence or disability of the chief.

905.13. Firefighters. The members of the fire department may not be less than 18 years of age at the time of joining the department and must be able bodied. They must pass satisfactory medical and fitness for duty examinations and become members only after a one year probation period. Examination fees for examinations are paid by the city. (Amended, Ord. No. 05-07)

905.15. Discipline. All members of the fire department shall be disciplined according to the city's personnel policy. (Amended, Ord. No. 05-07)

905.17. Compensation. The members and officers of the department receive the compensation established annually by the council.

905.19. Relief association. The members and officers of the fire department may organize themselves into a firefighters relief association. (Amended, Ord. No. 05-07)

Section 910 - Fire Prevention Code

910.01. Fire code adopted. The current Minnesota State Fire Code published by the International Code Council, together with all appendices and NFC, codes and standards, is adopted by reference subject to deletions or modifications contained in this section. (Amended, Ord. No. 03-15)

910.03. Copies of codes. One copy of the current Minnesota State Fire Code will be marked "official copy" and placed in the files of the city clerk. (Amended, Ord. No. 03-15; Ord. No. 06-02)

910.05. False alarms. It is unlawful to give or make or cause to be given or made an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the fire chief at a fire or to interfere with the fire department in the discharge of its duties. (Amended, Ord. No. 03-15)

910.07. Creation of fire lanes. Subdivision 1. The fire chief or fire marshal of the Robbinsdale fire department is hereby authorized to order the establishment of fire lanes on public or private property as may be necessary in order that the travel of fire equipment may not be interfered with and that access to fire hydrants may not be obstructed. (Amended, Ord. No. 03-15)

Subd. 2. Size of fire lanes. The minimum width of any fire lane shall be no less than 20 feet. (Amended, Ord. No. 03-15)

Subd. 3. Signs for fire lanes. When a fire lane has been established, a sign bearing the words "NO PARKING OR STOPPING FIRE LANE" shall mark it. When a fire lane is on public right-of-way or property, the city shall erect the sign. When the fire lane is on private property, the sign shall be erected by the owner, at such owner's expense, within 30 days after such owner has been notified of the order. All signs shall be purchased from the Robbinsdale fire department. All signs shall be of at least 18 gauge steel, a minimum size of 12 inches by 18 inches (12" by 18"), and colored with a white background and red lettering reading: NO PARKING OR STOPPING FIRE LANE. Signs shall not be more than 50 feet apart and the adjacent curb or roadway shall be striped yellow to clearly define the fire lane. Any deviations shall be approved by the fire marshal. (Amended, Ord. No. 03-15)

Subd. 4. Parking regulations respecting fire lanes. It shall be prohibited at all times to park or stop any vehicle of any description or place any material or obstruction within 50 feet of the entrance to any fire station or within a designated fire lane. A violation thereof shall constitute a misdemeanor. In the event that a member of the fire department or police department finds a vehicle or material unattended and/or obstructing a designated fire lane, the police department is hereby authorized to provide for removal of such vehicle or material to the nearest convenient garage or other place of safety outside the limits of the fire lane, at the expense of the owner. (Amended, Ord. No. 03-15)

Subd. 5. Enforcement. Licensed peace officers and community service officers employed by the Robbinsdale police department are authorized to issue citations for violations of this chapter including Minnesota Statutes, sections 169.34, 169.346 and 169.79, which are incorporated into this chapter by reference. (Added, Ord. No. 03-15)

910.09. (Intentionally left blank)

910.11. (Intentionally left blank)

910.13. Public safety 800 MHz radio building amplification system. Subdivision 1. General. Except as otherwise provided, no person shall erect, construct, change the use of or provide an addition of more than 20% to, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for the Minnesota Regional Radio Communications System, including but not limited to firefighters and police officers. This section shall not apply to: buildings of less than 8,500 square feet; or any building constructed of wood frame; provided none of the aforementioned buildings make use of any metal construction or any below grade levels or parking areas. Any part of any R-3 occupancy building, including below grade levels and parking areas, are exempt from the requirements of this section. For the purposes of this section, parking structures and stairwells are included in the definition of "building" and stair shafts and elevators are included in the definition of "all parts of the building". For purposes of this section, adequate radio coverage shall be an average received field strength of no less than -93 dBm, or 1% BER, measured at 30 to 36 inches above the floor over 90% of the area of each floor and other critical areas determined by the fire chief or the fire chief's designee such as fire command centers, stairwells, elevators, high hazard areas, basements, and parking areas. Without an in-building radio system, only the received signal level standard must be achieved as the talk out path is equivalent to the talk in path in this regional radio system. (Added, Ord. No. 06-03)

Subd. 2. Amplification systems allowed. Buildings and structures which cannot support the required level of radio coverage shall be equipped with either a radiating cable system or an internal multiple antenna system with or without FCC type accepted bi-directional 800 MHz amplification as needed. If amplification is used in the system, all required FCC authorizations must be obtained prior to the use of the system. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input. (Added, Ord. No. 06-03)

Subd. 3. Testing procedures.

- (a) Acceptance test procedure. With or without an in-building radio system, it will be the building owner's responsibility to have the regional radio system performance tested to ensure that two-way coverage on each floor of the building is a minimum of 90% of the total floor area and the critical areas designated. (Added, Ord. No. 06-03)
- (1) Talk-in from the regional radio system coverage testing. The talk-in coverage testing process shall be the same for buildings with and without in-building amplification systems.

During test measuring, the center of the test equipment receive antenna shall be between 30 and 36 inches above the floor.

On each floor of a building to be tested, the floor space, except for designated critical areas, shall be divided into square or rectangular areas of approximately the same size and shape. Each floor shall have a least ten grid areas; however, the maximum size of grid areas shall not exceed 2,500 square feet. In buildings with support columns laid out in a grid, the corners of each grid may be arranged at the columns for ease in identifying grid corners while testing is in progress. In buildings, such as a warehouse, with large open areas, tests shall be conducted near the center of each grid although the exact center may not be easily accessible due to the location of large machinery, storage racks, etc. In buildings with divided office spaces, with or without floor to ceiling patricians, tests shall be conducted in an office at or near the center of a grid. In buildings with a large open area and an attached two story, split level office or other area, the lower level of the two-story, split level attachment shall be considered as an extension of the large open area.

In multi-story buildings and parking ramps, testing shall begin at the lowest level, including any sub grade level(s), and continue up one floor at a time. In-building amplification may only be required on the lowest level or levels of a multi-story building or parking ramp.

Average radio signal field strength shall be measured and recorded in each grid, and in each designated critical area defined above. Average field strength may be obtained through use of an instantaneous measuring instrument and a computer that samples the actual field strength at very short time intervals and averages the sample values. As an alternative, a field strength measuring instrument with an analog or digital readout of average field strength may also be used. Measurements shall be made while the measuring instrument is moved over a distance of four to ten feet. If the average field strength varies over the measurement path, the lowest (most negative) value shall be recorded. The test instrumentation used shall have been calibrated within the six-month period prior to the testing.

The percentage of area passed shall be calculated at 100 times the result of dividing the number of grids and critical areas that are at least at -93 dBm or 1% BER by the total number of grids and critical areas tested.

The donor antenna in an in-building amplification system may receive up to 87 800 MHz radio frequencies of approximately equal field strength from the regional system, plus some others of approximately equal field strength from other radio systems. At any time, the donor antenna may be receiving at least 60 radio frequencies of approximately equal level in the pass band ranges. For that reason, it shall be assumed that the output level of talk-in amplifiers will be at +3.2 dBm per channel maximum. Therefore, grid and critical areas tests shall be conducted while the head end amplifier is disconnected and a signal of +3.2 dBm is inserted into the connector downstream from the headend amplifier.

Any in-building talk-in amplification system shall have pass band filters before the input to the first (headend) amplifier that shall pass 806 to 817 MHz and 821-824 MHz only. In the future, within six months after notification by the fire chief or chief's designee, the pass band filter frequency range shall be changed in accordance with instructions, or an additional pass band filter for 700 MHz band frequencies shall be added. When the donor antenna is installed, the average signal level received on the Hennepin East site control channel shall be measured at the antenna connector. A signal at that average received signal level shall be inserted into the cable to the headend amplifier and filter while the output level of the headend amplifier is measured, and the output level of the amplifier shall be set at +29+1 dBm.

Alternative in-building amplification systems that do not involve broadband pass band filters will be accepted provided that similar testing can be demonstrated. (Added, Ord. No. 06-03)

- (2) Talk-out to the regional radio system testing. With an in-building amplification system, the talk-out (to the regional 800 MHz radio system) shall be measured at the same grid and critical area locations as the talk-in measurements were made. The measurements shall be made using a three-watt portable radio with a well-charged battery to transmit into the in-building radio system while field strength is measured out of the connector that is normally attached to the donor antenna. To pass, the field strength at the donor antenna shall be the measured value at the connector plus the donor antenna gain and minus a free space loss factor. The free space loss factor shall be -93 dB for a distance of one mile to the nearest Hennepin East base radio location, adjusted by 6 dB each time the distance is halved or doubled. The acceptable range for passing shall be between -65 and -95 dBm.

Gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish, the gain values. (Added, Ord. No. 06-03)

- (b) Annual tests. When an in-building radio system is required, the building owner shall test all active components of the system, including but not limited to amplifiers, power supplies and backup batteries, a minimum of once every 12 months. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance. Backup batteries and power supplies shall be tested under load for a period of one hour to verify that, they will properly operate during an actual power outage. If within the one hour test period, in the opinion of the testing technician, the battery exhibits symptoms of failure, the test shall be extended for additional one hour periods until the testing technician confirms the integrity of the battery. All other active components shall be checked to determine that they are operating within the manufacturer's specifications for the intended purpose. (Added, Ord. No. 06-03)
- (c) Five year tests. In addition to the annual test, the building owner shall perform a radio coverage test a minimum of once every five years to ensure that the radio system continues to meet the requirements of the original acceptance test. A radio test shall also be performed whenever there is a change in or to the building that may have an impact on coverage. Examples of the types of changes that may change radio coverage are interior remodeling that adds and/or changes partitions, removal of windows, and the addition of metalized treatment to window surfaces. The procedure described in subdivision 3 shall be used for these tests. (Added, Ord. No. 06-03)
- (d) Qualifications of testing personnel. All tests shall be conducted, documented, and signed by a qualified and competent person that includes: persons in possession of a current FCC license, or a current technician certification issued by the Associated Public-Safety Communications Officials International (APCO) or the Personal Communications Industry Association (PCIA), or a qualified radio engineer licensed as a registered professional engineer by the state of Minnesota. Testing personnel shall have test equipment that is appropriate for the testing procedure, and that test equipment shall have been calibrated within six months prior to the testing. All test records shall be retained on the inspected premises by the building owner and a copy shall be submitted to fire department officials. (Added, Ord. No. 06-03)
- (e) Field testing. Fire and police personnel, after providing reasonable notice to the owner or the owner's representative, shall have the right to enter onto the property to conduct testing to be certain that the required level of radio coverage is present. (Added, Ord. No. 06-03)

910.15. Fires or barbecues on balconies or patios. In a structure containing two or more vertically stacked residential units, no person may kindle, maintain or cause any fire or open flame on any balcony above ground level, or on any ground floor patio immediately adjacent to or within 15 feet of any unit. No person may store or use any fuel, barbecue, torch or other similar heating or lighting chemicals or devices in either of the above places. Natural gas fired barbecue grills permanently mounted, plumbed to the building's natural gas supply and maintaining a minimum clearance of 16 inches on the sides and back of the grill may be installed on balconies and patios.

910.17. Enforcement. Except as otherwise provided, the fire chief and the fire marshal enforce the provisions of this section.

910.19. Recognized standards. If this code is inapplicable to a situation involving the protection of persons and property from the hazards of fire and explosion, the materials, methods of construction, installations, practices or operations necessary to provide such protection will, to the extent feasible, be in accordance with nationally recognized and accepted standards, principles and tests and generally recognized and well-established methods of fire prevention and control as set forth in the 16 volumes of the 1982 edition of the national fire codes, of the National Fire Protection Association, technical or scientific organizations adopted by reference. One copy of the 1982 National Fire Code is on file in the office of the fire department.

910.21. Christmas trees. Subdivision 1. Hospitals. The use or display of natural or resin bearing trees or decorations in hospitals and nursing homes is prohibited.

Subd. 2. Other places. The use, display, or storage of natural or resin bearing trees without open flames or electric light decorations is permitted in schools, churches, places of assembly, hotels and mercantile occupancies.

Subd. 3. Retardants. The use of display of flame retardant artificial trees decorated with U.L. listed electric lighting systems is permitted in all occupancies.

910.23. Malls, skyways, tunnels or courts. Combustible goods, merchandise, vehicles or decorations may not be displayed or stored in an enclosed mall, skyway, tunnel, or court unless approved by the chief.

910.25. Bowling alleys. It is unlawful to conduct bowling pin refinishing and bowling alley or floor resurfacing and refinishing operations involving the use and application of flammable liquids or materials without a permit from the fire chief.

910.27. Fuel oil. The grade of fuel oil used in a burner must be that for which the burner is approved and as stipulated by the manufacturer. Crank case oil or oil containing gasoline may only be used in units designed for such use and approved and listed by a testing agency recognized by the city.

910.29. Definitions. For purposes of this section, the International Fire Code may be cited as the IFC. When the term "municipality" or "jurisdiction" is used in the IFC, it means the city. When the term "corporation counsel" is used in the IFC, it means the city attorney. (Amended, Ord. No. 06-02)

910.31. Fire limits: outside storage of flammable or combustible liquids. Subdivision 1. The limits referred to in section 3404.4 of the IFC in which storage of flammable liquids in outside above ground tanks is prohibited are established as follows: all districts except where allowed as a permitted use by the zoning code (Appendix A). (Amended, Ord. No. 06-02)

Subd. 2. The limits referred to in section 3406.5 of the IFC in which new bulk plants for flammable liquids are prohibited are hereby established as follows: all districts except where allowed as a permitted use by the zoning code. (Amended, Ord. No. 06-02)

910.33. Fire limits: bulk storage of liquified petroleum gases. The limits referred to in section 3809 of the IFC, in which bulk storage of liquified petroleum is restricted are established as follows: all districts except allowed as a permitted use by the zoning code. (Amended, Ord. No. 06-02)

910.35. Fire limits: storage of explosives and blasting agents. The limits referred to in section 3304 of the IFC, in which storage of explosives and blasting agents is prohibited are established as follows: all districts except where allowed as a permitted use by the zoning code. (Amended, Ord. No. 06-02)

910.37. Interference with fire department duties. No unauthorized person may ride upon, race with, trail or follow within 300 feet of an apparatus belonging to the fire department when the apparatus is responding to an emergency call.

910.39. Protection of fire hoses. No person may drive a vehicle over a fire hose except upon specific orders from a member of the police or fire departments and then only with due caution.

910.41. Parking near fire equipment. No person may park a vehicle or place material or other obstruction within 20 feet of the entrance to a fire station or within ten feet of a fire hydrant or fire cistern nor may any person park a vehicle within 300 feet of a place where a fire requiring fire fighting by the fire department is in progress.

910.43. Authorized use of fire equipment. No person may use a fire apparatus or equipment except as permitted by the chief.

910.45. Fees. License and inspection fees are set by Appendix B.

910.47. Open burning. Subdivision 1. Minnesota Statutes, Section 88.01 – 88.22 is hereby adopted by reference. This section of the city code is administered and enforced by the fire chief. (Amended, Ord. No. 98-05)

Subd. 2. Recreational fire. A recreational fire is defined as a fire set for cooking, warming, enjoyment, or ceremonial purposes which is not more than three feet in diameter by three feet high and has had the ground five feet from the base of the fire cleared of all combustible material. No permit is required for a fire contained in a charcoal grill, camp stove or other device designed for the purpose of cooking or heating. (Added, Ord. No. 98-05)

Subd. 3. Permit required. A permit is required for a recreational fire. The recreational fire must be burned in accordance with the conditions contained in the application. (Added, Ord. No. 98-05)

Subd. 4. Fee. The fee for the permit is set by Appendix B. (Added, Ord. No. 98-05)

Subd. 5. Applicant. The applicant must be age 18 years or older, and a resident of the city. If the permit is approved, the applicant or other resident of the home who is 18 years or older, shall remain with the fire at all times and before leaving the site shall completely extinguish the fire. The applicants must have the permit on their person and shall produce the permit when requested to do so by a fire official or other peace officer. (Added, Ord. No. 98-05; Amended, Ord. No. 10-22)

910.49. D.C. Welders for thawing frozen waterlines. No person may use an electric welding machine within the limits of the city for purposes of thawing frozen watermains or services. No person may make any connection from an electric welding machine to a watermain, service, or an appurtenance thereto in the city.

910.51. Open flame heaters banned. It is unlawful for an owner or occupant of a structure containing three or more residential dwelling units to maintain in an operable condition or operate within a garage, whether attached or detached, used as an accessory use to such residential unit, the following: (i) an open flame type heater or stove; (ii) welding or torch cutting equipment; and (iii) any other equipment utilizing an open flame.

Section 915 - Animals

915.01. Definitions. Subdivision 1. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: (Added, Ord. No. 07-17)

Subd. 2. "Animal" means a dog, cat, horse, bird, including fowl and poultry, or any other domesticated bird or animal, which is harbored, fed, or kept by any person or group of persons. (Added, Ord. No. 07-17)

Subd. 3. "Animal containment facility" means the facility designated by the city as an animal pound or temporary shelter for animals. (Added, Ord. No. 07-17)

Subd. 4. "Animal control officer" means any community service officer, police officer, or that person or agency designated by the city as the control agent of the city relating to the keeping of animals within the city. (Added, Ord. No. 07-17)

Subd. 5. "Animal hospital" means a place where the business of examination or treatment of animals for illness, injury, or other health care purposes is conducted. (Added, Ord. No. 07-17)

Subd. 6. "At large, pertaining to an animal", means on or about public streets, alleys, other public places or private properties in the city, unless otherwise permitted in this chapter, when the animal is not under restraint. (Added, Ord. No. 07-17)

Subd. 7. "Commercial dog kennel or cat shelter" means a place where more than two dogs or two cats over six months of age, or more than one of each, are kept and where the business of selling, boarding, breeding, showing, treating, or grooming dogs or cats, or both, is conducted. (Added, Ord. No. 07-17)

Subd. 8. "Electronic pet containment systems", means a system created by the installation of conductors on the ground or under the ground which emit or cause to be emitted an electronic signal for the purpose of confining animals within a predetermined area. (Added, Ord. No. 08-06)

Subd. 9. "Grooming" means such activities as the cleaning or shampooing of an animal's appearance, odor, or general palatability to the senses. (Added, Ord. No. 07-17)

Subd. 10. "Owner" means any person possessing, harboring, keeping, repeatedly feeding, having an interest in, or having care, custody or control of any animal. (Added, Ord. No. 07-17)

Subd. 11. "Pet shop" means a place where the business of selling animals for pets is conducted. (Added, Ord. No. 07-17)

Subd. 12. "Private cat shelter" means a place where three cats over six months of age are kept on premises which are zoned and occupied for residential purposes and where the keeping of such cats is incidental to the occupancy of the premises for residential purposes. (Added, Ord. No. 07-17)

Subd. 13. "Private dog kennel" means a place where three dogs over six months of age are kept on premises which are zoned and occupied for residential purposes and where the keeping of such dogs is incidental to the occupancy of the premises for residential purposes. (Added, Ord. No. 07-17)

Subd. 14. "Proper enclosure" means secure confinement indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit on its own volition, or any house or structure in which windows are open, or in which door or window screens are the only obstacles that prevent the animal from exiting.

- (a) Any such pen or structure must have secure sides and a secure top attached to the sides.
- (b) Any such enclosure must be locked with a key or combination lock when occupied by the animal for which a proper enclosure is required.
- (c) Any such pen or structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet.
- (d) All such structures must comply with any statutory requirements and all zoning and building regulations of the city and must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (e) A porch or patio or any part of a house or structure that would allow the dog to exit on its own volition is not a proper enclosure. (Added, Ord. No. 07-17)

Subd. 15. "Stray" means any animal which is not under restraint or is at large in the city. (Added, Ord. No. 07-17)

Subd. 16. Under restraint and restrained mean any one or more of the following:

- (a) the animal is controlled by a leash not exceeding six feet in length, by a reel type leash, or by an electronic control collar.
- (b) the animal is within a vehicle parked or being driven.
- (c) the animal is within the property limits of its owner. (Added, Ord. No. 07-17)
- (d) the animal is within a designated dog park. (Added, Ord. No. 18-14)

915.03. Dogs and cats. Subdivision 1. General rule. It is unlawful to harbor, own, or keep a dog or cat more than six months of age within the city unless the animal is licensed and has been vaccinated against rabies. Dogs or cats owned by non-residents of the city are not permitted to remain in the city longer than 24 hours. All dogs and cats over six months of age must have a current rabies vaccination. (Amended, Ord. No. 07-17)

Subd. 2. Fees. Dog and cat license fees are set by appendix B. Licenses are good for two years expiring biannually on December 31. Proof of rabies vaccination must be displayed to the licensing officer before a license is issued. (Amended, Ord. No. 03-13)

Subd. 3. Tags. The license of a dog or cat must be evidenced by a tag provided by the clerk. The tag must be affixed to the collar of the dog or cat by a permanent metal fastener. The owner or keeper of the dog or cat must see that the tag is continuously worn by the dog or cat.

Subd. 4. Duplicate tags. If a dog or cat tag is lost, a duplicate may be issued by the city clerk upon presentation of a receipt showing the payment of the license fee for the current year. The charge for a duplicate tag and license fee are set forth in Appendix B. (Amended, Ord. No. 2018-02)

Subd. 5. Counterfeiting tags. It is unlawful to counterfeit or attempt to counterfeit the license tags or take from any dog or cat a tag legally placed upon it by its owner with the intent to place the tag on another dog or cat.

Subd. 6. Not transferable. Dog and cat tags are not transferable. No refunds will be made on a dog or cat license fee paid because the animal leaves the city or dies before the expiration of the license period.

Subd. 7. Confinement of dogs and cats. A person having the custody or control of any dog or cat may not permit the animal to be on an unfenced area or lot abutting upon a street, public park, public place, or upon other private land in the city without being effectively restrained from or entering beyond such unfenced area or lot. The use of electronic pet containment systems to confine animals is permitted as described later in this subsection. A person having the custody or control of a dog or cat may not permit the animal to be on a street, public park, school grounds or public place in the city without being effectively restrained by chain or leash not exceeding six feet in length. A person having the custody or control of a dog or animal of the dog kind must clean up any feces of the animal and to dispose of such feces in a sanitary manner. The provisions of this section do not apply to the ownership or use of seeing eye dogs by blind persons, dogs used in police activities of the city, such as the canine corps or tracing dogs used by or with the permission of the police department. (Amended, Ord. No. 08-06)

Subd. 8. Impoundment. A dog or cat not restrained or controlled as provided in this section and a dog or cat found without a license will be impounded by a law enforcement officer of the city or other person or persons directed by the council to enforce the provisions of this section.

Subd. 9. Keeping of dogs limited. No family or group of persons may own or keep more than three dogs exceeding six months of age on the premises where they reside. (Amended, Ord. No. 03-13; Ord. No. 07-17)

Subd. 10. Keeping of cats limited. No person or group of persons may own or keep more than four cats exceeding eight months of age on the premises where they reside without having first obtained a multi-cat residence license. Application for the multi-cat residence license shall be made to the city manager and must be accompanied by the license fee set by Appendix B. The city manager shall administratively approve or deny the license. Licenses issued for multi-cat residences are good for two years expiring annually on December 31. Any resident who chooses to appeal the administrative denial of the multi-cat residence license may appeal that decision to the City Council. The city manager or City Council may impose conditions upon the granting of any multi-cat residence license. The maximum number of cats allowed under a multi-cat residence license is 12. Properties holding a multi-cat residence license shall be maintained in a clean and healthful condition at all times, and shall be open to inspection by the city manager at all reasonable times. (Added, Ord. No. 08-06)

Subd. 11. Electronic pet containment systems. No electronic pet containment system shall be installed which allows any animal confined by the system to occupy any area within three feet of a public sidewalk or within three feet of the traveled portion of a public street if there is no public sidewalk. Electronic pet containment systems installed within any public right-of-way or public easement shall be owned and maintained by the owner of the system. The engineer may direct the removal or relocation of an electronic pet containment system from any public right-of-way or public easement at the sole cost and expense of the owner of the electronic pet containment system or abutting property owner if the engineer determines the system interferes with the public's use of the right-of-way or easement. The cost of any repair to electronic pet containment systems which are damaged due to the public's use of a public right-of-way or public easement shall be borne solely by the owner of the abutting property on which the system is installed. (Added, Ord. No. 08-06)

915.05. Enforcement officers. Any animal control officer is authorized to enforce this chapter and Minnesota Statutes, chapter 347 and perform all duties reasonably necessary to carry out the purposes of this chapter. (Added, Ord. No. 07-17)

915.07. Interference with enforcement. No person shall intentionally interfere with, hinder, or molest any animal control officer or police officer in the performance of the officer's duty in the enforcement of this chapter. (Added, Ord. No. 07-17)

915.09. Strays. No stray animal shall be permitted within the confines of the city. It shall be the duty of the animal control officer to immediately impound any stray animal and any dog or cat that is not physically bearing a license tag as required in this chapter. (Added, Ord. No. 07-17)

915.11. Animals which are unlicensed or at large.

- (a) The animal control officer shall immediately impound any stray or at-large animal and any dog or cat that is not physically bearing a license tag as required in this chapter.
- (b) It is unlawful for an owner to allow a dog or cat to be at large within the city. Dogs and cats must be kept under restraint as defined in this chapter. It is no defense that the owner took unsuccessful steps to keep the animal under restraint.
- (c) Every female dog or cat shall be kept confined at breeding times within a building or other enclosure in such a manner that such female cannot come in contact with a male of the species except for the specific purpose of breeding within the building or enclosure. (Added, Ord. No. 07-17)

915.13. Impoundment generally.

- (a) The animal control officer shall apprehend and impound any animal found under circumstances that are in violation of any of the provisions of this chapter or upon reasonable belief that the animal is diseased, rabid, or exposed to rabies. Any animal impounded by the animal control officer shall be delivered to the animal containment facility as the agent to house and care for confined animals.
- (b) Any animal control officer may enter upon private property for the purpose of impounding an animal believed to be in violation of the terms of this chapter.
- (c) Any owner, when requested, shall produce for inspection the animal, as well as the license receipt and/or tag for a dog or cat, when required to do so by such officer.
- (d) The animal control officer, upon receiving any animal, shall make a complete registry thereof by entering the type of animal, breed, color and sex of such animal and, if required, whether the animal is licensed. If licensed, the officer shall enter the name and address of the owner and the number of the license tag. (Added, Ord. No. 07-17)

915.15. Animal containment facility location. The city may provide for an animal containment facility either within or outside the municipal limits. (Added, Ord. No. 07-17)

915.17. Notice and disposition of impounded animals. Subdivision 1. Notices. (Added, Ord. No. 07-17)

- (a) At the earliest practical time after an animal is impounded, the duly designated animal control officer or agent shall notify the owner personally or by United States mail, if such owner be known to animal control officer or can be ascertained with reasonable effort, of the impoundment of the animal. The animal containment facility or police department may mail a notice to an owner who fails to claim an impounded animal stating that, if the owner fails to retrieve the animal within ten days from the date of mailing, the animal shall be deemed abandoned. The owner shall be liable for fees and expenses incurred by the city in connection with the impoundment. Such fees and expenses must be paid at the time of the release of the animal and are due even if the owner abandons the animal. (Added, Ord. No. 07-17)
- (b) If the owner is unknown, such notifying agents shall post notices at the animal containment facility and police department, giving a reasonable description of the animal so impounded and the approximate time when and location where the animal was picked up for impoundment. The notice shall also state that, if the animal is not claimed within five regular business days after the animal has come into the possession of the animal containment facility, the facility shall dispose of the animal. (Added, Ord. No. 07-17)

Subd. 2. Disposition of unclaimed animals. (Added, Ord. No. 07-17)

- (a) If the animal is not claimed within the time specified and all fees and charges paid in connection therewith, the animal containment facility is authorized to destroy the animal, and dispose of the carcass. In disposing of dogs or cats after the five-day period, the animal containment facility shall comply with all the requirements set forth in Minnesota Statutes, Section 35.71. (Added, Ord. No. 07-17)
- (b) Care of animals. Any animal in the custody of the animal containment facility shall be housed and fed in a humane manner during its confinement in the pound. Dogs or cats which have been impounded shall be kept in segregated pens and fed an appropriate commercial dog or cat food. (Added, Ord. No. 07-17)
- (c) Fees. Impoundment fees for the impoundment of dogs, cats, or other animals, which fees shall include charges for board and shelter for each such animal impounded, shall be in an amount duly established by the city council from time to time. The impoundment fees may, at the council's discretion, increase with each occasion the same animal has been impounded by the city. (Added, Ord. No. 07-17)

915.19. Collection of impoundment fees. The animal control officer is authorized to accept redemption fees and charges for impoundment as specified by the city council. The city may collect unpaid fees and charges in any manner authorized by law. (Added, Ord. No. 07-17)

915.21. Nuisances. Subdivision 1. No owner shall allow any animal to commit acts defined or described in this chapter as a nuisance. Owning, keeping, or harboring any animal which does any of the following is hereby declared to be an act of nuisance committed by the person owning, keeping, or harboring the animal:

- (a) Damages property, plantings, or structures;
- (b) Deposits fecal matter on public property or on the private property of others, which fecal matter is not removed;
- (c) Scratches or bites a person;
- (d) Becomes the subject of action by one or more law enforcement or animal control officers for violating this chapter or the laws of this state more than twice in any 12-month period, or otherwise becomes a hazard to the health, safety, or welfare of the general public; or
- (e) Commits any other act constituting a nuisance as defined in this code or state statutes. (Added, Ord. No. 07-17)

Subd. 2. In addition to punishment of the owner of the animal as prescribed in this chapter, the animal committing such act of nuisance shall be subject to impoundment. The owner shall be advised in writing prior to release of the animal of the basis for the impoundment and the consequences of further violations. (Added, Ord. No. 07-17)

Subd. 3. When an animal commits an act of nuisance and the owner is convicted or the animal is impounded, and the animal commits a subsequent act of nuisance, the animal control officer may do one or more of the following:

- (a) Direct the owner to remove the animal from the city within ten days of receipt of notice by personal service or mail. Failure to comply is a misdemeanor.

- (b) Seek a court order for the destruction of the animal.
- (c) Declare the animal potentially dangerous or dangerous if it also meets the criteria of section 915.25 or 915.27. (Added, Ord. No. 07-17)

Subd. 4. Disturbing noises.

- (a) The owner or keeper of an animal shall not allow such animal to make noise so as to cause unreasonable annoyance, disturbance, or discomfort to any person.
- (b) It shall be a violation of this section if:
 - (1) The noise can be heard from a location outside of the building or property where the animal is being kept and at a distance of at least 100 feet from such property; and
 - (2) The noise occurs repeatedly over a period of time of at least five minutes, during which the lapse of time between each animal noise is 30 seconds or less, or at least 20 minutes where the lapse of time between such noises is five minutes or less.
- (c) The noise described in subsection (b) of this section is not a violation if, subject to the owners obligation to reasonably mitigate the situation, it occurs due to harassment or injury to the animal from someone or something other than the owner or keeper of the animal, or due to a trespass upon the property where the animal is located. This subsection (c) shall not be an element of the offense but rather than affirmative defense. (Added, Ord. No. 07-17)

915.23. Animals biting human beings: rabies prevention.

- (a) Duties of owner when animal has bitten human. Whenever an owner within the corporate limits of the city shall learn that the owner's animal has bitten a human being, such person shall immediately confine the animal in a proper enclosure where it cannot escape or have access to any human being or other animal. The owner shall also immediately notify the animal control officer and/or the police department.
- (b) Confinement of animals biting human.
 - (1) Whenever the animal control officer or an officer of the police department shall learn that a human being has been bitten by any animal, the officer shall ascertain the identity of the animal and its owner and shall immediately direct that the owner forthwith confine such animal as deemed appropriate by the animal control officer or police officer.
 - (2) Any animal so ordered confined shall be confined as so directed for a period of at least 10 full days at the animal containment facility, kept apart from other animals, and under the supervision of a veterinarian until it is determined whether such animal had or has a disease which might have been transmitted by such bite. (Amended, Ord. No. 16-08)
 - (3) Upon expiration of the 10 days, if it is determined the animal did not and does not have a disease which might have been transmitted by such bite, the animal may be released by the animal containment facility and reclaimed from the facility as provided in this section. (Amended, Ord. No. 16-08)

- (c) Disposition of animals exposed to rabies. Any animal which has been bitten by a rabid animal or has otherwise been exposed to rabies shall be euthanized with the owner's consent or quarantined and kept in a manner as directed by the animal control officer for a period of six months, requiring a series of three rabies vaccinations during quarantine. If the animal has been vaccinated at least three weeks but not more than one year before such bite or exposure to a source of rabies and if it is again immediately vaccinated, then such animal will be confined in the animal containment facility for a period of 40 days before it is released. Impounded animals shall not be released prior to an examination by a licensed veterinarian and certification that the animal does not have rabies.
- (d) Redemption of confined animals.
- (1) An animal impounded at the animal containment facility, pursuant to the terms of this section, may be redeemed upon notification that any required confinement period has expired.
 - (2) Such notification shall be given by the animal containment facility in the same manner as the notice required in Section 915.17, subdivision 1(a), except that the redemption period shall be specified pursuant to the terms of subsection (d)(3) of this section.
 - (3) Any such animal may be redeemed pursuant to the terms of section 915.17 within five regular business days after the date the notice is mailed or posted, whichever the case may be, after which time the animal will be disposed of if not redeemed.
- (e) Authority to seize animal. If the animal control officer or police officer has a reasonable basis to believe an animal has rabies, the animal shall be seized. The animal control officer or police officer shall notify the state board of public health and may destroy the animal and test the carcass to confirm the existence of rabies. (Added, Ord. No. 07-17)

915.25. Potentially dangerous animals.

- (a) The chief of police may declare an animal potentially dangerous if one of the following criteria is met:
- (1) The animal, without provocation, attacks or bites a person or a domestic animal on public or private property;
 - (2) The animal, without provocation, chases or approaches a person, including a person on a bicycle, upon the street, sidewalk, or any public or private property in an apparent attitude of attack or in a menacing fashion;
 - (3) The animal has a known propensity, tendency, or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of any person or domestic animal; or;
 - (4) The animal is owned or harbored primarily, or in part, for the purpose of fighting or is trained for fighting.

- (b) The person making such declaration shall notify the animal's owner in writing of the declaration and provide information pertaining to the regulation of potentially dangerous and dangerous animals.
 - (1) The owner may appeal the declaration by delivering a written notice of appeal to the Chief of Police within seven days after receipt of the declaration. The notice of appeal must identify the name, address, and a telephone number of the owner and must state the basis of the appeal. After considering all evidence submitted in the notice of appeal, an impartial hearing officer shall issue an order setting forth whether the animal is potentially dangerous. The order shall be made within five business days of the receipt of the notice of appeal and shall be served by mail or personal service upon the owner.
 - (2) The owner shall be responsible for all fees associated with the appeals process.
 - (3) Notwithstanding any appeal that may be requested by the owner, the owner shall comply with the provisions of this chapter until and unless the declaration is reversed by the hearing officer.
 - (4) The hearing officer shall be appointed by the City Manager. The decision of a hearing officer is effective the date it is issued unless a later date is stated in the decision. (Amended, Ord. No. 11-15)
- (c) The owner of a potentially dangerous dog must have a microchip implanted in the dog for identification pursuant to Minnesota Statutes, section 374.515.
- (d) The proof in the form of a receipt of the implanted microchip must be provided to the police department within 14 days of notification. The name of the microchip manufacturer and identification number must also be provided to the animal control authority.
- (e) The owner of a potentially dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure or on a substantial leash. For the purpose of this section, the term "substantial leash" shall mean a leash that properly and completely restrains the potentially dangerous dog's movement.
- (f) The owner of a potentially dangerous dog shall muzzle and restrain the dog on a substantial leash not to extend more than six feet whenever off of its own property. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration, similar to a basket-type muzzle.
- (g) The owner of a potentially dangerous dog must post clearly visible, purchased "Beware of Dog" signs. The signs must be at least 10 inches by 14 inches in dimension. The signs shall be clearly visible from the street and the rear of the home if there is an alley access.
- (h) The owner of a potentially dangerous dog shall notify the Robbinsdale Police Department in writing of the death, sale, or transfer of the dog within 14 days.
- (i) The animal control authority shall require the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred.
- (j) A person who owns a potentially dangerous dog and who resides on rental property must disclose to the property owner, in writing, that a potentially dangerous dog will reside on the property. (Added, Ord. No. 07-17)

915.27. Dangerous animals.

- (a) Compliance with state law. The owner of a dangerous dog must comply with Minnesota Statutes, sections 347.50 – 347.565. Any violation of such statutory provisions is a misdemeanor under this chapter. (Amended, Ord. No. 11-15)
- (b) Procedure for determination that animal is dangerous. The owner of a dangerous animal shall be advised in writing of the determination that the animal is dangerous, and shall be provided a copy of Minnesota Statutes, sections 347.50 – 347.565. The owner may appeal this designation according to the procedures in subsection (c)(1) of this section. Notwithstanding any appeal that may be requested by the owner, the owner shall comply with the provisions of this chapter until and unless the declaration is reversed by the hearing officer or a court of law. (Amended, Ord. No. 11-15)
- (c) Appeal by owner.
 - (1) The owner may appeal by delivering a written notice of appeal to the police department within seven days after receipt of the notice referred to in subsection (b) of this section. The notice of appeal must identify the name, address, and a telephone number of the owner and must state the basis for the appeal. Upon receipt of a valid notice of appeal, a hearing shall be held before an impartial hearing examiner. The hearing examiner shall receive evidence whether the animal is dangerous. Rules of evidence need not be strictly followed and the records of the animal control officer or law enforcement officer shall be considered without further foundation. After considering all evidence submitted, the hearing examiner shall issue a written order setting forth whether the animal is dangerous pursuant to Minnesota Statutes, section 347.50. The order shall be made within five business days after the hearing and shall be served by mail or personal service upon the owner. The decision of the hearing examiner shall be final, but it is appealable to a court of law according to Minnesota Statutes, section 484.01, subdivision 1. The owner shall be responsible for all fees associated with this appeal process.
 - (2) The hearing officer shall be appointed by the city manager. The decision of a hearing officer is effective the date it is issued, unless a later date is stated in the decision. (Added, Ord. No. 07-17)

915.29. Keeping dogs and cats. The keeping of dogs or cats in the city in an unsanitary place or condition or in a manner that results in noisome odors, or in such a way as to constitute a disturbance by reason of barking, howling, fighting or other noise or in such a way as to permit dogs or cats to annoy, injure or endanger persons or property is declared a nuisance and is prohibited. A dog or cat may not be tied or leashed or chained to the side of a house or to a fence, post or other structure in a side lot, that is, the area between two houses running from the front to back of the longest principal building. (Amended, Ord. No. 07-17)

915.31. Diseased or vicious dogs. It is unlawful for an owner or occupant of premises to keep or permit to run at large on any street, a diseased dog or any dog of a ferocious or vicious character, habit or disposition. A police officer may destroy or cause to be destroyed any such animal if it is found at large in any street or public place. (Amended, Ord. No. 07-17)

915.33. Training vicious animals. It is unlawful to cause, encourage, or train a dog to be of a ferocious or vicious character, habit, or disposition or train, encourage, or attempt to instill a propensity to fight or attack in a dog. (Amended, Ord. No. 07-17)

915.35. Sales and gifts prohibited. It is unlawful to sell or offer for sale, barter, or give away baby chicks, ducklings, or other fowl, or rabbits as pets or novelties, whether or not dyed, colored, or otherwise artificially treated. Chicks, ducklings, other fowl, or rabbits under two months of age are considered baby chicks, ducklings, or baby rabbits. This subsection is not to be construed to prohibit the advertising, display, or sale of chicks, ducklings, other fowl, or rabbits for commercial purposes by hatcheries or stores engaged in the business of selling them for commercial purposes and which are equipped with proper brooder facilities to care for such animals. (Amended, Ord. No. 07-17)

915.37. Domestic animals. Subdivision 1. General rule. It is unlawful to keep or maintain roosters or bees, without first having obtained a permit therefor. Beekeeping is regulated under section 917. It is unlawful to keep or maintain more than two chickens, ducks, geese, turkeys, pigeons, rabbits, chinchillas, minks, ferrets, nutrias, or guinea pigs without first having obtained a permit therefor. It is not permitted to keep or maintain large domesticated animals such as a horse, cow, pony, mule, donkey, pig, goat, or sheep. All of the aforementioned are hereinafter referred to as "animals." (Amended, Ord. Nos. 07-17; 08-06; 15-11)

Subd. 2. Permits. A person desiring a permit required by subdivision 1 may make application to the city council. The application must contain (i) the name and address of the applicant; (ii) the address of the premises upon which the animal or animals are to be kept; (iii) the number, species and sex of such animal or animals; and (iv) a statement regarding any property damage or physical injuries caused by such animal or animals in the past. The council may also require submission of such additional information or material as it deems necessary or convenient. The applicant must pay to the city clerk such initial permit fee and renewal permit fee as set forth in Appendix B. Upon submission of the initial application, the city clerk must set a date for a hearing on the application before the city council and must notify the owners of all properties located within 200 feet of the subject premises of the date and time of the hearing. (Amended, Ord. No. 15-11, No. 2018-02)

Subd. 3. Hearing. At the hearing the city council may take such testimony or receive such documents or information as it deems appropriate. A permit will not be issued if the city council finds that such animal or animals, because of their number, size, proximity to other properties, history of vicious or destructive actions, or inherent characteristics, are or are likely to become either a nuisance or a hazard to the public health or safety. (Amended, Ord. No. 15-11)

Subd. 4. Term. Permits are valid until December 31 of the year of issuance and may be renewed annually by the council. The council may revoke a permit prior to its expiration if the council finds that the terms or conditions of the permit have been violated or if the animal or animals have become either a public nuisance or a hazard to the public health or safety. Nothing herein in this subsection is to be construed to prohibit or constrain any action allowed by law designed to prevent the spread of disease or the imminent damage to persons or property caused by such animal or animals.

Subd. 5. Sales. Nothing contained in this subsection is to be construed as permitting anyone to keep or maintain animals for sale or as a part of a business, unless otherwise licensed or permitted.

Subd. 6. Exception. This subsection does not apply to pet stores or veterinary clinics. (Amended, Ord. No. 03-13)

915.39. Non-domestic animals. (Deleted, Ord. No. 08-06)

915.39. Wild/exotic animals. (Added, Ord. No. 08-06) Subdivision 1. General rule. It is unlawful to keep or maintain a wild/exotic animal within the city which could pose a threat of injury to persons or damage to property. No person shall keep any exotic animal or species when kept in such numbers or in such a way as to constitute a likelihood of harm to the animals themselves, to human beings, or to the property of human beings, or which constitutes a public or private nuisance.

Subd. 2. Definitions.

- (a) The term “wild/exotic animal” means any one of a nonhuman species of the animal kingdom, including those born or raised in captivity, except the following:
- (1) Domestic dogs (excluding hybrids with wolves, coyotes or jackals) properly vaccinated against rabies.
 - (2) Domestic cats (excluding hybrids with ocelots or margays) properly vaccinated against rabies;
 - (3) Rodents such as hamsters, mice, gerbils, white rats, guinea pigs, nutrias, chinchillas, minks, or hedgehogs, capable of being maintained continuously in a cage, subject to limitations set forth in section 915.37;
 - (4) Rabbits, subject to limitations set forth in section 915.37;
 - (5) Captive-bred species of common cage birds;
 - (6) Small nonpoisonous, nonconstrictive snakes;
 - (7) Nonpoisonous lizards, iguanas, chameleons, salamanders and turtles or other similar small reptiles, unless prohibited by state or federal law;
 - (8) Fish, unless prohibited by state or federal law;
 - (9) Domestically raised ferrets, properly vaccinated against rabies (must be vaccinated yearly), subject to limitations set forth in section 915.37;
 - (10) Domestically raised fowl such as chickens, ducks, geese, turkeys, and pigeons, subject to limitations set forth in section 915.37.
- (b) Prohibited wild/exotic animals. Without limitation, the term “prohibited wild/exotic animal” includes the following:
- (1) Any member of the family *Canidae*, such as wolves, dingoes, coyotes and jackals, except domesticated dogs;
 - (2) Any crossbreed such as the crossbreed between dogs and coyotes and dogs and wolves;
 - (3) Any skunk, whether captured in the wild, domestically raised, de-scented or not de-scented, vaccinated against rabies or not vaccinated against rabies;
 - (4) Any raccoon;
 - (5) Venomous snakes of the family *Viperidae*, such as adders, gabon vipers and pit vipers; venomous snakes of the family *Elapidae*, such as cobras, coral snakes, and sea snakes; the following three snakes of the family *Colubridae*: the African twig Snake (*Thelotomis Kirtland*), the rear fanged boomslang (*Disphoiidus typus*), and the Asian tiger snake (*Rhabdophis forinus*). Such snakes are wild/exotic animals whether or not such snakes are captured in the wild or domestically raised, de-fanged or not de-fanged, de-venomed or not de-venomed;
 - (6) Alligators, crocodiles, and caimans;

- (7) Any red-eared turtle (*Pseudemys scriptae-legans*) with a shell length of less than four inches;
 - (8) Any animal or species prohibited by Federal or Minnesota law;
 - (9) All animals not specifically listed in subdivision 2a or 2c.
- (c) Regulated animals. Animals regulated by Minnesota Statutes, section 346.155 including:
- (1) All members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association;
 - (2) Bears;
 - (3) All nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins;
 - (4) Any hybrid or cross between an animal listed in subsection 1, 2, or 3 above and a domestic animal and offspring from all subsequent generations of those crosses or hybrids.

Subd. 3. Wild/exotic animal restrictions.

- (a) No person shall keep or allow to be kept any regulated animal within the city without a permit, whether or not the keeping of such animal is licensed by the state or federal government. Furthermore the keeping of such animals is subject to a determination by the city that such keeping is consistent with the public health, safety and welfare.
- (b) No person shall keep or allow to be kept any prohibited wild/exotic animal. Any person keeping any prohibited animal identified above may have it seized immediately by animal control.
 - (1) Exceptions:
 - (i) This section does not apply to animals which are temporarily brought into the city for the purpose of participating in any circus or show; nor to any bona fide research institution, or veterinary hospital, provided protective devices adequate to prevent such animal from escaping or injuring the public are provided.
 - (ii) In the case of regulated animals, those exemptions listed in Minnesota Statutes, section 346.155, subdivision 7 shall apply.
- (c) Permit required for regulated animals.
 - (1) Within 60 days after adoption of this section, a person who possesses a regulated animal must notify in writing the city manager using a registration form prepared by the Minnesota Animal Control Association approved by the Board of Animal Health. The notification shall include the person's name, address, telephone number, and a complete inventory of each regulated animal that the person possesses. The inventory shall include the following information: number and species of each regulated animal; the microchip number and manufacturer for each regulated animal if available; the exact location where each regulated animal is

kept; and age, sex, color, weight, scars, and any distinguishing marks of each regulated animal. A certificate of registration shall be issued to the possessor upon payment of the registration fee, and if necessary, the site inspection fee. Fees for registration and site inspections shall be in the amounts as set forth in Appendix B.

- (2) A person who possesses a regulated animal must notify city manager in writing within ten days of a change in address or location where the regulated animal is kept.
- (3) A person with a United States Department of Agriculture license for regulated animals shall forward a copy of the USDA inspection report to the city manager within 30 days of receipt of the inspection report.
- (4) If a person who possesses a regulated animal has a microchip implanted in the animal for identification, the name of the microchip manufacturer and the identification number of the microchip must be provided to the city manager. If a regulated animal is sedated for any reason and the animal does not have a microchip implanted, a microchip must be implanted in the regulated animal. Within 30 days after the microchip is implanted, the name of the microchip manufacturer and the identification number of the microchip must be provided to the local animal control authority. A person selling or transferring ownership of offspring under six months of age as provided in Minnesota Statutes, section 346.155, subdivision 2, paragraph (e), is encouraged to have a microchip implanted in the animal prior to the sale or transfer. Within 30 days of acquisition, a person acquiring ownership of an offspring with a microchip implanted shall comply with microchip information reporting requirements under this section.

Subd. 4. Appeals. Any person aggrieved by a determination of the city manager under subsection 915.39 may appeal such determination by filing a written notice of appeal with the city clerk not later than ten days from the date of the manager's decision. The appeal shall be made to the City Council which will hear the matter at a regularly scheduled meeting within 35 days of the date of the notice of appeal.

Section 917 - Beekeeping

917.01. Definitions. Subdivision. 1. “Accredited institution” means an educational institution holding accredited status which has been licensed or registered by the Minnesota Office of Higher Education at the time the permittee obtained their certificate.

Subd. 2. “Apiary” means the assembly of one (1) or more colonies of bees on a single lot.

Subd. 3. “Apiary site” means the lot upon which an apiary is located.

Subd. 4. “Beekeeper” means a person who owns or has charge of one (1) or more colonies of honey bees or a person who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honey bees.

Subd. 5. “Beekeeping equipment” means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Subd. 6. “Colony” means an aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs and honey.

Subd. 7. “Flyway barrier” means a barrier that raises the flight path of bees above head level as they come and go from a hive.

Subd. 8. “Hive” means the receptacle inhabited by a colony.

Subd. 9. “Honey bee” means all life stages of the common domestic honey bee, *apis mellifera*. This definition does not include wasps, hornets, African subspecies or Africanized hybrids.

Subd. 10. “Nucleus colony” means a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.

Subd. 11. “Permittee” means any beekeeper and any person who has applied for and received a permit from the city for beekeeping.

Subd. 12. “Rooftop” means the uppermost section of a primary or accessory structure of at least one (1) full story and at least twelve (12) feet in height. Areas including but not limited to decks, patios and balconies shall not be considered a rooftop.

Subd. 13. “Super” means a box that holds the frames where bees will store the honey.

Subd. 14. “Swarming” means the process where a queen bee leaves a colony with a large group of worker bees in order to form a new honey bee colony.

Subd. 15. “Unusual aggressive behavior” means any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs. Provocation is an act that an adult could reasonably expect may cause a bee to sting or attack.

917.03. Purpose. The purpose and intent of this section is to permit and establish requirements for the keeping of honey bee colonies, hives, and equipment within the city and to ensure compliance with the requirements of this section. The City of Robbinsdale recognizes that honey bees are an asset to our community, important in the pollination of plants and in the production of honey and other products.

917.05. Beekeeping Limited. No person shall keep, harbor, maintain or allow to be kept any hive or other facility for the housing of honey bees on or in any property within the City of Robbinsdale without a permit unless exempted by subsection 917.09 or 917.13.

917.07. Colony Location. Subdivision. 1. Hives cannot be located in the front yard or side yard and must be located a minimum of ten (10) feet from the rear or side property lines and twenty (20) feet from public rights-of-way unless further restricted elsewhere in this code.

Subd. 2. Except as otherwise provided in this section, in each instance where any part of a hive is kept within twenty-five (25) feet of a lot line of the apiary site, a flyway barrier of at least six (6) feet in height, in conformance with subsection 510.25, subd. 2, must be constructed and must comply with the following:

- (a) The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that honey bees will fly over rather than through the material to reach the colony.
- (b) If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation reaches a height of at least six (6) feet within two (2) years of installation. Vegetation must be maintained so that it thrives and continues to meet these standards. If the vegetation dies or is not maintained so that it complies with this code, then the vegetation must be replaced.
- (c) If the flyway barrier consists of a wall or fence, the materials must be decay resistant and maintained in good condition.
- (d) The flyway barrier must continue parallel to the lot line of the apiary site for ten (10) feet in both directions from the hive or contain the hive or hives in an enclosure at least six (6) feet in height.
- (e) A flyway barrier is not required if the hive is located on a rooftop.

Subd. 3. No colony shall be placed upon a rooftop until the building inspector or its designee has determined that the location poses no health or safety risks and that the rooftop is structurally sound to hold a hive and associated equipment and activities. If the building inspector at any time determines that the hive or building conditions, or both, pose a risk to public health or safety or is being kept in an unsafe condition, the deficiency must be repaired or removed by the permittee within ten (10) days of written notice from the city. If the deficiency is not repaired or removed as required by the written notice, the hive must be removed at the permittee's sole expense within fifteen (15) days of written notice from the building inspector.

917.09. Colony Density. Subdivision. 1. Every lot or parcel of land in the city shall be limited to the following number of colonies based on the size of the apiary site:

- (a) One half (1/2) acre or smaller is allowed one (1) colony;
- (b) More than one half (1/2) acre to three quarters (3/4) of an acre is allowed two (2) colonies;
- (c) More than three quarters (3/4) of an acre to one (1) acre is allowed three (3) colonies;
- (d) More than one (1) acre to five (5) acres is allowed four (4) colonies; and
- (e) More than five (5) acres, there is no restriction on the number of colonies.

Subd. 2. If any beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, that person shall not be considered in violation of the colony density restrictions in this section if the following conditions are met:

- (a) The person temporarily houses the honey bees at an apiary site of a beekeeper permitted by the city;
- (b) The bees are not kept for more than thirty (30) days, and
- (c) The apiary site remains in compliance with the other provisions of this section.

917.11. Required Conditions. Subdivision. 1. Honey bee colonies shall be kept in hives with removable frames that are kept in sound and usable condition.

Subd. 2. Each colony on the apiary site shall be provided with a convenient source of water that must be located within ten (1) feet of each active colony.

Subd. 3. Materials from a hive such as wax combs or other materials that might encourage robbing by other bees shall be promptly disposed of in a sealed container or placed within a building or other bee and vermin proof enclosure.

Subd. 4. For each colony permitted to be maintained by this section, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths inch (9-5/8") depth box, ten (10) frame hive body with no supers.

Subd. 5. Beekeeping equipment must be maintained in good condition, including keeping the hives free of chipped and peeling paint if painted. Any unused equipment must be stored in an enclosed structure.

Subd. 6. Hives shall be continuously managed to provide adequate living space for their resident honey bees in order to prevent swarming.

Subd. 7. In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly re-queen the colony.

917.13. Permit Required. Subdivision. 1. The application for a permit must be on a form provided by the city. All required information must be completed by the applicant.

Subd. 2. Each apiary site must apply for a permit and receive approval prior to bringing any honey bees into the city.

Subd. 3. If the beekeeper relocates a hive or colony to a new apiary site, the beekeeper shall apply for a new permit prior to the relocation on a form provided by the city.

Subd. 4. The beekeeping permit shall be valid until December 31 of each calendar year following initial issuance and must be renewed by the permittee prior to expiration each year by submitting a form provided by the city.

Subd. 5. At the time of application for a permit, the beekeeper must submit a certificate of completion of a honey bee keeping course from an accredited Minnesota institution.

Subd. 6. The permit fee is set by the city council and published in the city's fee schedule (Appendix B).

Subd. 7. The property where the apiary site is located must be in compliance with all applicable city regulations prior to issuance or renewal of the permit.

Subd. 8. If the required conditions are not maintained subsequent to issuance of a beekeeping permit, the city may revoke the permit.

917.15. Inspection. Subdivision. 1. Prior to the issuance or renewal of a permit pursuant to this section, the applicant or permittee beekeeper must allow for an inspection of the apiary site by the city.

Subd. 2. Upon prior notice to the owner of the property where the apiary site is located, city staff shall have the right to inspect any apiary site.

917.17. Hearing Procedure. Upon receipt of an application for a permit or renewal, the city will notify all property owners within 200 feet of the apiary site identified on the permit application of the date and time of the hearing. At the hearing, the city council may take such testimony or receive such documents or information as it deems appropriate. The city council may also require the submission of such additional information and material as it deems necessary or convenient. The issuance of the permit shall be determined by the city council after a public hearing.

(Added, Ord. No. 15-11)

Section 920 - Alarm Systems

920.01. Findings and purpose. The number of false alarms to which the police department responds has reached a level which places an intolerable burden upon the time and resources of the city and has created and added risks which threaten the safety of the police officers and the public. The purpose of this section is to reduce the risks and expense associated with false alarms by reducing the frequency of false alarms.

920.03. Definitions. Subdivision 1. For purposes of this section terms defined in this subsection have the meanings given them.

Subd. 2. Alarm business means the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing an alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed an alarm system in or on a building, structure, or facility.

Subd. 3. Alarm user means the person, firm, partnership, association, corporation, company or organization of any kind, including government entities, on whose premises an alarm system is maintained. The term shall include persons occupying or leasing dwelling units for residential purposes. The term shall not include persons maintaining alarm systems in automobiles. (Amended, Ord. No. 97-15, Sec. 1)

Subd. 4. Alarm system means an assembly of equipment devices (or a single device such as a solid state unit) arranged to send a signal to a remote receiving station to make known the occurrence of an attempted robbery or an unauthorized intrusion requiring urgent attention and to which the police are expected to respond. The term does not include fire alarm systems and alarm systems to monitor temperature, humidity, or any other condition not related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises. The term does not include audible alarms affixed to an automobile. (Amended, Ord. No. 97-15, Sec. 1)

Subd. 5. False alarm means the occurrence of an alarm in an alarm system for any reason other than an unauthorized intrusion or attempted robbery alarm.

Subd. 6. Financial institution means a bank, savings and loan association, or credit union.

920.05. Miscellaneous rules. Subdivision 1. Local exterior alarms with audible sound may not sound for a period exceeding 15 minutes.

Subd. 2. A person may not intentionally set off a false alarm.

Subd. 3. The use of automatic dialing devices is permitted, except that such devices may not be set or programmed to dial the Robbinsdale police department.

Subd. 4. Alarm businesses doing business within the city must register with the police department. The registration must include the following information:

- (a) A description of the types of alarm systems sold or leased by the business.
- (b) A description of the services provided by the business.

- (c) A list of the names and addresses of persons in the city to whom the business has sold or leased alarm systems or to whom the business provides the services.
- (d) A list of individuals employed by the business as installers or servicers of the alarm systems.

Subd. 5. Alarm users whose protected premises are located in the city must provide, upon the occurrence of its first false alarm and on an ongoing basis, the following information:

- (a) The names and addresses of the alarm user, alarm owner (if different than the alarm user), and the alarm servicer.
- (b) The type of alarm system being used.
- (c) The person designated by the alarm user as its contact person for purposes of alarm-related matters.

The provision of this information is an ongoing requirement. The police department must be immediately notified of any additions or changes.

920.07. Alarm equipment specifications. Except as otherwise provided in this section, alarm equipment may not be installed that is not listed on the burglary protection equipment list of the Underwriters Laboratory. Non-UL listed alarm equipment may continue to be used if the equipment was installed and in use on August 20, 1989 or if the police department has determined that the specifications of the equipment are substantially equivalent to or exceed the UL standards. Equipment shall be installed according to UL standards or approved equivalent. This subsection is not to be construed to require UL certification or an alarm system. Equipment of a type or category for which no UL standards have been established are not subject to the requirements of this section.

920.09. False alarms. Subdivision 1. General rule. Except for false alarms occurring in the first 30 days of operation of a new alarm system, the alarm user is subject to the requirements and penalties provided below for false alarms occurring in the user's alarm system.

Subd. 2. Signed statement. Within five days of each false alarm, the alarm user must submit a signed statement to the police department stating the apparent cause of the false alarm and the measures taken or to be taken to remedy the problem.

Subd. 3. Penalties. A penalty must be paid by the alarm user to the city for each false alarm in excess of three per calendar year. The penalty is set forth in Appendix B. Payment of the penalty may be enforced by civil action. (Amended, Ord. No. 2018-02)

Subd. 4. Exceptions. A penalty is not due and an alarm will not be credited as a false alarm if it is shown that the false alarm was the result of damage to utility lines, tornadoes, lightning, earthquakes, or similar severe weather conditions.

Subd. 5. Appeal. An alarm user required by the city to pay a user fee as a result of a false alarm may appeal the false alarm charge in writing to the city manager via the chief of police. The written appeal must be filed with the chief of police within ten days of the date of notice of the false alarm charge. The city manager may make a final determination as to whether the alarm user must pay a false alarm user fee.

Subd. 6. False alarm permits. (Deleted, Ord. No. 03-13)

Subd. 7. Requirements and duties.

- (a) Letter of contestation. After the chief of police determines that a false alarm has occurred at an address, the alarm user at that address may submit a letter of contestation to the chief of police to explain the cause of the alarm activation. If the chief of police determines that the alarm was not properly designated as a false alarm caused by conditions beyond the control of the alarm user, the alarm will not be counted as a false alarm at that address. The second instance of faulty equipment will be deemed to be within the control of the alarm user. (Added, Ord. No. 97-15, Sec. 2)

Subd. 8. Revocation and suspension of permit. (Deleted, Ord. No. 03-13)

920.11. Financial institutions. Subdivision 1. Annunciator. Financial institutions having an alarm system with multiple sensors must have an in-house annunciator panel providing specific annunciation of the sensors at a private monitoring location on the premises. When, in the judgment of the chief of police, such a private monitoring location is not possible upon the premises, the requirements of this subsection may be waived.

Subd. 2. Application. Alarm systems installed in financial institutions after August 20, 1989 must have such annunciator panels when installed. Alarm systems in use by financial institutions on August 20, 1989 must have the annunciator panels by August 20, 1990.

Section 925 – Firearms and Weapons
(Added, Ord. No. 03-31)

925.01. Firearms and weapons. Subdivision 1. Definitions. For the purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. Firearm means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by means of an explosive, a gas or compressed air.

Subd. 3. Weapon means (i) any firearm, whether loaded or unloaded; and (ii) any other device designed, used or intended to be used in a manner capable of producing death or great bodily harm.

925.03. General rules. Subdivision 1. Discharge. It is unlawful for a person to discharge or use any firearm or other weapon in the city except as provided in this subsection.

Subd. 2. Archery. It is unlawful to discharge an arrow from a bow except on private property with the consent of the owner of the property and on public property designated for such activity.

Subd. 3. Hunting. Hunting with dogs, weapons, or both is prohibited in the city.

Subd. 4. Prohibited acts; prohibited weapons. Prohibited acts include:

- (a) Recklessly handling or using a firearm, bow and arrow, dangerous weapon or explosive so as to endanger the safety of another.
- (b) Subject to the exceptions contained in subdivision 5 below, intentionally pointing a firearm of any kind, whether loaded or unloaded, at or toward another person.
- (c) Possessing, on the person or on or about the person's clothes, or in any portable container such as a purse or briefcase in the person's immediate control any device known as a sling shot, sand club, metal knuckles, switchblade, dagger, stiletto, dirk, blackjack, chain club, pipe club, Molotov cocktail, grenade, throwing star or similar star or any similar weapon.
- (d) Possessing, on the person or on or about the person's clothes, or in any portable container such as a purse or briefcase in the person's immediate control, any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another.

Subd. 5. Exceptions. A weapon of any type may be discharged in the city by:

- (a) Peace officers in carrying out their official duty.
- (b) Persons engaged in target shooting at inanimate objects within an enclosed structure that is soundproofed to prevent the sound to be heard by persons on adjoining property and in a manner such that the projectiles are contained within the enclosed structure.
- (c) Persons acting in self-defense as permitted by law.
- (d) Members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

Section 927 – Repeat Nuisance Service Call Fee
(Added, Ord. No. 07-14, Sec. 1)

927.01. Repeat nuisance call service fee. Subdivision 1. Purpose. The purpose of this section is to protect the public safety, health and welfare and to prevent and abate repeat service response calls by the city to the same property or location for nuisance service calls, as defined herein, which prevent police or public safety services to other residents of the city. It is the intent of the city by the adoption of this section to impose and collect service call fees from the owner or occupant, or both, of property to which city officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the city. The repeat nuisance service call fee is intended to cover that cost over and above the cost of providing normal law or code enforcement services and police protection city-wide.

Subd. 2. Scope and application. This section applies to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the city. This section applies to any repeat nuisance service call made by a city of Robbinsdale peace officer; part-time peace officer; community service, animal control and/or code enforcement officers.

927.03. Definition of nuisance conduct. For purposes of this section, the term “nuisance conduct” means any activity, conduct, or condition occurring upon private property within the city that unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public; or will, or tend to, alarm, anger or disturb others or provoke breach of the peace, to which the city is required to respond, including, but not limited to the following:

- (a) Any activity, conduct, or condition deemed as a public nuisance under any provision of the city code;
- (b) Any activity, conduct, or condition in violation of any provision of chapter IX of the city code;
- (c) Any conduct, activity or condition constituting a violation of any Minnesota state law prohibiting or regulating prostitution, gambling, controlled substances, use of firearms; and
- (d) Any conduct, activity, or condition constituting disorderly conduct under chapter 609 of Minnesota Statutes.

927.05. Repeat nuisance service call fee. Subdivision 1. The city may impose a repeat nuisance service call fee upon the owner or the occupant, or both, of private property if the city has rendered services or responded to the property on three or more occasions within a period of 365 days in response to or for the abatement of nuisance conduct. The city may impose an administrative penalty pursuant to city code section 117 upon the owner or the occupant, or both, of private property if the city has rendered services or responded to the property on five or more occasions within a period of 730 days in response to or for the abatement of nuisance conduct. (Amended, Ord. No. 15-05)

Subd. 2. The repeat nuisance service call fee will be as set forth in the city’s fee schedule (appendix B of the city code, as amended). An additional amount may be imposed to reflect the salaries of police officers while responding to or remaining at the nuisance event, the pro rata cost of equipment, the cost of repairing city equipment and property damaged as a result of the nuisance call, and the cost of any medical treatment of injured officers.

Subd. 3. A repeat nuisance service call fee imposed under this section will be deemed delinquent if it is not paid within ten calendar days after the city mails the billing statement for the fee. If said fee, or any portion thereof, is unpaid, then a late payment fee will also be charged per the schedule of fees as set forth on Appendix B. (Amended, Ord. No. 13-01)

927.07. Notice. Subdivision 1. No repeat nuisance service call fee may be imposed against an owner or occupant of property without first providing the owner or occupant with written notice of the two previous nuisance service calls which are the basis for the fee. The written notice must:

Subd. 2. Identify the nuisance conduct that previously occurred on the property, and the dates of the previous nuisance conduct; and

Subd. 3. State that the owner or occupant may be subject to a nuisance call service fee if a third nuisance service call is rendered to the property for the same nuisance conduct; and

Subd. 4. State that the city has the right to seek other legal remedies or actions for abatement of the nuisance or compliance with the law; and

Subd. 5. Be served personally in the manner required by the Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner or occupant at the last known address.

927.09. Right to appeal. Subdivision 1. When the city mails the billing statement for the repeat nuisance service call fee, the city will inform the owner or occupant of their right to request a hearing.

Subd. 2. The owner or occupant upon whom the fee is imposed must request a hearing within ten business days of the mailing of the billing statement, excluding the day the statement is mailed. The request for a hearing must be in writing and delivered to the city clerk. The hearing will occur within 14 calendar days of the date of the request. If the owner or occupant fails to request a hearing within the time and in the manner required under this section, the right to a hearing is waived. (Amended, Ord. No. 13-01)

Subd. 3. The hearing will be conducted by the city manager in an informal manner. The Minnesota Rules of Civil Procedure and Rules of Evidence will not be strictly applied. After considering all evidence submitted, the city manager will make written Findings of Fact and Conclusions regarding the nuisance conduct and the imposition of the repeat nuisance service fee. The city manager will serve the Findings of Fact and Conclusions upon the owner or occupant by U.S. Mail within five calendar days of the hearing. (Amended, Ord. No. 13-01)

Subd. 4. If the owner or occupants fail to appear at the scheduled hearing date, the right to a hearing is waived.

Subd. 5. Upon waiver of the right to hearing under subdivision 2 or 4 or upon service of the hearing officer's Findings of Fact and Conclusions that the repeat nuisance call service fee is warranted, the owner or occupant must pay the fee imposed within ten calendar days of service in the manner required by Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner or occupant at the last known address. (Amended, Ord. No. 13-01)

927.11. Legal remedies nonexclusive. Nothing in this section will be construed to limit the city's other available legal remedies, including criminal, civil, injunctive or others, for any violation of the law which may constitute nuisance conduct.

927.13. Applicability of repeat nuisance service call fee. The city may not impose a repeat nuisance service call fee against an owner or occupant for a police response relating to emergency assistance, including, but not limited to, domestic, spousal and child abuse.

927.15. Recovery of fee. Subdivision 1. If a repeat nuisance service fee is not paid within 30 calendar days after the billing statement is sent by the city, it will constitute: (Amended, Ord. No. 13-01)

- (a) a lien on the real property where the violation occurred; or
- (b) a personal obligation of the owner or occupant in all other situations.

Subd. 2. A lien may be assessed against the property and collected in the same manner as taxes.

Subd. 3. A personal obligation may be collected by appropriate legal means.