

600 General Regulations**601 Animal Licensing and Control**

601.010 Definitions. As used in this Chapter, except as otherwise provided, the following terms shall have the respective meanings ascribed to them:

Rev. Date
8/15/05
Ord. #778

- (1) Animal. Any non-human mammal, reptile, amphibian, or bird.
- (2) Animal Control Officer. An individual or employee of a business retained by the City for purposes of enforcing the provisions of Sections 601; or a member of the City's law enforcement agency.
- (3) Animal, Domestic. Animals kept within the home as pets, such as fish, dogs, cats, household bird, and similar animals.
- (4) Animal, Non-Domestic. Animals which are kept outside the home for purposes of food or pleasure such as cattle, hogs, horses, bees, sheep, llamas, goats, chickens (*Gallus gallus domesticus*), birds, such as emus and pigeons, and similar animals.
- (5) Animal, Wild. Any animal, reptile or amphibian which is of a species not usually domesticated; or of a species which, due to size, wild nature or other characteristics, may be dangerous to humans; or would ordinarily be confined in a zoo or found in the wild. The term includes but is not limited to:
 - (a) Animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, pheasants, and raptors such as eagles, falcons, hawks, and owls.
 - (b) Weasels, wild ferrets, badgers, deer and bison.
 - (c) Crossbreeds of wild animals and domesticated animals such as the cross between dogs and coyotes and dogs and wolves.
 - (d) All members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, ocelots, cheetahs, 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.
 - (e) Any member of the Canidae family, such as wolves, foxes, coyotes, dingoes, and jackals, except domesticated dogs.
 - (f) Any poisonous animal such as a rattlesnake, coral snake, water moccasin, puff adder, cobra, Gila monster or golden frog.

Rev. Date
5/3/10
Ord. #868

- (g) Any snake or reptile which by its size, vicious nature or other characteristic may be dangerous to human beings.
 - (h) Any skunk, raccoon or fox whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.
 - (i) Bears.
 - (j) All nonhuman primates, including but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.
 - (k) Any other animal, bird, or reptile which is commonly considered wild.
- (6) At Large. An unattended animal on public property; or an unattended animal on private property without the consent of the property owner.
- (7) Cat. Any domesticated feline animal, male or female, whole or neutered.
- (8) Dangerous Animal. Any animal that has committed any of the acts set forth below:
- (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property;
 - (b) Killed a domestic animal without provocation; or
 - (c) A potentially dangerous animal which aggressively bites, attacks or endangers the safety of humans or domestic animals.
- (9) Dog. Any canine animal, male or female, whole or neutered.
- (10) Proper Enclosure. “Proper Enclosure” means securely confined 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, a patio, or any part of a house, garage, or other structure 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 existing.
- (11) Owner. Any person, firm, or corporation, organization or department possessing, harboring, keeping, having an interest in or having custody or control of an animal.
- (12) Pigeon. A member of the family Columbidae.

Ord. 866
Rev.
4/19/10

- (13) Potentially Dangerous Animal. Any animal that has committed any of the acts set forth below:
 - (a) When unprovoked, bites a human or domestic animal;
 - (b) When unprovoked, chases or approaches a person upon the streets, sidewalks or any other public property in an apparent attitude of attack; or
 - (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

- (14) Restrained. On a leash of not more than six (6) feet in length or on a leash which can be retracted to a length of six (6) feet or less, and in the custody of a person of sufficient age to adequately control the animal; in a vehicle; or confined to the owner’s property by enclosure or fencing.

- (15) Substantial Bodily Harm. Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Ord. 858
Rev. 11/2/09

(16) Authorized Wildlife Management Program. A program that is conducted by Ramsey County or the City, or their contractors, for control of wildlife as approved by the City Manager.

Ord. 866
Rev. 4/19/10

(17) Provocation. “Provocation” means an act that an adult could reasonably expect will cause an animal to attack or bite.

Ord. 870
Rev.10/18/10

(18) Songbirds. Songbirds include birds of the suborder oscines or passerine including but not limited to larks, jays cardinals, shrikes, finches, and orioles, characterized by a vocal apparatus highly specialized for singing.

601.020 Licenses Required. The following animal licenses shall be required within the City of Shoreview.

- (A) Dog/cat license.
 - (1) Exceptions. All dogs and cats within the City of Shoreview shall be licensed except the following:
 - (a) Dogs and cats less than six (6) months of age;
 - (b) Dogs and cats whose owners are temporary visitors within the City for thirty (30) days or less;

- (c) Dogs and cats which are brought into the City for appearances in an animal show;
 - (d) Dogs being used by law enforcement officers.
- (2) Application. Within thirty (30) days after acquiring possession of a dog or cat which has not been licensed by the City of Shoreview, the owner of the dog or cat shall make application for a dog or cat license. The application shall be on forms provided by the City Manager.
 - (3) Vaccination. The applicant for a dog or cat license shall provide proof that the animal has been vaccinated with anti-rabies vaccine certified to be effective by a licensed veterinarian.
 - (4) License Fee. The license fee for each dog or cat must be submitted with the application. The fee will be established by City Council Resolution.
 - (5) Duration of License. A license shall be issued for a period of time not to exceed the expiration date of the rabies vaccination. No dog or cat license shall be renewed without proof of vaccination.
 - (6) Issuance of License. Upon completion of the application form, receipt of the license fee and receipt of the proof of vaccination, the City Manager shall cause a dog or cat license to be issued to the applicant for a particular dog or cat.
 - (7) Receipt and Tags. The City Manager shall issue a license fee receipt to the applicant along with a metallic dog or cat license tag. The applicant shall permanently affix the tag by a metal fastening device to the collar of the licensed animal in a manner that allows the tag to be easily observed. If a tag is lost, a duplicate may be issued by the City Manager upon presentation of a receipt showing payment of the initial license fee and upon payment of an additional fee for each duplicate tag.
 - (8) Change of Address. An applicant who has obtained a dog or cat license shall notify the City Manager of applicant's address changes within the corporate limits of the City within ten (10) days of any address change.
 - (9) Counterfeit Tags. No person shall counterfeit or attempt to counterfeit dog or cat license tags.
 - (10) Transfer of Tags. No person shall transfer a dog or cat tag from one dog or cat to another.

(B) Wild Animals.

- (1) General Prohibition. All wild animals except the following are prohibited within the City of Shoreview:
 - (a) Wild animals brought into the City for entertainment, exhibition or show purposes by persons keeping wild animals for a public zoo, upon issuance of a Wild Animal License by the City Council.
 - (b) Wild animals which are part of a permanent display sponsored by a bona fide research institution, a veterinary hospital, public zoo or other institution upon issuance of a Wild Animal License by the City Council.
 - (c) Nonpoisonous snakes, amphibians, birds, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, or lizards and similar small animals when kept indoors in cages continuously.
 - (d) Monkeys trained as personal helpers and kept by handicapped persons upon issuance of a Wild Animal License by the City Council.
 - (e) Raptors, if kept pursuant to a valid state and/or federal Falconry permit and upon issuance of a Wild Animal License by the City Council.
 - (f) Wild animals and birds that are part of the natural habitat and environment.
- (2) License Application. Applications for a Wild Animal License shall be submitted on forms provided by the City Manager, and submitted with the fee as established by the City Council from time to time, along with proof of a minimum \$200,000 of general liability coverage including an endorsement that the liability coverage will not be cancelled without twenty (20) days written notice to the City of Shoreview. The insurance must be in a form acceptable to the City.
- (3) Investigation. The City Manager shall review the application, conduct such investigation as deemed necessary, and shall prepare a written recommendation regarding the issuance of a Wild Animal License. The City Manager shall give ten (10) days mailed notice to all property owners within 350 feet of the site on which the Wild Animal will be kept. The notice shall indicate that the City has received an application for a Wild Animal License and shall request comments from such property owners.

- (4) Review. The City Council shall review the application, the City Manager's recommendations, and the comments from property owners. The City Council may issue a Wild Animal License if it determines that the application is in compliance with the City's regulations. The City Council may attach any reasonable conditions to the issuance of a license as it determines to be necessary in order to protect the health, safety, and welfare of Shoreview residents.
- (5) Duration of License. A license shall be issued for a period not to exceed two years. A lesser duration may be appropriate, as determined by the Council.
- (a) License Renewal. Application for renewal of a Wild Animal License shall be on form provided by the City Manager and submitted with the license fee. The City Manager shall review the application, inspect the premises, and verify the applicant remains in compliance with the conditions of license approval prior to administratively renewing the term of the license.
- (6) License Renovation. The City Manager may revoke a license for a violation of the City's regulations relating to the license or of any of the conditions attached to the license. Upon receipt of information indicating that a license violation has occurred, the City Manager shall send a notice to licensee indicating the nature of the violation, and that failure to correct the violation within 10 days shall be cause for revocation of the license. The notice shall indicate that licensee has the option of requesting a hearing before the City Council prior to license renovation. The licensee shall file a written request for hearing within ten (10) days of the date specified in the notice or licensee shall be deemed to have waived its right to a hearing. Upon receipt of a hearing request, the City Manager shall schedule a hearing before the City Council at the earliest opportunity and shall send a Hearing Notice to licensee. All notices required to be given by the City pursuant to this section shall be sent by certified mail to licensee's address as contained in the City's license application file.
- (7) Raptor Licensing. During review of a Wild Animal License for a raptor, the City Council shall:
- (a) Determine that the applicant holds a valid falconry license, issued by the U.S. Fish and Wildlife Service or the Minnesota Department of Natural Resources (DNR), and that the housing shelter has been inspected;

- (b) Determine that the raptor shelter conforms to the requirements for an accessory structure, as specified in Section 205.082;
- (c) Determine that the property on which the raptor is to be kept conforms to a minimum lot area of 10,000 square feet, with a minimum width of 75 feet and a minimum depth of 125 feet. The Council may require a greater or permit a lesser area, width or depth based on the use of adjoining land.
- (d) Determine that the raptor shelter is setback a minimum of 5 feet from a side property line, 10 feet from a rear property line and a minimum of 30 feet from the principal structure on adjoining properties. The Council may require a greater or permit a lesser setback based on screening, topography, and land use;
- (e) Determine that the raptor shelter has been inspected and approved for use by the DNR;
- (f) Licensing Standards:
 - (i) A maximum of one raptor per license. Multiple licenses may be issued for an individual property based on the size of the raptors, the experience of the falconer, parcel area, and surrounding land use. The licenses shall not exceed the maximum number allowed by the appropriate Federal/State permit;
 - (ii) The raptor shall be fully contained on the subject property at all times through the use of the shelter and falconry equipment;
 - (iii) The premises and the raptor shelter be maintained in clean, sanitary condition, free of odors and regularly cleaned of droppings; and
 - (iv) No breeding shall occur, and no hatchlings ('eyases') less than one-month of age shall be kept on the licensed premises.
- (8) Existing Wild Animals. Anyone keeping a Wild Animal in Shoreview at the time of the adoption of this regulation shall have ninety (90) days in which to comply with the provisions of this regulation or otherwise remove the Wild Animal from the City. Extensions beyond ninety (90) days may be granted by the City Council for good cause but in no case shall such extension permanently exempt a person from the requirements of this regulation.

(C) Vietnamese Potbellied Pigs.

- (1) Restrictions. Miniature Vietnamese Potbellied Pigs may be kept within the City limits, subject to the following conditions:
 - (a) The possession of a Vietnamese Potbellied Pig is limited to three (3) per residence.
 - (b) Male Vietnamese Potbellied Pigs must be neutered when they reach the age of four weeks.
 - (c) Adult Vietnamese Potbellied Pigs shall not weigh more than 100 pounds or stand more than 22 inches at the shoulders.
 - (d) Vietnamese Potbellied Pigs shall undergo a blood test to show that the animal is free from pseudorabies.
- (2) License. Within thirty (30) days after acquiring possession of a Vietnamese Potbellied Pig which has not been licensed by the City of Shoreview, the owner of the Vietnamese Potbellied Pig shall make application for a Vietnamese Potbellied Pig license. The application shall be on forms provided by the City Manager.
- (3) License Fee. The license fee and proof that the Vietnamese Potbellied Pig is free from pseudorabies must be submitted with the application. The fee will be established by City Council resolution.
- (4) Duration of License. A license shall be issued for a period of two years.
- (5) Issuance of License. Upon completion of the application form, receipt of the license fee, and proof that the Vietnamese Potbellied Pig is free from pseudorabies, the City Manager shall cause a license to be issued to the applicant.
- (6) Receipt and Tags. The City Manager shall issue a license fee receipt to the applicant along with a metallic license tag. The applicant shall permanently affix the tag by a metal fastening device to the collar of the licensed animal in a manner that allows the tag to be easily observed. If a tag is lost, a duplicate may be issued by the City Manager upon presentation of a receipt showing payment of the initial license fee and upon payment of an additional fee for the duplicate tag.
- (7) Change of Address. An applicant who has obtained a license shall notify the City Manager of the applicant's address changes within the corporate limits of the City within ten (10) days of an address change.

- (8) Counterfeit Tags. No person shall counterfeit or attempt to counterfeit license tags.
- (9) Transfer of Tags. No person shall transfer a license tag from one animal to another.

(D) Chickens.

- (1) Chickens may be kept within the City limits on residential properties located in the RE, Residential Estate Zoning District and the R1, Detached Residential District, subject to the following conditions:

- (a) On residential properties less than 2 acres in size:
- i. A maximum of four (4) hen chickens or pullets are permitted.
 - ii. Roosters are prohibited.
- (b) On residential properties containing two (2) or more acres in size:
- i. A conditional use permit may be required for more than four (4) hen chickens or pullets.
 - ii. Roosters may be permitted provided the crowing is not a nuisance.
- (c) The butchering of chickens is prohibited.
- (d) Chickens shall be fully contained on the property at all times through the use of fencing.
- (e) Shelters must comply with all requirements of the Development Code concerning accessory structure and said structures shall not be placed in the front, side yard or side yard abutting a street on residential property. Said shelters shall be setback a minimum of 30-feet from an adjacent principal dwelling.
- (f) Food materials that are stored outside shall be in closed containers with lids.
- (g) All containment areas and shelters shall be maintained in a clean, sanitary, and odor free environment and shall be free from the presence of rodents or vermin at all times.
- (h) Chickens shall not be raised or kept for fighting. Cockfighting is prohibited.

Rev. Date 11/17/08 Ord. 837

- (2) License. No person shall keep, maintain or breed chickens on property located within the City of Shoreview unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Manager. The City Council shall from time to time set a fee by ordinance for the initial license and the bi-annual renewals.
- (3) Inspection. The City Animal Control Officer will conduct an inspection of the property to determine compliance with the license and ordinance standards.
- (4) License Fee. The license fee must be submitted with the application. The fee will be established by City Council ordinance.
- (5) Duration of License. A license shall be issued for a period of two years.
- (6) Issuance of License. Upon completion of the application form, receipt of the license fee, the City Manager shall cause a license to be issued to the applicant.
- (7) Change of Address. An applicant who has obtained a license shall notify the City Manager of the applicant's address changes within the corporate limits of the City within ten (10) days of an address change.

601.030 Regulations.

- (A) Except as herein provided, the owner of an animal within the City of Shoreview shall cause such animal to be confined to the individual's property by adequate fencing, leash or enclosure.
- (B) The owner of a female dog or cat in heat shall confine such animal to the owner's property or any veterinary hospital/clinic, in such manner that such female dog or cat cannot come into contact with other animals, except for intentional breeding purposes.
- (C) Except in designated off leash areas, the owner of an animal within the City of Shoreview shall cause such animal to be restrained at all times while in a public place including but not limited to school properties, trails, parks, open space areas and streets.
- (D) The owner of an animal within the City of Shoreview shall prevent the animal from becoming a nuisance by barking, baying, crying or howling in any manner for at least five (5) continuous minutes or intermittently for unreasonable lengths of time.
- (E) Cleaning up litter:

- (1) The owner of an animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.
 - (2) The owner of an animal shall not permit such animal to be on public property or the private property of another without having in the owner's immediate possession, a device for the removal of feces and a proper receptacle located on the property of such animal owner.
 - (3) The owner of an animal shall remove feces left by such animal on public property or the private property of another to a proper receptacle located on property of the animal owner.
- (F) No person shall keep more than three (3) dogs, three (3) cats, three (3) Vietnamese Potbellied Pigs or four (4) chickens on residentially zoned property. The total number of combined licensed animals per residentially zoned property shall not exceed four (4), with chickens considered one (1) licensed animal.
- (G) The owner shall confine within a building or a secure enclosure, every wild animal, dangerous animal, or potentially dangerous animal, and shall not take such animal out of such building or secure enclosure, unless such animal is securely muzzled.
- (H) It shall be unlawful for any dog or cat owner to keep or maintain any dog or cat older than six (6) months of age unless it shall have been vaccinated with an anti-rabies vaccine certified to be effective by a licensed veterinarian. No license renewal shall be issued except upon compliance with this section.
- (I) A person who uses a dog for security purposes within the City of Shoreview shall post a warning notice at the entrance of the premises.
- (J) It shall be unlawful for a person to keep or harbor a dangerous animal, other than a Dangerous Dog or Potentially Dangerous Dog as hereinafter provided, or an unlicensed wild animal within the City.
- (K) The owner of an animal within the City of Shoreview shall provide said animal with sufficient, wholesome food and water; proper shelter and protection from weather; veterinary care when needed to prevent suffering; and with humane care and treatment.
- (L) No person shall beat, torment or otherwise abuse an animal or cause or permit an animal fight.
- (M) The owner of a dog that has been determined to be a dangerous animal by the City's Animal Control Officer shall comply with the provisions of Minnesota

Ord. 866
Rev. 4/19/10

Statutes §347.50 through §347.56. The determination of the City's Animal Control Officer shall be final.

601.035 Dangerous Dogs.

Ord. 866
Rev. 4/19/10

- (A) **Designation.** The owner of a dog which has been designated as a "Dangerous Dog" by the Animal Control Officer, within fourteen (14) days after the owner has noticed that the dog is dangerous, shall:
- (1) Register the dog as provided herein; or
 - (2) Request a hearing to appeal the "Dangerous Dog" designation on forms provided by the City Manager or Manager's designee.
- (B) **Registration.** The owner of a Dangerous Dog shall apply for a Dangerous Dog Certificate; pay the registration fee; and file a current photograph of the Dangerous Dog. The Dangerous Dog Certificates must be renewed annually as long as the dog remains in the City.
- (C) **Death or Transfer.** The owner of a Dangerous Dog must notify the City in writing within thirty (30) days of the death or transfer of the ownership or location of the Dangerous Dog.
- (D) **Microchip.** The owner of the Dangerous Dog must have a microchip for identification placed in the Dangerous Dog.
- (E) **Sterilization.** The owner of a Dangerous Dog must provide evidence that the Dangerous Dog has been sterilized at the owner's expense within thirty (30) days of the Dangerous Dog designation.
- (F) **Restraint.** The owner of a Dangerous Dog shall keep the dog, while on the owner's property in a proper enclosure. If the dog is outside of the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical control of a responsible person. The muzzle must be made in a manner that would prevent the dog from biting any person or animal, but that would not cause injury to the dog or interfere with its vision or respiration.
- (G) **Warning/Symbol/Tag.** The owner of a Dangerous Dog must post on the premises a clearly visible warning sign and symbol as provided by the City. A Dangerous Dog must have a standardized easily identifiable tag identifying the dog as a dangerous and containing the uniform Dangerous Dog symbol affixed to the dog's collar at all times.
- (H) **Liability.** The owner of a Dangerous Dog must obtain a surety bond or policy of liability issued by authorized companies in the amount of at least \$300,000 insuring the owner for any personal injuries inflicted by the dog.

- (I) **Landlord Disclosure.** If the owner of a Dangerous Dog is a renter, the owner shall notify the landlord of the property that the dog has been designated as a Dangerous Dog.
- (J) **Destruction of Dangerous Dog.** The Animal Control Officer shall require a previously designated Dangerous Dog to be destroyed if:
 - (1) The dog afflicted substantial or great bodily harm on a human or a domestic animal on public or private property.
 - (2) The dog inflicted multiple bites on a human on public or private property without provocation.
 - (3) The dog bit multiple human victims on public or private property without provocation; or
 - (4) The dog bit a human on public or private property without provocation, in an attack where more than one dog participated in the attack.

601.036 Potentially Dangerous Dogs.

- (A) **Designation.** The owner of dog which has been designated a “Potentially Dangerous Dog” by the Animal Control Officer, within fourteen (14) days after the owner has noticed that the dog is potentially dangerous, shall:
 - (1) Register the dog as a Potentially Dangerous Dog; or
 - (2) Request a hearing to appeal the Potentially Dangerous Dog designation on forms provided by the City Manager or Manager’s designee.
- (B) **Registration.** The owner of the Potentially Dangerous Dog shall apply for a Potentially Dangerous Certificate; pay the application fee; and provide a current photograph of the dog. The registration must be renewed annually as long as the dog remains in the City.
- (C) **Death or Transfer.** The owner of a Potentially Dangerous Dog must notify the City in writing within thirty (30) days of the death or transfer of the ownership or location of the Potentially Dangerous Dog.
- (D) **Microchip.** The owner of the Potentially Dangerous Dog must have a microchip identification placed in the Potentially Dangerous Dog.
- (E) **Proper Enclosure/Restraint.** The owner of a Potentially Dangerous Dog shall keep the dog, while on the owner’s property in a proper enclosure. If

the dog is outside of the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical control of a responsible person. The muzzle must be made in a manner that would prevent the dog from biting any person or animal, but that would not cause injury to the dog or interfere with its vision or respiration.

- (F) **Warning/Symbol.** The owner of a Potentially Dangerous Dog must post on the premises a clearly visible warning sign and symbol as provided by the City.
- (G) **Liability.** The owner of a Potentially Dangerous Dog must obtain a surety bond or policy of liability insurance issued by authorized companies in the amount of at least \$300,000 insuring the owner for personal injuries inflicted by the Potentially Dangerous Dog.
- (H) **Landlord Disclosure.** If the owner of the Potentially Dangerous Dog is a renter, the owner shall notify its landlord of the Potentially Dangerous Dog Designation.

601.040 **Enforcement.** The provisions of Sections 601.200 through 601.300 shall be enforced by the Animal Control Officer. No person shall, in any manner, interfere with or hinder an Animal Control Officer in the discharge of their duties.

601.050 **Exemptions.** The following provisions of this Chapter shall not apply in the following circumstances:

- (A) Unless specified herein, the provisions of this Chapter shall not apply to animals used or confined at hospitals, clinics, or businesses operated by licensed veterinarians.
- (B) Regulations relating to vaccination requirements shall not apply to any animal belonging to a nonresident of the City and kept within the City for not longer than thirty (30) days, provided all such animals shall, at all times while in the City, be restrained by the owner on the property which the owner is occupying within the City of Shoreview.
- (C) Regulations relating to dangerous animals and potentially dangerous animals shall not apply to dogs under the control of a law enforcement officer.

601.060 **Seizure and Removal of Animals.** Subject to the provisions of this section, animals found in violation of this chapter may be seized by the Animal Control Officer, impounded in a designated animal shelter, and confined therein in a humane manner for a period of not less than five (5) business days or until claimed by the animal's owner, whichever occurs first.

- (A) Animal Control Officers shall not enter the private dwelling of an individual for purposes of seizing animals or otherwise enforcing the provisions of this

Chapter without first obtaining a search warrant. However, an Animal Control Officer is empowered to enter upon a property adjacent to a private dwelling for purposes of enforcing the provisions of this Chapter.

- (B) Before seizing an animal on private property, the Animal Control Officer shall make a reasonable attempt, taking into consideration the time of day and nature of the violation, to notify the owner that the animal is being seized because it was observed by the Animal Control Officer to be in violation of the provisions of this Chapter.
- (C) When an animal is seized from the private property of its owner and the Animal Control Officer has been unable to notify the owner of the reason for seizing animal, the Animal Control Officer shall leave a written notice affixed to the dwelling unit, in a conspicuous manner, which includes the following information:
 - (1) A description of the animal seized.
 - (2) Purpose for seizure of the animal.
 - (3) The time, place and circumstances under which the animal was seized.
 - (4) The location, address, telephone number and contact person where the animal will be impounded.
 - (5) A statement indicating that the person claiming the animal will be required to pay for the fees and costs associated with impoundment of the animal.
 - (6) A statement indicating that failure to claim the animal within five business days will result in the disposition of the animal.
- (D) Immediately upon impounding animals, reasonable efforts shall be made to notify the owner and inform the owner of the animal's confinement and the procedures for release of the animal to the owner.
- (E) An animal which is not redeemed within five (5) business days after impounding may be disposed of in any manner provided by law. Any animal which is not claimed by the owner or sold, shall be euthanized and disposed of in a sanitary manner by the Animal Control Officer.
- (F) The title of all animals seized and held at the animal shelter may be transferred to the Humane Society after the legal detention period has expired and the animals have not been claimed by their owners.

- (G) Animals taken into custody pursuant to the provisions of Minn. Stat. 343.22 or 343.29 shall be disposed of pursuant to the provisions of Minn. Stat. 343.235.

601.070 Impoundment Fees. Any animal impounded hereunder may be reclaimed by the owner of such animal within five (5) business days after such impoundment. Before the owner shall be permitted to recover possession of the animal, the owner shall pay the Animal Control Officer all required fees and costs of impoundment.

601.080 Rabies Control.

- (A) The Minnesota Health Laws and Regulations are hereby adopted in cases of rabid animals which have bitten any person or animals suspected of being rabid.
- (B) It shall be the duty of every physician to report to the City the names and addresses of persons treated or bites inflicted by animals together with other information helpful in rabies control.
- (C) It shall be the duty of every licensed veterinarian to report to the City his diagnosis of any animal observed by him as a rabies suspect.
- (D) Whenever the prevalence of rabies or hydrophobia renders such action necessary to protect the public health, safety and welfare, the Mayor shall issue a proclamation ordering every person owning or in possession of a dog to confine it securely to the premises unless it is muzzled so that it cannot bite. No person shall violate this proclamation.

601.090 Biting Animals To Be Quarantined. Whenever an animal has bitten a person, or whenever a known or suspected rabid animal is picked up by the Animal Control Officer or law enforcement officer, such animal shall be confined for a minimum of ten (10) days as follows:

- (A) Upon proof of a current rabies vaccination, the owner of the animal may, with the consent of the Animal Control Officer, quarantine the animal at the owner's residence provided that such animal shall not be permitted to come in contact with other animals or persons and, provided further that the animal shall be muzzled and on a leash not to exceed four (4) feet, and in control of a competent person when taken from the place of confinement for sanitation purposes.
- (B) If no proof of a current rabies vaccination is provided, or if the Animal Control Officer does not consent to confinement of the animal to the owner's residence, the animal shall be quarantined at the animal shelter or a licensed veterinary clinic at the expense of the owner.

- (C) A quarantined animal shall not be removed from the place of confinement without the written permission of the Animal Control Officer.
- (D) A quarantined animal shall be confined in an enclosure constructed of materials suitable to prevent the animal from escaping. All openings to the enclosure shall be locked at all times and the animal shall not be removed from the enclosure unless the animal is muzzled on a leash not exceeding four (4) feet in length and in control of a competent person.

601.100 Additional Fee and Proof of Insurance as to Potentially Dangerous Animals.

The owner of a potentially dangerous animal shall pay an additional annual fee as determined by Council Resolution and shall provide the City Manager, annually, with proof of liability insurance which covers damages that may be caused by such animal.

601.110 Summary Destruction. Whenever an Animal Control Officer has reasonable cause to believe that a particular animal represents a clear and immediate danger to the residents of the City of Shoreview because it is infected with rabies or because it is a dangerous animal, the Animal Control Officer, after making reasonable attempts to impound such animal, may summarily destroy the animal.

601.130 Intentional Feeding of Wild Animals

(A) **Feeding Prohibited.** Except as hereinafter provided in Section 601.130(B), no person shall intentionally feed wild animals within the City. Intentional feeding means the provision of any grain, fruit, vegetables, nuts, salt licks, or any other food that attracts wild animals. Living food sources such as trees and other live vegetation shall not be considered food for wild animals.

(B) **Feeding Songbirds.** The feeding of songbirds is permitted under the following conditions:

- (1) Feeding is done from a bird feeder that is designed to prevent other wild animals from feeding and is placed at least 5 feet above the ground;
- (2) The bird feeder does not become an attractive nuisance to other wild animals;
- (3) Songbird feeding does not attract songbirds in such numbers to become a nuisance or damage property; and
- (4) Songbird feeding occurs on private property owned or controlled by the person responsible for the feeder.

Ord. 870
Rev. 10/16/10

- (C) **Exception.** The provisions of Section 601.130(A) shall not apply to the employees or agents of the City, County, the State, the Federal government or veterinarians who in the course of their official duties have wild animals in their custody or under their management.
- (D) **Violations.** Violations of this ordinance provision will be subject to a fine of \$100 for the first violation, \$200 for a second violation, and \$300 for each subsequent violation within a 24-month period.

601.150 Wildlife Management Programs

- (A) **Authorization.** No person shall, within the City limits, hunt or engage in the business of removal of wild animals, unless such person shall be acting on behalf of Ramsey County or the City as part of an authorized Wildlife Management Program.
- (B) **Restrictions.**
- (1) No person shall threaten, intimidate, obstruct or interfere with an authorized wildlife management program or agent providing such services to the City.
 - (2) No person shall touch, damage, manipulate, disengage, make inoperative or otherwise tamper with equipment that is being used as part of an authorized wildlife management program.
 - (3) No person shall be within 100 feet of a trap or other equipment or material being used as part of an authorized wildlife management program unless the person is on land which they own or has the express permission of the City or County, the City or County's authorized agent, or the owner of the property.
 - (4) No person shall enter any area which the City or County has closed to the public as part of an authorized wildlife management program and the City or County has provided notice of such closure by conspicuously posting signs or by other reasonable means.

602 Open Burning

602.010 Adoption of State Law by Reference. The provisions of Minnesota Statutes, Chapter 88, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, permits, and all other matters pertaining to open burning are hereby adopted by reference and are made a part of this chapter as if set out in full. It is the intention of the City Council that all future amendments of Minnesota Statutes, Chapter 88, are hereby adopted by reference or referenced as if they had been in existence at the time this ordinance was adopted. If there is a conflict between the provision of this chapter and the provisions of Minnesota Statutes Chapter 88, the more restrictive provisions shall apply.

602.020 Purpose. The purpose of this ordinance is to regulate open burning within the City of Shoreview, to protect the public health, safety and welfare. The designated fire official is hereby authorized to adopt and impose burning restrictions to aid in the prevention of wildfire and to consult with the Department of Natural Resources (DNR), Division of Forestry to develop any restrictions or other criteria.

602.030 Definitions. For purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) **Designated Fire Official.** The Fire Chief of the Lake Johanna Fire Department, or the Fire Chief's designee.
- (2) **Open Burning.** The burning of any matter if the resulting combustion products are emitted directly into the atmosphere without passing through a stack, duct or chimney, except a recreational or campfire as defined herein. Mobile cooking devices such as charcoal grills, wood smokers, manufactured hibachis, and propane or natural gas devices are not considered open burning devices.
- (3) **Recreational/Camp Fire.** A fire set with an approved starter fuel no more than three feet in height contained within a recreational fire site: using dry, clean wood, producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, or social food preparation; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality requirements so that nuisance, health or safety hazards will not be created. No more than one recreational fire is allowed on any property at one time.
- (4) **Recreational/Camp Fire Site.** An area of no more than a three foot diameter circle (as measured from the inside of the fire ring or border); completely

surrounded by non-combustible and non-smoke or odor producing material, either natural rock, cement, brick, tile, blocks or ferrous metal. Burning barrels are not a recreational fire site as defined herein. Recreational fire sites shall not be closer than 25 feet to any structure.

- (5) **Running Fire**. An attended fire allowed to spread through surface vegetative matter under controlled conditions for the purpose of vegetative management, forest management, game habitat management, or agricultural improvement.
- (6) **Starter Fuels**. Dry, untreated, unpainted, kindling, branches or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution may be used to start an open burn.
- (7) **Vegetative Materials**. Dry leaves, dry grass clippings, twigs, branches, tree limbs, untreated or unpainted wood that contains no glues or resins, and other similar materials. Paper and cardboard are not considered vegetative materials.
- (8) **Wood**. Dry, clean fuels, such twigs, branches, limbs, manufactured fireplace logs, charcoal, cord wood, or untreated dimensional lumber. “Wood” does not include wood that is green with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into less than three-foot lengths.

602.040 Prohibited Materials.

- (1) No person shall conduct, cause or permit the open burning of oils, petroleum fuels, rubber, plastic, chemically treated materials, or other materials that produce excessive or noxious smoke such as, but not limited to, tire, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.
- (2) No person shall conduct, cause or permit the open burning of: hazardous waste or salvage operations; solid waste generated from an industrial or manufactured process; materials from a service or commercial establishment; or building materials generated from demolition of commercial or institutional structures.
- (3) No person shall conduct, cause or permit open burning of discarded materials resulting from the handling, processing, storage, preparation, serving or consumption of food.
- (4) No person shall conduct, cause or permit the open burning of any leaves or grass clippings.

- (5) The use of burners, as described in Minnesota Statute §88.16, subd. 2(d) are prohibited within the city's jurisdiction.

602.050 Open Burning Prohibited Except by Permit. No person shall start or allow open burning on property in the City of Shoreview without first having obtained an open burning permit from the designated fire official; provided that a permit is not required for a recreational/camp fire.

602.060 Permitted Open Burning.

- (1) Under circumstances deemed appropriate by the designated fire official, open burning permits may be issued by the designated fire official or by a DNR forestry official for:
- (a) Elimination of health hazard that cannot be abated by other practical means, as determined by the commissioner of health or the local health authority.
 - (b) Ground thawing for utility repair and construction.
 - (c) Running fires.
 - (d) Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, land-spreading or other alternative methods are not practical.
- (2) Fire training permits may only be issued by the Minnesota Department of Natural Resources (DNR).

602.070 Permit Application and Fees.

- (1) Open burning permits shall be obtained by making application on a form prescribed by the DNR and adopted by the designated fire official. The permit application shall be presented to the designated fire official for review.
- (2) An open burning permit fee shall be submitted along with an application for an open burning permit in an amount established by City Council ordinance.

602.080 Permit Process.

- (1) The applicant shall demonstrate to the designated fire official the ability to comply with the applicable state statutes, this ordinance, or any additional guidelines as may be adopted.

- (2) Upon receipt of the completed open burning permit application and fee, the designated fire official may, if he or she believes necessary, require a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and times of permitted burn and review fire safety considerations, including the preparation of a detailed burn event safety plan with the designated fire official when conditions require.

602.090 Denial of Permit.

- (1) If the criteria contained in Section 602.060 for the issuance of an open burning permit are not satisfied, the application will be denied.
- (2) If the criteria contained in Section 602.060 are met, the application may be denied by the designated fire official if it is determined that a practical alternative method for disposal exists, a pollution or nuisance condition would result, or a satisfactory burn event safety plan cannot be drafted.

602.100 Permit Holder Responsibility.

- (1) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect.
- (2) The open burning site shall have appropriate communication and fire suppression equipment available as determined by the designated fire official.
- (3) The open burn shall be attended to at all times. No fire may ever be allowed to smolder. The fire shall be completely extinguished before the permit holder or his or her representative leaves the site. It is the responsibility of the permit holder to have a valid permit, as required by this chapter, available for inspection on site by law enforcement, the Fire Department, a Minnesota Pollution Control Agency (MPCA) representative or DNR officer.
- (4) The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and guidelines as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.

602.110 Revocation of Permit. An open burning permit is subject to revocation at the discretion of a DNR officer or the designated fire official. Reasons for revocation include but are not limited to: a fire hazard existing or developing during the course of the burn; any permit conditions being violated during the course of the burn; pollution or nuisance conditions developing during the course of the burn; or a fire smoldering with no flame, or attendant, present.

602.120 Burning Ban or Air Quality Alert.

- (1) The designated fire official is authorized to determine when conditions make open burning potentially hazardous and declare a burning ban within the city.
- (2) No recreational fire or open burn will be permitted when the designated fire official or the DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an air quality alert.

602.130 Penalty. Violation of any provision of this ordinance, including maintaining a nuisance after being notified in writing, shall be guilty of a misdemeanor.

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

603 Trespassing

603.010 Trespassing. Whoever does any of the following is guilty of trespassing:

- (A) Without permission of the owner or occupant, enters the dwelling of another.
As used in this section, "dwelling" means a building, a mobile home, a structure, or a portion of a building, mobile home or structure which is used by an individual as a place of residence on either a full-time or part-time basis.
- (B) Without permission of the owner or occupant of a business, enters a portion of the business premises which has been marked "No Trespassing" or "No Entry Without Authorization" or which has been marked with words of similar import.
- (C) Without permission of the owner or occupant of construction equipment, climbs into or upon construction equipment which has been left unattended on a job site.

604 Weapons

604.010 Definition. "Weapon" means any gun, pistol, revolver, sling-shot, sand club, metal knuckles, daggers, dirk, bowie knife, razor, air rifle, air gun, B-B gun, spring gun, bow and arrow, switch blade, firearm or any similar device for the propulsion of shot or other metal pellet by whatever means, and any other dangerous or deadly weapon or instrument.

604.020 Discharge Prohibited. No person shall fire, release, throw or in any other manner propel any weapon within the city, except as expressly provided by this chapter.

604.030 Carrying. No person shall handle or carry any weapon outside of his home unless the weapon is properly encased, except as expressly provided by this chapter.

604.040 Confiscation. If any court determines that any weapon has been carried or discharged in violation of this chapter, the weapon shall be forfeited to and confiscated by the city.

604.050 Exceptions.

(A) Peace Officers. Peace officers or officers of the court may carry or discharge weapons in the course and scope of their duties.

(B) Handgun Permits. Persons holding a handgun permit issued pursuant to Minnesota Statutes Section 624.711 through 624.717 may carry or discharge a handgun to the extent allowed by the permit.

(C) Recreational Programs. Any person may carry or discharge a bow and arrow or a B-B gun while engaged in recreational activities or instructional programs on B-B gun or archery ranges located within county or city parks.

(D) Deer Management Program. Any person properly licensed by the State of Minnesota may carry and discharge a weapon as a participant in a Wildlife Management Program sponsored by Ramsey County. This program may only be conducted within Ramsey County Parks and Open Space areas. Any areas used for the purpose of a Wildlife Management Program must be properly signed to warn other park and open space users of the activity.

(E) Dealers. Persons licensed as dealers may handle weapons within their place of business in the regular course of business.

605 Alarm Systems

605.010 **Purpose.** The purpose of this ordinance is to ensure the availability of the City's public safety services for appropriate public safety needs and to encourage alarm users to adequately maintain and utilize alarm systems.

605.020 **Definitions.**

(A) **Alarm System.** An alarm installation designed to be used for the prevention or detection of burglary, robbery, or fire and located in or on a building, structure or facility.

(B) **Alarm User.** The legal entity in control of any building, structure or facility wherein or whereon an alarm system is located.

(C) **False Alarm.** An alarm signal eliciting a response by personnel of the City's Law Enforcement Agency when a situation requiring a response does not, in fact, exist, and which is caused by the activation of an alarm system through mechanical failure, movement, alarm malfunction, improper installation or the inadvertence of the alarm user or its employees, family or agents. A false alarm does not include an alarm caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or user.

(D) **Law Enforcement Agency.** An agency or a person designated by the City Manager.

605.030 **False Alarm Reports.** The City Manager shall cause the law enforcement agency to report all false alarms occurring within the City. The report shall include the identification of the alarm user and the date, time and location of the false alarm.

605.040 **User Fees.** An alarm user whose alarm system has resulted in the recording of more than two (2) false alarms within 365 consecutive days shall be charged in accordance with the City Council's adopted resolution.

605.050 **Notice.** Upon notice of the first false alarm report for a particular alarm system, the City shall, by certified mail, notify the alarm user that a false alarm has been reported. The notice shall include a copy of the City's false alarm regulations. Upon receipt of the second and subsequent false alarm reports for a particular alarm system, the City Manager shall, by certified mail, notify the alarm user that, within ten (10) days of the date of the City's notice, the appropriate user fee must be paid to the City Finance Department.

- 605.060** **Collection of Delinquent Fees.** All delinquent charges for user fees shall be certified by the City Manager to the Ramsey County Department of Property Taxation for collection with taxes due against the property on which the alarm system is located. This certification process shall occur annually on or before October 10 of each year.
- 605.070** **Excessive Alarm Report.** When the operation of an alarm system has resulted in five (5) or more false alarms within 365 days, the City Manager shall request the alarm user to provide the City with a written report indicating the actions taken or to be taken by the alarm user to discover and eliminate the cause of the false alarms. Failure to submit the written report within the time limits provided by the City Manager shall be considered a violation of this ordinance.
- 605.080** **Confidentiality.** All information submitted in compliance with this ordinance shall be held in confidence and shall be deemed a confidential report exempt from discovery to the extent permitted by law. Subject to the requirements of confidentiality, the City Manager shall develop statistics for the purpose of ongoing alarm system evaluation.

606 Unauthorized Collection of Recyclable Materials

606.010 Purpose. The City of Shoreview has contracted with a service provider for the collection of recyclable materials and has otherwise implemented a recycling program within the City. The City's ability to maintain favorable contracts depends, in part, upon the volume of recyclable materials which are placed at curbside by Shoreview residents. The unauthorized collection or "scavenging" of recyclable materials will reduce the volume available for collection as part of the designated recycling program. Scavenging also causes confusion among participating residents and thereby disrupts the publicity and educational processes of an authorized program. The purpose of this Chapter is to ensure that a designated recycling program will be implemented in an orderly fashion to avoid adverse effects on the public health, welfare, safety and environment.

606.020 Definitions.

- (A) "Recyclable materials" shall mean items of refuse which are part of an authorized recycling program and which are intended for transportation, processing, and manufacturing or reuse, including, but not limited to paper, glass, aluminum and other metal cans and containers.
- (B) "Authorized or designated recycling program" shall mean a program for the collection and recycling of recyclable materials which is instituted, sponsored and/or approved by the City of Shoreview.
- (C) "Scavenging" shall mean the unauthorized collection of recyclable materials that have been set out by residents of the City specifically for collection as part of an authorized or designated recycling program.

606.030 Ownership. Ownership of recyclable materials set out for the purpose of participating in curbside recycling programs shall remain in the person or household from which the materials originated until collected by an authorized collector. Upon removal by the City or its designated agents or contractors from a designated collection point, ownership of properly prepared and stored recyclable materials intended for a City-authorized collection program shall be vested in the authorized collector. Materials not prepared, cleaned or stored according to City specifications shall remain the responsibility and property of the individuals or household from which the materials originated. Nothing in this Chapter shall abridge the right of any individual to give or sell their recyclable materials to any approved recyclable materials program.

606.040 Unauthorized Collection. It shall be unlawful for any person who is not authorized by the City to take or collect recyclable material set out for authorized collection programs within the City.

607 Residential Recycling Service Fees

- 607.010 Purpose and Intent.** Consistent with the policies expressed in the Minnesota Waste Management Act (MS 115A), the City of Shoreview has implemented a curbside recycling program for all residential dwelling units within the City. Although other sources of funding will be used when available, the City Council has determined that the economic viability of the residential curbside recycling program and the ultimate benefits resulting therefrom require the imposition of a residential recycling service fee.
- 607.020 Computation of Fee.** Annually, before August 31, the City Manager shall determine the succeeding year's estimated budget for the collection of recyclable materials from residential dwellings and the total number of individual residential dwelling units within the City. The proposed residential recycling service fee for each residential dwelling unit shall not exceed an amount equal to the unfunded portion of the estimated recycling budget divided by the total number of residential dwelling units within the City. Owners of real property within a R-3 Zoning District shall be charged a recycling fee for each dwelling unit within a multiple family structure. Owners of real property within a R-4 Zoning District shall be charged a recycling fee for each lot within a manufactured home park.
- 607.030 Annual Review.** The residential recycling service fee shall be reviewed and approved annually by the City Council.
- 607.040 Collection of Fee.** The City may facilitate the collection of the residential recycling service fee by agreement with Ramsey County to include such fee on the real estate tax statement for individual or multiple family dwelling units. In the alternative, residential recycling service fee statements shall be mailed to property owners on or before April 15th and shall be payable no later than July 15th of each year. A penalty equal to 10% of the amount due shall be added to delinquent accounts.
- 607.050 Certification of Delinquent Accounts.** Each year, the City Manager shall prepare a list of delinquent residential recycling service fee accounts, including accrued penalties thereon, in the form of an assessment roll. On or before October 1st of year, the City Council shall review the delinquent residential recycling fee assessment roll and adopt an appropriate resolution certifying the delinquent accounts to the County Auditor as a lien against the real property served and further directing that the County Auditor collect the assessment as part of the ensuing year's tax levy. All delinquent residential recycling fee assessments shall bear interest, at a rate determined by Council resolution, from the date on which the resolution is adopted until December 31st of the following year.

608 Curfew

608.010 Purposes and Findings. The City Council of the City of Shoreview finds and determines that special and extenuating circumstances presently exist within this City that require special regulation of juveniles within the City in order to protect them and other persons during the nighttime hours, to aid in crime prevention, to promote parental supervision and authority over juveniles and to decrease juvenile crime rates.

It is the intent of the Shoreview City Council to review and evaluate the need and effect of its curfew regulations. The City Council will request its law enforcement agency to prepare and submit an annual report to the City Council of such regulations during the preceding calendar year.

608.020 Definitions.

- (A) “Emergency Errand” means an errand necessary to avoid or seek help for a harm or peril that is overwhelming or physical, provided the juvenile could not have avoided the necessity of the errand by taking advance precautions.
- (B) “Juvenile” means a person under the age of eighteen (18). The term does not include persons under 18 who are married or have been legally emancipated.
- (C) “Guardian” means an adult appointed pursuant to Minn. Stat. 525.6155 or 525.6165 who has the powers and responsibilities of a parent as defined by Minn. Stat. 525.619.
- (D) “Parent” means any person having legal custody of a Juvenile in the following circumstances:
- (1) as a natural or adoptive parent;
 - (2) as a legal guardian; or
 - (3) as a person to whom legal custody has been given by order of the court.
- (E) “Proprietor” means an individual responsible for managing or operating a business establishment.
- (F) “Public Place” means a public street, park, facility, or other place open to the public.
- (G) “Responsible Adult” means a person over the age of eighteen (18) specifically authorized by law or by a Parent or Guardian to have custody and control of a Juvenile.

608.030 Curfew Hours.

- (A) Juveniles Under Age 16. Except as hereinafter provided, it shall be unlawful for a Juvenile under the age of sixteen (16) years to be present in a Public Place between 10:00 p.m. on one day and 5:00 a.m. on the following day.
- (B) Juveniles That Are 16 or 17 Years of Age. Except as hereinafter provided, it shall be unlawful for a Juvenile that is sixteen (16) or seventeen (17) years of age to be present in a Public Place between the hours of 12:00 midnight and 5:00 a.m.
- (C) Exceptions. Curfew hours shall not apply when:
- (1) the Juvenile was accompanied by the Juvenile's Parent, Guardian, or other Responsible Adult.
 - (2) the Juvenile was engaged in a lawful employment activity or was going to or returning home from the Juvenile's place of employment.
 - (3) the Juvenile is on an Emergency Errand.
 - (4) the Juvenile is on an errand at the direction of a Parent, Guardian, or Responsible Adult.
 - (5) the Juvenile is exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota.
 - (6) the Juvenile was engaged in interstate travel.
 - (7) the Juvenile is on the public boulevard or sidewalk abutting the property on which the Juvenile's residence is located; or the Juvenile is on a public boulevard or sidewalk abutting the immediately adjacent property, provided that the occupant of the immediately adjacent property has not filed a complaint with the City's law enforcement agency.
 - (8) the Juvenile is attending or returning home by a direct route to the Juvenile's residence from an official school or religious activity which began no later than 10:00 p.m., and the Juvenile possesses written permission from the Juvenile's Parent, Guardian or a Responsible Adult authorizing the Juvenile to attend such activity.
 - (9) the Juvenile is legally married.

(10) the Juvenile is homeless or is using a Public or semi-Public place as the Juvenile's usual abode.

(D) Duties of Parents, Guardians, and Responsible Adults. It shall be unlawful for the Parent, Guardian, or Responsible Adult having charge of a Juvenile to knowingly permit the Juvenile to be present in a Public Place during curfew hours.

(E) Business Establishments. No Proprietor shall knowingly permit a Juvenile to remain in the Proprietor's business establishment during curfew hours, provided that a Proprietor shall not be in violation of this section if:

- (1) The Proprietor reasonably and in good faith relied upon a Juvenile's representation of proof of age. Proof of age may be established pursuant to Minn. Stat. 340A.503, Subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates; or
- (2) The Proprietor promptly notified the City's law enforcement agency that a Juvenile was present on the premises of the establishment during curfew hours.

609 Lodging Tax

609.010 Definitions: As used in this Chapter, the following words and terms shall have meanings given to them by this section.

(A) Director. The Finance Director of the City.

(B) City. The City of Shoreview.

(C) Lodging. The furnishing for consideration of lodging by a hotel, motel, rooming house, tourist court, or resort, except where such lodging shall be for a continuous period of thirty (30) days or more to the same lodger.

(D) Operator. A person who provides lodging to others, or any officer, agent or employee of such person.

(E) Person. Any individual, corporation, partnership, association, estate, receiver, trustee, executor, administrator, assignee, syndicate or any other combination of individuals. Whenever the term "person" is used in any provision of this Chapter prescribing and imposing a penalty, the term as applied to a corporation, association, or partnership, shall mean the officers, or partners thereof as the case may be.

(F) Rent. The total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.

(G) Lodger. The person obtaining lodging from an operator.

609.020 Imposition of Tax. There is hereby imposed a tax of three percent (3%) on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the City and shall be extinguished only by payment to the City. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator authorized and required by this Chapter to collect from a lodger.

609.030 Collections. Each operator shall collect the tax imposed by this Chapter at the time rent is paid. The tax collections shall be held in trust by the operator for the City. The amount of tax shall be separately stated from the rent charged for the lodging.

609.040 Exemptions. An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the City to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and

such a claim shall be made in writing under penalty of perjury on forms provided by the City. All such claims shall be forwarded to the City when the returns and collections are submitted as required by this Chapter.

609.050 Advertising No Tax. It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any party thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent shall be considered an additional cent.

609.060 Payments and Returns. The taxes imposed by this Chapter shall be paid by the operator to the City not later than twenty-five (25) days after the end of the month in which the taxes were collected. At the time of payment the operator shall submit a return upon such forms and containing such information as the City may require. The return shall contain the following minimum information:

- (A) The total amount of rent collected for lodging during the period covered by the return.
- (B) The amount of tax required to be collected and due for the period.
- (C) The signature of the person filing the return or that of an agent duly authorized in writing.
- (D) The period covered by the return.
- (E) The amount of uncollectible rental charges subject to the lodging tax.
- (F) A copy of the Minnesota State Sales and Use Tax Return submitted by the operator for the period covered by the return.

The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this Chapter previously paid as a result of any transaction the consideration for which became uncollectible during such reporting period, but only in proportion to the portion of such consideration which became uncollectible.

609.070 Examination of Return, Adjustments, Notices and Demands. The Director may rely upon the Minnesota State Sales and Use Tax Return filed by the operator with the State of Minnesota in determining the accuracy of a return filed under this Chapter. However, the Director shall be authorized to make any investigation or examination of the records and accounts of the person making the return, if the Director reasonably determines that such steps are necessary for determining the correctness of the return. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid,

such excess shall be paid to the City within ten (10) days after receipt of a notice thereof, given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the City within ten (10) days after determination of such refund.

609.080 Refunds. Any person may apply to the Director for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one year after such tax was paid, or within one year from the filing of the return, whichever period is the longer. The Director shall examine the claim and make and file written findings thereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is allowed in whole or in part, the Director shall credit the amount of the allowance against any taxes due under this Chapter from the claimant and the balance of said allowance, if any, shall be paid by the Director to the claimant.

609.090 Failure to File a Return.

(A) If any operator required by this Chapter to file a return shall fail to do so within the time prescribed, or shall make, willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within five (5) days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the Director shall make a return or corrected return, for such person from such knowledge and information as the Director can obtain, and assess a tax on the basis thereof, which tax, less any payments theretofore made on account of the tax for the taxable period covered by such return shall be paid within five (5) days of the receipt of written notice and demand for such payment. Any such return or assessment made by the Director shall be prima facie correct and valid, and such person shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.

(B) If any portion of a tax imposed by this Chapter, including penalties thereon, is not paid within thirty (30) days after it is required to be paid, the City may institute such legal action as may be necessary to recover the amount due plus interest, penalties, the costs and disbursements of any action.

(C) Upon a showing of good cause, the Director may grant an operator one thirty (30) day extension of time within which to file a return and make payment of taxes as required by this Chapter provided that interest during such period of extension shall be added to the taxes due at the rate of ten percent (10%) per annum.

- 609.100 Penalties.** If any tax imposed by this Chapter is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to ten percent (10%) of the amount remaining unpaid. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of ten percent (10%) per annum from the time such tax should have been paid until it is paid. Any interest and penalty shall be added to the tax and be collected as part thereof.
- 609.110 Administration of Tax.** The Director shall administer and enforce the assessment and collection of taxes imposed by this Chapter. The Director shall cause to be prepared blank forms for the returns and other documents required by this Chapter and shall distribute the same throughout the City and furnish them on application, but failure to receive or secure them shall not relieve any person from any obligation required of him or her under this Chapter.
- 609.120 Examination of Records.** The Director and those persons acting on behalf of the Director, authorized in writing by the Director, may examine the books, papers and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this Chapter. Every such operator is directed and required to give to the Director, or such other authorized agent or employee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized.
- 609.130 Violations.** Any person who shall willfully fail to make a return required by this Chapter; or who shall fail to pay the tax after written demand for payment, or who shall fail to remit the taxes collected or any penalty or interest imposed by this Chapter, after written demand for such payment, or who shall refuse to permit the City to examine the books, records and papers under his or her control, or who shall willfully make any incomplete, false or fraudulent return shall be guilty of a misdemeanor.
- 609.140 Use of Proceeds.** Ninety-five percent (95%) of the proceeds obtained from the collection of taxes pursuant to this Chapter shall be used in accordance with Minnesota Statutes §469.190, as the same may be amended from time to time, to fund a local convention or tourism bureau for the purpose of marketing and promoting the City as a tourist or convention center.
- 609.150 Appeals.**
- (A) Any operator aggrieved by any notice, order or determination made by the Director under this Chapter may file a petition for review of such notice, order or determination detailing the operator's reasons for contesting the notice, order or determination. The petition shall contain the name of the petitioner, the petitioner's address and the location of the lodging subject to the order, notice or determination.

- (B) The petition for review shall be filed with the City within ten (10) days after the notice, order or determination for which review is sought has been mailed or served upon the person requesting review.
- (C) On receipt of the petition, the City Manager, or the Manger's designee, shall set a date for a hearing and give the petitioner at least five (5) days prior written notice of the date, time and place of the hearing.
- (D) At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order or determination should be modified or withdrawn. The petitioner may be represented by counsel of petitioner's choosing at petitioner's own expense.
- (E) The hearing shall be conducted by the City Manager, or the Manager's designee, provided only that the person conducting the hearing shall not have participated in the drafting of the order, notice or determination for which review is sought.
- (F) The person conducting the hearing shall make written findings of fact and conclusion based upon the applicable sections of this Chapter and evidence presented. The person conducting the hearing may affirm, reverse or modify the notice, order or determination made by the Director.
- (G) Any decision rendered by the City Manager, or the Manager's designee, pursuant to this subdivision may be appealed to the City Council. A petitioner seeking to appeal the decision must file a written notice of appeal with the City within ten (10) days after the decision has been mailed to the petitioner. The matter will thereupon be placed on the Council agenda as soon as it is practical. The Council shall then review the findings of fact and conclusions to determine whether they are correct. Upon a determination by the Council that the findings and conclusions are incorrect, the Council may modify, reverse or affirm the decision of the City Manager, or the Manager's designee, upon the same standards as set forth in Subparagraph F.

610 Clandestine Drug Lab Sites

610.010 Purpose and Intent. The purpose of Chapter 610 is to protect public health, safety and welfare, and reduce public exposure to health risks where law enforcement authorities have determined that hazardous chemicals from a suspected clandestine lab site or associated dumpsite may exist. The City Council finds that such sites may contain hazardous chemicals, substances, or residues that place people, particularly children or women of child-bearing age, at risk of exposure through inhabiting or visiting the site or being exposed to contaminated personal property.

Chemicals used in the production of illicit drugs can condense, penetrate and contaminate surfaces, furnishings, and equipment of surrounding structures. These conditions present health and safety risks to occupants and visitors of structures through fire, explosion, skin and respiratory exposure to chemicals.

610.011 Interpretation and Application. The provisions of this Chapter 610 shall be interpreted and applied as the minimum requirements necessary to protect public health, safety and welfare. Where conditions imposed by any provision of this Chapter 610 are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

610.012 Definitions

- (A) Chemical Dump Site. Any place or location where chemicals and/or other hazardous waste material used in a clandestine drug lab have been deposited.
- (B) Chemical Investigation Site. A Clandestine drug lab site that is under notice and order for cleanup and/or remediation as a public health nuisance, and this Chapter 610.
- (C) Clandestine Drug Lab Operation. The unlawful manufacture, or attempt to manufacture, a controlled substance(s).
- (D) Clandestine Drug Lab Site. Any place or area where law enforcement has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include dwellings, accessory buildings, or structures, a chemical dumpsite, vehicle boat, trailer or any other land.
- (E) Cleanup. The proper removal and/or containment of substances hazardous to humans and/or the environment at a chemical investigation site.
- (F) Controlled Substance. A drug, substance or immediate precursor described under Schedules I through V of Minnesota Statute 152.02, and as amended in

the future. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

- (G) Health Authority. Ramsey County Department of Public Health
- (H) Household hazardous Wastes. Waste generated from a clandestine drug lab operation. Such wastes shall be treated, stored, transported, or disposed of in a manner consistent with Minnesota Department of Public Health, Minnesota Pollution Control Agency and Ramsey County Health Department rules and regulations.
- (I) Law Enforcement Agency. An agency or a person designated by the City Manager.
- (J) Manufacture. In places other than a pharmacy, shall mean and include the production, cultivation, quality control, or standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, or filling, of a controlled substance.
- (K) Occupant. Any person who occupies real property, whether with or without any right, title, or interest in the property, and any person in possession or charge or such property in the event the owner resides or is located elsewhere.
- (L) Owner. Any person, firm or corporation who owns, in whole or in part, the land, buildings or structures associated with a clandestine drug lab site. Unless information is provided to prove otherwise, the owner of real property is deemed to be the property taxpayer of record in the Ramsey County records, and the owner of a vehicle, boat or trailer as deemed to be the person listed as the owner of the most recent title to said vehicle boat or trailer.
- (M) Public Health Nuisance. All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site deemed unsafe due to potential health hazards.
- (N) Remediation. Methods such as assessment, evaluation, testing, venting, detergent scrubbing, enclosure, encapsulation, demolition, and/or removal of contaminate materials from a chemical investigation site.

610.013 Public Health Nuisance. A clandestine drug lab site or chemical dumpsite is hereby determined to be a public nuisance subject to the regulations of this Chapter 610 in addition to any and all applicable federal, state, or local laws and ordinances. No person may occupy, enter or allow occupancy or entrance to property declared a public health nuisance under this Chapter 610 until such declaration is vacated or modified to allow occupancy.

610.014 Notice to Other Agencies (“Agency Notice”). Law enforcement authorities, if other than the City’s Law Enforcement Agency, upon identification of a clandestine drug lab site or a chemical dump site shall promptly notify the City’s

Law Enforcement Agency. The City's Law Enforcement Agency shall notify the Building Official, appropriate health authority and other appropriate agencies of the property location, property owner if known, and conditions found.

610.015 Notice to Owner and Occupant ("Owner/Occupant Notice"). Upon notification by law enforcement authorities, the Building Official will promptly notify the following parties by U.S. Mail:

- (A) The owner of the property, if known.
- (B) Occupants of the property.
- (C) Any neighbors determined to be at risk to the extent that they can be located.
- (D) Other appropriate state and local authorities including, but not limited, to the Minnesota Department of Health, the Minnesota Pollution Control Agency, which are known to have applicable public and environmental protection responsibilities.

The Owner/Occupant Notice must, at a minimum, include the location of the chemical dump site or the clandestine drug lab site; the name of the property owner, if known; the type and nature of the contamination; and the extent of the contamination. The Building Official must also cause a copy of the Owner/Occupant Notice to be posted at each appropriate access point to such site. Removal of the posted Owner/Occupant Notice by anyone other than the Building Official, City's Law Enforcement Agency, or their designees, is prohibited.

610.016 License Suspension. Any rental housing license or business license issued by the City will be immediately suspended upon issuance of the Owner/Occupant Notice and may only be reinstated by the City Council after full compliance with an abatement order and approval of a management plan.

610.017 Issuance of Abatement Order ("Abatement Order"). The Building Official shall notify and order the property owner and occupant to have the public health nuisance abated as provided in and this Chapter. The Abatement Order shall include a description of the site and all portions thereof that are determined to be contaminated and shall include statements indicating:

- (A) That all or portions of the site are determined to be contaminated and at risk to occupants or visitors are immediately vacated.
- (B) That the owner commence and complete all testing and clean up procedures and other required remedial actions on the site by dates specified in the order or such other dates agreed to by the City.

- (C) That the site may not be re-occupied or used in any manner until it has been completely cleaned in accordance with the guidelines established by the MDH.
- (D) That if the owner does not commence testing and complete the clean up procedures by the dates established in the order, the City, its officials, employees, or agents, will arrange appropriate on-site assessment and cleanup services at the owner's expense.
- (E) That the owner is responsible for all costs associated with the on-site assessment and clean up of the site including all costs incurred by the City and other public agencies, and that if the owner does not promptly pay those cost they will be assessed against the property and collected in the manner of a special tax.

610.018 **Service of Abatement Order.** The Abatement Order shall be deemed to be properly served if a copy thereof is delivered in one of the following methods:

- (A) Delivered personally.
- (B) Sent by certified or first class mail addressed to the last know address.
- (C) A copy posted in a conspicuous place in or about the dwelling or area affected by such order.

610.019 **Property Owner and Occupant Responsibility to Act.** Property owner(s) and occupant(s) provided with an Owner/Occupant Notice, which may include the posted warning notice informing them about the chemical investigation site public health nuisance, shall promptly act to vacate within twenty-four (24) hours all occupants from those parts of a structure that are a chemical investigation site public health nuisance, including dwellings, buildings, motor vehicles, trailers, boats or other vehicles and appliances.

- (A) In the event the property owner(s) and occupant(s) receiving the Owner/Occupant Notice and fails to vacate parts of a structure that are a chemical investigation site public health nuisance, the Building Official shall order all persons to vacate the premises. Failure to leave is a misdemeanor. Where a person fails to vacate the premises as ordered by the Building Official, the City's Law Enforcement Agency may be summoned to assist in vacating the premises and issuing such citations or in making such arrests as may be necessary to comply with this subsection.
- (B) Except as hereinafter provided, within ten (10) business days of receiving the Abatement Order, the property owner(s) and/or occupant(s) shall act to accomplish the following:

- (1) Notify the Building Official that the affected parts of the structure has been and will remain vacated and secured until the health authority acts to remove the chemical investigation site public health nuisance declaration;
 - (2) Contract with one or more acceptable environmental hazard testing and cleaning firms (acceptable firms are those that have provided the Minnesota Department of Health and/or Building Official assurance of appropriate equipment, procedures and personnel) to accomplish the following:
 - (a) Conduct a detailed on-site assessment;
 - (b) Determine the extent of contamination;
 - (c) Carry out and /or direct remediation operations;
 - (d) Perform and/or direct follow-up sampling and testing; and
 - (e) Determine that the risks are sufficiently reduced, according to Minnesota Department of Health guidelines, to allow the structure to be reoccupied;
 - (3) Provide the Building Official with the identity of the environmental hazard testing and cleaning firm with whom the owner has contracted, for remediation of the structure as described above; and
 - (4) Provide the Building Official with the contractor's plan and schedule for remediation leading to removal of the chemical investigation site public health nuisance declaration.
- (C) The property owner(s) or occupant(s) may seek authorization for an extension of time to allow the owner to consider options for arranging cleanup or removal of the affected parts of the structure. The owner(s) or occupant(s) must show good cause for any such extension. Any extension shall be dependent on the owner(s) assurance that the affected parts of the structure will not be occupied pending appropriate cleanup or demolition.
- (D) The owner(s), occupant(s) or their contractor shall provide documentation of the cleanup and remediation, including but not limited to follow-up environmental testing as deemed necessary, to the Building Official. Review and determination of acceptable cleanup must be made by the Building Official prior to re-occupancy of the property.

610.020 Owner's Responsibility for Cost. The owner of the site is responsible for the costs of vacating the site and surrounding areas, testing, clean-up and public

expenses. Public expenses include all costs that have or may be incurred by the City and other public agencies including but not limited to, costs for:

- (A) Emergency Response
- (B) Posting and physical security of site
- (C) Notification of affected parties
- (D) Expenses related to the recovery of costs, including the assessment process
- (E) Laboratory fees
- (F) Clean-up fees
- (G) Administrative fees

610.021 Recovery of Public Costs. The City is authorized under Minnesota Statutes 463 to proceed within ten (10) business days after mailing of notification, to initiate the assessment and cleanup when the property owner (a) is not located, (b) is located but fails to respond appropriately, or (c) notifies the City that the owner refuses to or cannot pay the costs or arrange timely assessment and cleanup that is acceptable to the Building Official.

- (A) The City may abate the nuisance by removing any hazardous structure, building, or otherwise, in compliance with Minnesota Statutes Chapter 463 or by any other means provided under law.
- (B) If the City abates the public health nuisance, it may recover all costs associated with such abatement.
- (C) In addition to any other legal remedy, the City may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner that taxes and special assessments are certified and collected pursuant to Minnesota Statutes §429.101

610.022 Authority to Modify or Remove Declaration of Public Health Nuisance. The Building Official is authorized to modify the Declaration of chemical investigation site public health nuisance. Such modifications or removal shall be only after the Building Official has determined levels of contamination are sufficiently reduced through remediation to warrant modification or removal of the declaration. The Building Official may rely on information from competent sources, including those supplied by the property owner(s) and/or others such as state and local health, safety, and pollution control authorities to reach such decisions.

602 Open Burning

602.010 Adoption of State Law by Reference. The provisions of Minnesota Statutes, Chapter 88, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, permits, and all other matters pertaining to open burning are hereby adopted by reference and are made a part of this chapter as if set out in full. It is the intention of the City Council that all future amendments of Minnesota Statutes, Chapter 88, are hereby adopted by reference or referenced as if they had been in existence at the time this ordinance was adopted. If there is a conflict between the provision of this chapter and the provisions of Minnesota Statutes Chapter 88, the more restrictive provisions shall apply.

602.020 Purpose. The purpose of this ordinance is to regulate open burning within the City of Shoreview, to protect the public health, safety and welfare. The designated fire official is hereby authorized to adopt and impose burning restrictions to aid in the prevention of wildfire and to consult with the Department of Natural Resources (DNR), Division of Forestry to develop any restrictions or other criteria.

602.030 Definitions. For purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) **Designated Fire Official.** The Fire Chief of the Lake Johanna Fire Department, or the Fire Chief's designee.
- (2) **Open Burning.** The burning of any matter if the resulting combustion products are emitted directly into the atmosphere without passing through a stack, duct or chimney, except a recreational or campfire as defined herein. Mobile cooking devices such as charcoal grills, wood smokers, manufactured hibachis, and propane or natural gas devices are not considered open burning devices.
- (3) **Recreational/Camp Fire.** A fire set with an approved starter fuel no more than three feet in height contained within a recreational fire site: using dry, clean wood, producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, or social food preparation; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality requirements so that nuisance, health or safety hazards will not be created. No more than one recreational fire is allowed on any property at one time.
- (4) **Recreational/Camp Fire Site.** An area of no more than a three foot diameter circle (as measured from the inside of the fire ring or border); completely

surrounded by non-combustible and non-smoke or odor producing material, either natural rock, cement, brick, tile, blocks or ferrous metal. Burning barrels are not a recreational fire site as defined herein. Recreational fire sites shall not be closer than 25 feet to any structure.

- (5) **Running Fire**. An attended fire allowed to spread through surface vegetative matter under controlled conditions for the purpose of vegetative management, forest management, game habitat management, or agricultural improvement.
- (6) **Starter Fuels**. Dry, untreated, unpainted, kindling, branches or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution may be used to start an open burn.
- (7) **Vegetative Materials**. Dry leaves, dry grass clippings, twigs, branches, tree limbs, untreated or unpainted wood that contains no glues or resins, and other similar materials. Paper and cardboard are not considered vegetative materials.
- (8) **Wood**. Dry, clean fuels, such twigs, branches, limbs, manufactured fireplace logs, charcoal, cord wood, or untreated dimensional lumber. “Wood” does not include wood that is green with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into less than three-foot lengths.

602.040 Prohibited Materials.

- (1) No person shall conduct, cause or permit the open burning of oils, petroleum fuels, rubber, plastic, chemically treated materials, or other materials that produce excessive or noxious smoke such as, but not limited to, tire, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.
- (2) No person shall conduct, cause or permit the open burning of: hazardous waste or salvage operations; solid waste generated from an industrial or manufactured process; materials from a service or commercial establishment; or building materials generated from demolition of commercial or institutional structures.
- (3) No person shall conduct, cause or permit open burning of discarded materials resulting from the handling, processing, storage, preparation, serving or consumption of food.
- (4) No person shall conduct, cause or permit the open burning of any leaves or grass clippings.

- (5) The use of burners, as described in Minnesota Statute §88.16, subd. 2(d) are prohibited within the city's jurisdiction.

602.050 Open Burning Prohibited Except by Permit. No person shall start or allow open burning on property in the City of Shoreview without first having obtained an open burning permit from the designated fire official; provided that a permit is not required for a recreational/camp fire.

602.060 Permitted Open Burning.

- (1) Under circumstances deemed appropriate by the designated fire official, open burning permits may be issued by the designated fire official or by a DNR forestry official for:
- (a) Elimination of health hazard that cannot be abated by other practical means, as determined by the commissioner of health or the local health authority.
 - (b) Ground thawing for utility repair and construction.
 - (c) Running fires.
 - (d) Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, land-spreading or other alternative methods are not practical.
- (2) Fire training permits may only be issued by the Minnesota Department of Natural Resources (DNR).

602.070 Permit Application and Fees.

- (1) Open burning permits shall be obtained by making application on a form prescribed by the DNR and adopted by the designated fire official. The permit application shall be presented to the designated fire official for review.
- (2) An open burning permit fee shall be submitted along with an application for an open burning permit in an amount established by City Council ordinance.

602.080 Permit Process.

- (1) The applicant shall demonstrate to the designated fire official the ability to comply with the applicable state statutes, this ordinance, or any additional guidelines as may be adopted.

- (2) Upon receipt of the completed open burning permit application and fee, the designated fire official may, if he or she believes necessary, require a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and times of permitted burn and review fire safety considerations, including the preparation of a detailed burn event safety plan with the designated fire official when conditions require.

602.090 Denial of Permit.

- (1) If the criteria contained in Section 602.060 for the issuance of an open burning permit are not satisfied, the application will be denied.
- (2) If the criteria contained in Section 602.060 are met, the application may be denied by the designated fire official if it is determined that a practical alternative method for disposal exists, a pollution or nuisance condition would result, or a satisfactory burn event safety plan cannot be drafted.

602.100 Permit Holder Responsibility.

- (1) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect.
- (2) The open burning site shall have appropriate communication and fire suppression equipment available as determined by the designated fire official.
- (3) The open burn shall be attended to at all times. No fire may ever be allowed to smolder. The fire shall be completely extinguished before the permit holder or his or her representative leaves the site. It is the responsibility of the permit holder to have a valid permit, as required by this chapter, available for inspection on site by law enforcement, the Fire Department, a Minnesota Pollution Control Agency (MPCA) representative or DNR officer.
- (4) The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and guidelines as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.

602.110 Revocation of Permit. An open burning permit is subject to revocation at the discretion of a DNR officer or the designated fire official. Reasons for revocation include but are not limited to: a fire hazard existing or developing during the course of the burn; any permit conditions being violated during the course of the burn; pollution or nuisance conditions developing during the course of the burn; or a fire smoldering with no flame, or attendant, present.

602.120 Burning Ban or Air Quality Alert.

- (1) The designated fire official is authorized to determine when conditions make open burning potentially hazardous and declare a burning ban within the city.
- (2) No recreational fire or open burn will be permitted when the designated fire official or the DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an air quality alert.

602.130 Penalty. Violation of any provision of this ordinance, including maintaining a nuisance after being notified in writing, shall be guilty of a misdemeanor.

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

603 Trespassing

603.010 Trespassing. Whoever does any of the following is guilty of trespassing:

- (A) Without permission of the owner or occupant, enters the dwelling of another. As used in this section, "dwelling" means a building, a mobile home, a structure, or a portion of a building, mobile home or structure which is used by an individual as a place of residence on either a full-time or part-time basis.
- (B) Without permission of the owner or occupant of a business, enters a portion of the business premises which has been marked "No Trespassing" or "No Entry Without Authorization" or which has been marked with words of similar import.
- (C) Without permission of the owner or occupant of construction equipment, climbs into or upon construction equipment which has been left unattended on a job site.

604 Weapons

604.010 Definition. "Weapon" means any gun, pistol, revolver, sling-shot, sand club, metal knuckles, daggers, dirk, bowie knife, razor, air rifle, air gun, B-B gun, spring gun, bow and arrow, switch blade, firearm or any similar device for the propulsion of shot or other metal pellet by whatever means, and any other dangerous or deadly weapon or instrument.

604.020 Discharge Prohibited. No person shall fire, release, throw or in any other manner propel any weapon within the city, except as expressly provided by this chapter.

604.030 Carrying. No person shall handle or carry any weapon outside of his home unless the weapon is properly encased, except as expressly provided by this chapter.

604.040 Confiscation. If any court determines that any weapon has been carried or discharged in violation of this chapter, the weapon shall be forfeited to and confiscated by the city.

604.050 Exceptions.

(A) Peace Officers. Peace officers or officers of the court may carry or discharge weapons in the course and scope of their duties.

(B) Handgun Permits. Persons holding a handgun permit issued pursuant to Minnesota Statutes Section 624.711 through 624.717 may carry or discharge a handgun to the extent allowed by the permit.

(C) Recreational Programs. Any person may carry or discharge a bow and arrow or a B-B gun while engaged in recreational activities or instructional programs on B-B gun or archery ranges located within county or city parks.

(D) Wildlife Management Program. Any person participating in an authorized Wildlife Management Program.

(E) Dealers. Persons licensed as dealers may handle weapons within their place of business in the regular course of business.

605 Alarm Systems

605.010 **Purpose.** The purpose of this ordinance is to ensure the availability of the City's public safety services for appropriate public safety needs and to encourage alarm users to adequately maintain and utilize alarm systems.

605.020 **Definitions.**

(A) **Alarm System.** An alarm installation designed to be used for the prevention or detection of burglary, robbery, or fire and located in or on a building, structure or facility.

(B) **Alarm User.** The legal entity in control of any building, structure or facility wherein or whereon an alarm system is located.

(C) **False Alarm.** An alarm signal eliciting a response by personnel of the City's Law Enforcement Agency when a situation requiring a response does not, in fact, exist, and which is caused by the activation of an alarm system through mechanical failure, movement, alarm malfunction, improper installation or the inadvertence of the alarm user or its employees, family or agents. A false alarm does not include an alarm caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or user.

(D) **Law Enforcement Agency.** An agency or a person designated by the City Manager.

605.030 **False Alarm Reports.** The City Manager shall cause the law enforcement agency to report all false alarms occurring within the City. The report shall include the identification of the alarm user and the date, time and location of the false alarm.

605.040 **User Fees.** An alarm user whose alarm system has resulted in the recording of more than two (2) false alarms within 365 consecutive days shall be charged in accordance with the City Council's adopted resolution.

605.050 **Notice.** Upon notice of the first false alarm report for a particular alarm system, the City shall, by certified mail, notify the alarm user that a false alarm has been reported. The notice shall include a copy of the City's false alarm regulations. Upon receipt of the second and subsequent false alarm reports for a particular alarm system, the City Manager shall, by certified mail, notify the alarm user that, within ten (10) days of the date of the City's notice, the appropriate user fee must be paid to the City Finance Department.

- 605.060** **Collection of Delinquent Fees.** All delinquent charges for user fees shall be certified by the City Manager to the Ramsey County Department of Property Taxation for collection with taxes due against the property on which the alarm system is located. This certification process shall occur annually on or before October 10 of each year.
- 605.070** **Excessive Alarm Report.** When the operation of an alarm system has resulted in five (5) or more false alarms within 365 days, the City Manager shall request the alarm user to provide the City with a written report indicating the actions taken or to be taken by the alarm user to discover and eliminate the cause of the false alarms. Failure to submit the written report within the time limits provided by the City Manager shall be considered a violation of this ordinance.
- 605.080** **Confidentiality.** All information submitted in compliance with this ordinance shall be held in confidence and shall be deemed a confidential report exempt from discovery to the extent permitted by law. Subject to the requirements of confidentiality, the City Manager shall develop statistics for the purpose of ongoing alarm system evaluation.

606 Unauthorized Collection of Recyclable Materials

606.010 Purpose. The City of Shoreview has contracted with a service provider for the collection of recyclable materials and has otherwise implemented a recycling program within the City. The City's ability to maintain favorable contracts depends, in part, upon the volume of recyclable materials which are placed at curbside by Shoreview residents. The unauthorized collection or "scavenging" of recyclable materials will reduce the volume available for collection as part of the designated recycling program. Scavenging also causes confusion among participating residents and thereby disrupts the publicity and educational processes of an authorized program. The purpose of this Chapter is to ensure that a designated recycling program will be implemented in an orderly fashion to avoid adverse effects on the public health, welfare, safety and environment.

606.020 Definitions.

- (A) "Recyclable materials" shall mean items of refuse which are part of an authorized recycling program and which are intended for transportation, processing, and manufacturing or reuse, including, but not limited to paper, glass, aluminum and other metal cans and containers.
- (B) "Authorized or designated recycling program" shall mean a program for the collection and recycling of recyclable materials which is instituted, sponsored and/or approved by the City of Shoreview.
- (C) "Scavenging" shall mean the unauthorized collection of recyclable materials that have been set out by residents of the City specifically for collection as part of an authorized or designated recycling program.

606.030 Ownership. Ownership of recyclable materials set out for the purpose of participating in curbside recycling programs shall remain in the person or household from which the materials originated until collected by an authorized collector. Upon removal by the City or its designated agents or contractors from a designated collection point, ownership of properly prepared and stored recyclable materials intended for a City-authorized collection program shall be vested in the authorized collector. Materials not prepared, cleaned or stored according to City specifications shall remain the responsibility and property of the individuals or household from which the materials originated. Nothing in this Chapter shall abridge the right of any individual to give or sell their recyclable materials to any approved recyclable materials program.

606.040 Unauthorized Collection. It shall be unlawful for any person who is not authorized by the City to take or collect recyclable material set out for authorized collection programs within the City.

607 Residential Recycling Service Fees

- 607.010 Purpose and Intent.** Consistent with the policies expressed in the Minnesota Waste Management Act (MS 115A), the City of Shoreview has implemented a curbside recycling program for all residential dwelling units within the City. Although other sources of funding will be used when available, the City Council has determined that the economic viability of the residential curbside recycling program and the ultimate benefits resulting therefrom require the imposition of a residential recycling service fee.
- 607.020 Computation of Fee.** Annually, before August 31, the City Manager shall determine the succeeding year's estimated budget for the collection of recyclable materials from residential dwellings and the total number of individual residential dwelling units within the City. The proposed residential recycling service fee for each residential dwelling unit shall not exceed an amount equal to the unfunded portion of the estimated recycling budget divided by the total number of residential dwelling units within the City. Owners of real property within a R-3 Zoning District shall be charged a recycling fee for each dwelling unit within a multiple family structure. Owners of real property within a R-4 Zoning District shall be charged a recycling fee for each lot within a manufactured home park.
- 607.030 Annual Review.** The residential recycling service fee shall be reviewed and approved annually by the City Council.
- 607.040 Collection of Fee.** The City may facilitate the collection of the residential recycling service fee by agreement with Ramsey County to include such fee on the real estate tax statement for individual or multiple family dwelling units. In the alternative, residential recycling service fee statements shall be mailed to property owners on or before April 15th and shall be payable no later than July 15th of each year. A penalty equal to 10% of the amount due shall be added to delinquent accounts.
- 607.050 Certification of Delinquent Accounts.** Each year, the City Manager shall prepare a list of delinquent residential recycling service fee accounts, including accrued penalties thereon, in the form of an assessment roll. On or before October 1st of year, the City Council shall review the delinquent residential recycling fee assessment roll and adopt an appropriate resolution certifying the delinquent accounts to the County Auditor as a lien against the real property served and further directing that the County Auditor collect the assessment as part of the ensuing year's tax levy. All delinquent residential recycling fee assessments shall bear interest, at a rate determined by Council resolution, from the date on which the resolution is adopted until December 31st of the following year.

608 Curfew

608.010 Purposes and Findings. The City Council of the City of Shoreview finds and determines that special and extenuating circumstances presently exist within this City that require special regulation of juveniles within the City in order to protect them and other persons during the nighttime hours, to aid in crime prevention, to promote parental supervision and authority over juveniles and to decrease juvenile crime rates.

It is the intent of the Shoreview City Council to review and evaluate the need and effect of its curfew regulations. The City Council will request its law enforcement agency to prepare and submit an annual report to the City Council of such regulations during the preceding calendar year.

608.020 Definitions.

- (A) “Emergency Errand” means an errand necessary to avoid or seek help for a harm or peril that is overwhelming or physical, provided the juvenile could not have avoided the necessity of the errand by taking advance precautions.
- (B) “Juvenile” means a person under the age of eighteen (18). The term does not include persons under 18 who are married or have been legally emancipated.
- (C) “Guardian” means an adult appointed pursuant to Minn. Stat. 525.6155 or 525.6165 who has the powers and responsibilities of a parent as defined by Minn. Stat. 525.619.
- (D) “Parent” means any person having legal custody of a Juvenile in the following circumstances:
 - (1) as a natural or adoptive parent;
 - (2) as a legal guardian; or
 - (3) as a person to whom legal custody has been given by order of the court.
- (E) “Proprietor” means an individual responsible for managing or operating a business establishment.
- (F) “Public Place” means a public street, park, facility, or other place open to the public.
- (G) “Responsible Adult” means a person over the age of eighteen (18) specifically authorized by law or by a Parent or Guardian to have custody and control of a Juvenile.

608.030 Curfew Hours.

- (A) Juveniles Under Age 16. Except as hereinafter provided, it shall be unlawful for a Juvenile under the age of sixteen (16) years to be present in a Public Place between 10:00 p.m. on one day and 5:00 a.m. on the following day.
- (B) Juveniles That Are 16 or 17 Years of Age. Except as hereinafter provided, it shall be unlawful for a Juvenile that is sixteen (16) or seventeen (17) years of age to be present in a Public Place between the hours of 12:00 midnight and 5:00 a.m.
- (C) Exceptions. Curfew hours shall not apply when:
- (1) the Juvenile was accompanied by the Juvenile's Parent, Guardian, or other Responsible Adult.
 - (2) the Juvenile was engaged in a lawful employment activity or was going to or returning home from the Juvenile's place of employment.
 - (3) the Juvenile is on an Emergency Errand.
 - (4) the Juvenile is on an errand at the direction of a Parent, Guardian, or Responsible Adult.
 - (5) the Juvenile is exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota.
 - (6) the Juvenile was engaged in interstate travel.
 - (7) the Juvenile is on the public boulevard or sidewalk abutting the property on which the Juvenile's residence is located; or the Juvenile is on a public boulevard or sidewalk abutting the immediately adjacent property, provided that the occupant of the immediately adjacent property has not filed a complaint with the City's law enforcement agency.
 - (8) the Juvenile is attending or returning home by a direct route to the Juvenile's residence from an official school or religious activity which began no later than 10:00 p.m., and the Juvenile possesses written permission from the Juvenile's Parent, Guardian or a Responsible Adult authorizing the Juvenile to attend such activity.
 - (9) the Juvenile is legally married.

(10) the Juvenile is homeless or is using a Public or semi-Public place as the Juvenile's usual abode.

(D) Duties of Parents, Guardians, and Responsible Adults. It shall be unlawful for the Parent, Guardian, or Responsible Adult having charge of a Juvenile to knowingly permit the Juvenile to be present in a Public Place during curfew hours.

(E) Business Establishments. No Proprietor shall knowingly permit a Juvenile to remain in the Proprietor's business establishment during curfew hours, provided that a Proprietor shall not be in violation of this section if:

- (1) The Proprietor reasonably and in good faith relied upon a Juvenile's representation of proof of age. Proof of age may be established pursuant to Minn. Stat. 340A.503, Subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates; or
- (2) The Proprietor promptly notified the City's law enforcement agency that a Juvenile was present on the premises of the establishment during curfew hours.

609 Lodging Tax

609.010 Definitions: As used in this Chapter, the following words and terms shall have meanings given to them by this section.

(A) Director. The Finance Director of the City.

(B) City. The City of Shoreview.

(C) Lodging. The furnishing for consideration of lodging by a hotel, motel, rooming house, tourist court, or resort, except where such lodging shall be for a continuous period of thirty (30) days or more to the same lodger.

(D) Operator. A person who provides lodging to others, or any officer, agent or employee of such person.

(E) Person. Any individual, corporation, partnership, association, estate, receiver, trustee, executor, administrator, assignee, syndicate or any other combination of individuals. Whenever the term “person” is used in any provision of this Chapter prescribing and imposing a penalty, the term as applied to a corporation, association, or partnership, shall mean the officers, or partners thereof as the case may be.

(F) Rent. The total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.

(G) Lodger. The person obtaining lodging from an operator.

609.020 Imposition of Tax. There is hereby imposed a tax of three percent (3%) on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the City and shall be extinguished only by payment to the City. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator authorized and required by this Chapter to collect from a lodger.

609.030 Collections. Each operator shall collect the tax imposed by this Chapter at the time rent is paid. The tax collections shall be held in trust by the operator for the City. The amount of tax shall be separately stated from the rent charged for the lodging.

609.040 Exemptions. An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the City to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and

such a claim shall be made in writing under penalty of perjury on forms provided by the City. All such claims shall be forwarded to the City when the returns and collections are submitted as required by this Chapter.

609.050 Advertising No Tax. It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any party thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent shall be considered an additional cent.

609.060 Payments and Returns. The taxes imposed by this Chapter shall be paid by the operator to the City not later than twenty-five (25) days after the end of the month in which the taxes were collected. At the time of payment the operator shall submit a return upon such forms and containing such information as the City may require. The return shall contain the following minimum information:

- (A) The total amount of rent collected for lodging during the period covered by the return.
- (B) The amount of tax required to be collected and due for the period.
- (C) The signature of the person filing the return or that of an agent duly authorized in writing.
- (D) The period covered by the return.
- (E) The amount of uncollectible rental charges subject to the lodging tax.
- (F) A copy of the Minnesota State Sales and Use Tax Return submitted by the operator for the period covered by the return.

The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this Chapter previously paid as a result of any transaction the consideration for which became uncollectible during such reporting period, but only in proportion to the portion of such consideration which became uncollectible.

609.070 Examination of Return, Adjustments, Notices and Demands. The Director may rely upon the Minnesota State Sales and Use Tax Return filed by the operator with the State of Minnesota in determining the accuracy of a return filed under this Chapter. However, the Director shall be authorized to make any investigation or examination of the records and accounts of the person making the return, if the Director reasonably determines that such steps are necessary for determining the correctness of the return. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid,

such excess shall be paid to the City within ten (10) days after receipt of a notice thereof, given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the City within ten (10) days after determination of such refund.

609.080 **Refunds.** Any person may apply to the Director for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one year after such tax was paid, or within one year from the filing of the return, whichever period is the longer. The Director shall examine the claim and make and file written findings thereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is allowed in whole or in part, the Director shall credit the amount of the allowance against any taxes due under this Chapter from the claimant and the balance of said allowance, if any, shall be paid by the Director to the claimant.

609.090 **Failure to File a Return.**

(A) If any operator required by this Chapter to file a return shall fail to do so within the time prescribed, or shall make, willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within five (5) days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the Director shall make a return or corrected return, for such person from such knowledge and information as the Director can obtain, and assess a tax on the basis thereof, which tax, less any payments theretofore made on account of the tax for the taxable period covered by such return shall be paid within five (5) days of the receipt of written notice and demand for such payment. Any such return or assessment made by the Director shall be prima facie correct and valid, and such person shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.

(B) If any portion of a tax imposed by this Chapter, including penalties thereon, is not paid within thirty (30) days after it is required to be paid, the City may institute such legal action as may be necessary to recover the amount due plus interest, penalties, the costs and disbursements of any action.

(C) Upon a showing of good cause, the Director may grant an operator one thirty (30) day extension of time within which to file a return and make payment of taxes as required by this Chapter provided that interest during such period of extension shall be added to the taxes due at the rate of ten percent (10%) per annum.

- 609.100 Penalties.** If any tax imposed by this Chapter is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to ten percent (10%) of the amount remaining unpaid. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of ten percent (10%) per annum from the time such tax should have been paid until it is paid. Any interest and penalty shall be added to the tax and be collected as part thereof.
- 609.110 Administration of Tax.** The Director shall administer and enforce the assessment and collection of taxes imposed by this Chapter. The Director shall cause to be prepared blank forms for the returns and other documents required by this Chapter and shall distribute the same throughout the City and furnish them on application, but failure to receive or secure them shall not relieve any person from any obligation required of him or her under this Chapter.
- 609.120 Examination of Records.** The Director and those persons acting on behalf of the Director, authorized in writing by the Director, may examine the books, papers and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this Chapter. Every such operator is directed and required to give to the Director, or such other authorized agent or employee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized.
- 609.130 Violations.** Any person who shall willfully fail to make a return required by this Chapter; or who shall fail to pay the tax after written demand for payment, or who shall fail to remit the taxes collected or any penalty or interest imposed by this Chapter, after written demand for such payment, or who shall refuse to permit the City to examine the books, records and papers under his or her control, or who shall willfully make any incomplete, false or fraudulent return shall be guilty of a misdemeanor.
- 609.140 Use of Proceeds.** Ninety-five percent (95%) of the proceeds obtained from the collection of taxes pursuant to this Chapter shall be used in accordance with Minnesota Statutes §469.190, as the same may be amended from time to time, to fund a local convention or tourism bureau for the purpose of marketing and promoting the City as a tourist or convention center.
- 609.150 Appeals.**
- (A) Any operator aggrieved by any notice, order or determination made by the Director under this Chapter may file a petition for review of such notice, order or determination detailing the operator's reasons for contesting the notice, order or determination. The petition shall contain the name of the petitioner, the petitioner's address and the location of the lodging subject to the order, notice or determination.

- (B) The petition for review shall be filed with the City within ten (10) days after the notice, order or determination for which review is sought has been mailed or served upon the person requesting review.
- (C) On receipt of the petition, the City Manager, or the Manger's designee, shall set a date for a hearing and give the petitioner at least five (5) days prior written notice of the date, time and place of the hearing.
- (D) At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order or determination should be modified or withdrawn. The petitioner may be represented by counsel of petitioner's choosing at petitioner's own expense.
- (E) The hearing shall be conducted by the City Manager, or the Manager's designee, provided only that the person conducting the hearing shall not have participated in the drafting of the order, notice or determination for which review is sought.
- (F) The person conducting the hearing shall make written findings of fact and conclusion based upon the applicable sections of this Chapter and evidence presented. The person conducting the hearing may affirm, reverse or modify the notice, order or determination made by the Director.
- (G) Any decision rendered by the City Manager, or the Manager's designee, pursuant to this subdivision may be appealed to the City Council. A petitioner seeking to appeal the decision must file a written notice of appeal with the City within ten (10) days after the decision has been mailed to the petitioner. The matter will thereupon be placed on the Council agenda as soon as it is practical. The Council shall then review the findings of fact and conclusions to determine whether they are correct. Upon a determination by the Council that the findings and conclusions are incorrect, the Council may modify, reverse or affirm the decision of the City Manager, or the Manager's designee, upon the same standards as set forth in Subparagraph F.

610 Clandestine Drug Lab Sites

610.010 Purpose and Intent. The purpose of Chapter 610 is to protect public health, safety and welfare, and reduce public exposure to health risks where law enforcement authorities have determined that hazardous chemicals from a suspected clandestine lab site or associated dumpsite may exist. The City Council finds that such sites may contain hazardous chemicals, substances, or residues that place people, particularly children or women of child-bearing age, at risk of exposure through inhabiting or visiting the site or being exposed to contaminated personal property.

Chemicals used in the production of illicit drugs can condense, penetrate and contaminate surfaces, furnishings, and equipment of surrounding structures. These conditions present health and safety risks to occupants and visitors of structures through fire, explosion, skin and respiratory exposure to chemicals.

610.011 Interpretation and Application. The provisions of this Chapter 610 shall be interpreted and applied as the minimum requirements necessary to protect public health, safety and welfare. Where conditions imposed by any provision of this Chapter 610 are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

610.012 Definitions

- (A) Chemical Dump Site. Any place or location where chemicals and/or other hazardous waste material used in a clandestine drug lab have been deposited.
- (B) Chemical Investigation Site. A Clandestine drug lab site that is under notice and order for cleanup and/or remediation as a public health nuisance, and this Chapter 610.
- (C) Clandestine Drug Lab Operation. The unlawful manufacture, or attempt to manufacture, a controlled substance(s).
- (D) Clandestine Drug Lab Site. Any place or area where law enforcement has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include dwellings, accessory buildings, or structures, a chemical dumpsite, vehicle boat, trailer or any other land.
- (E) Cleanup. The proper removal and/or containment of substances hazardous to humans and/or the environment at a chemical investigation site.
- (F) Controlled Substance. A drug, substance or immediate precursor described under Schedules I through V of Minnesota Statute 152.02, and as amended in

the future. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

- (G) Health Authority. Ramsey County Department of Public Health
- (H) Household hazardous Wastes. Waste generated from a clandestine drug lab operation. Such wastes shall be treated, stored, transported, or disposed of in a manner consistent with Minnesota Department of Public Health, Minnesota Pollution Control Agency and Ramsey County Health Department rules and regulations.
- (I) Law Enforcement Agency. An agency or a person designated by the City Manager.
- (J) Manufacture. In places other than a pharmacy, shall mean and include the production, cultivation, quality control, or standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, or filling, of a controlled substance.
- (K) Occupant. Any person who occupies real property, whether with or without any right, title, or interest in the property, and any person in possession or charge or such property in the event the owner resides or is located elsewhere.
- (L) Owner. Any person, firm or corporation who owns, in whole or in part, the land, buildings or structures associated with a clandestine drug lab site. Unless information is provided to prove otherwise, the owner of real property is deemed to be the property taxpayer of record in the Ramsey County records, and the owner of a vehicle, boat or trailer as deemed to be the person listed as the owner of the most recent title to said vehicle boat or trailer.
- (M) Public Health Nuisance. All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site deemed unsafe due to potential health hazards.
- (N) Remediation. Methods such as assessment, evaluation, testing, venting, detergent scrubbing, enclosure, encapsulation, demolition, and/or removal of contaminate materials from a chemical investigation site.

610.013 Public Health Nuisance. A clandestine drug lab site or chemical dumpsite is hereby determined to be a public nuisance subject to the regulations of this Chapter 610 in addition to any and all applicable federal, state, or local laws and ordinances. No person may occupy, enter or allow occupancy or entrance to property declared a public health nuisance under this Chapter 610 until such declaration is vacated or modified to allow occupancy.

610.014 Notice to Other Agencies (“Agency Notice”). Law enforcement authorities, if other than the City’s Law Enforcement Agency, upon identification of a clandestine drug lab site or a chemical dump site shall promptly notify the City’s

Law Enforcement Agency. The City's Law Enforcement Agency shall notify the Building Official, appropriate health authority and other appropriate agencies of the property location, property owner if known, and conditions found.

610.015 Notice to Owner and Occupant (“Owner/Occupant Notice”). Upon notification by law enforcement authorities, the Building Official will promptly notify the following parties by U.S. Mail:

- (A) The owner of the property, if known.
- (B) Occupants of the property.
- (C) Any neighbors determined to be at risk to the extent that they can be located.
- (D) Other appropriate state and local authorities including, but not limited, to the Minnesota Department of Health, the Minnesota Pollution Control Agency, which are known to have applicable public and environmental protection responsibilities.

The Owner/Occupant Notice must, at a minimum, include the location of the chemical dump site or the clandestine drug lab site; the name of the property owner, if known; the type and nature of the contamination; and the extent of the contamination. The Building Official must also cause a copy of the Owner/Occupant Notice to be posted at each appropriate access point to such site. Removal of the posted Owner/Occupant Notice by anyone other than the Building Official, City's Law Enforcement Agency, or their designees, is prohibited.

610.016 License Suspension. Any rental housing license or business license issued by the City will be immediately suspended upon issuance of the Owner/Occupant Notice and may only be reinstated by the City Council after full compliance with an abatement order and approval of a management plan.

610.017 Issuance of Abatement Order (“Abatement Order”). The Building Official shall notify and order the property owner and occupant to have the public health nuisance abated as provided in and this Chapter. The Abatement Order shall include a description of the site and all portions thereof that are determined to be contaminated and shall include statements indicating:

- (A) That all or portions of the site are determined to be contaminated and at risk to occupants or visitors are immediately vacated.
- (B) That the owner commence and complete all testing and clean up procedures and other required remedial actions on the site by dates specified in the order or such other dates agreed to by the City.

- (C) That the site may not be re-occupied or used in any manner until it has been completely cleaned in accordance with the guidelines established by the MDH.
- (D) That if the owner does not commence testing and complete the clean up procedures by the dates established in the order, the City, its officials, employees, or agents, will arrange appropriate on-site assessment and cleanup services at the owner's expense.
- (E) That the owner is responsible for all costs associated with the on-site assessment and clean up of the site including all costs incurred by the City and other public agencies, and that if the owner does not promptly pay those cost they will be assessed against the property and collected in the manner of a special tax.

610.018 **Service of Abatement Order.** The Abatement Order shall be deemed to be properly served if a copy thereof is delivered in one of the following methods:

- (A) Delivered personally.
- (B) Sent by certified or first class mail addressed to the last know address.
- (C) A copy posted in a conspicuous place in or about the dwelling or area affected by such order.

610.019 **Property Owner and Occupant Responsibility to Act.** Property owner(s) and occupant(s) provided with an Owner/Occupant Notice, which may include the posted warning notice informing them about the chemical investigation site public health nuisance, shall promptly act to vacate within twenty-four (24) hours all occupants from those parts of a structure that are a chemical investigation site public health nuisance, including dwellings, buildings, motor vehicles, trailers, boats or other vehicles and appliances.

- (A) In the event the property owner(s) and occupant(s) receiving the Owner/Occupant Notice and fails to vacate parts of a structure that are a chemical investigation site public health nuisance, the Building Official shall order all persons to vacate the premises. Failure to leave is a misdemeanor. Where a person fails to vacate the premises as ordered by the Building Official, the City's Law Enforcement Agency may be summoned to assist in vacating the premises and issuing such citations or in making such arrests as may be necessary to comply with this subsection.
- (B) Except as hereinafter provided, within ten (10) business days of receiving the Abatement Order, the property owner(s) and/or occupant(s) shall act to accomplish the following:

- (1) Notify the Building Official that the affected parts of the structure has been and will remain vacated and secured until the health authority acts to remove the chemical investigation site public health nuisance declaration;
 - (2) Contract with one or more acceptable environmental hazard testing and cleaning firms (acceptable firms are those that have provided the Minnesota Department of Health and/or Building Official assurance of appropriate equipment, procedures and personnel) to accomplish the following:
 - (a) Conduct a detailed on-site assessment;
 - (b) Determine the extent of contamination;
 - (c) Carry out and /or direct remediation operations;
 - (d) Perform and/or direct follow-up sampling and testing; and
 - (e) Determine that the risks are sufficiently reduced, according to Minnesota Department of Health guidelines, to allow the structure to be reoccupied;
 - (3) Provide the Building Official with the identity of the environmental hazard testing and cleaning firm with whom the owner has contracted, for remediation of the structure as described above; and
 - (4) Provide the Building Official with the contractor's plan and schedule for remediation leading to removal of the chemical investigation site public health nuisance declaration.
- (C) The property owner(s) or occupant(s) may seek authorization for an extension of time to allow the owner to consider options for arranging cleanup or removal of the affected parts of the structure. The owner(s) or occupant(s) must show good cause for any such extension. Any extension shall be dependent on the owner(s) assurance that the affected parts of the structure will not be occupied pending appropriate cleanup or demolition.
- (D) The owner(s), occupant(s) or their contractor shall provide documentation of the cleanup and remediation, including but not limited to follow-up environmental testing as deemed necessary, to the Building Official. Review and determination of acceptable cleanup must be made by the Building Official prior to re-occupancy of the property.

610.020 Owner's Responsibility for Cost. The owner of the site is responsible for the costs of vacating the site and surrounding areas, testing, clean-up and public

expenses. Public expenses include all costs that have or may be incurred by the City and other public agencies including but not limited to, costs for:

- (A) Emergency Response
- (B) Posting and physical security of site
- (C) Notification of affected parties
- (D) Expenses related to the recovery of costs, including the assessment process
- (E) Laboratory fees
- (F) Clean-up fees
- (G) Administrative fees

610.021 Recovery of Public Costs. The City is authorized under Minnesota Statutes 463 to proceed within ten (10) business days after mailing of notification, to initiate the assessment and cleanup when the property owner (a) is not located, (b) is located but fails to respond appropriately, or (c) notifies the City that the owner refuses to or cannot pay the costs or arrange timely assessment and cleanup that is acceptable to the Building Official.

- (A) The City may abate the nuisance by removing any hazardous structure, building, or otherwise, in compliance with Minnesota Statutes Chapter 463 or by any other means provided under law.
- (B) If the City abates the public health nuisance, it may recover all costs associated with such abatement.
- (C) In addition to any other legal remedy, the City may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner that taxes and special assessments are certified and collected pursuant to Minnesota Statutes §429.101

610.022 Authority to Modify or Remove Declaration of Public Health Nuisance. The Building Official is authorized to modify the Declaration of chemical investigation site public health nuisance. Such modifications or removal shall be only after the Building Official has determined levels of contamination are sufficiently reduced through remediation to warrant modification or removal of the declaration. The Building Official may rely on information from competent sources, including those supplied by the property owner(s) and/or others such as state and local health, safety, and pollution control authorities to reach such decisions.

611 Domestic Partner Registry

611.010 Purposes and Findings. The City of Shoreview authorizes and establishes a voluntary program of registration for domestic partners. The domestic partnership registry is a means by which unmarried, committed couples who reside in Shoreview and who share a life together may document their relationship.

Shoreview's Domestic Partnership ordinance is a City ordinance and does not create rights, privileges or responsibilities that are available to married couples under state or federal law.

The City of Shoreview cannot provide legal advice concerning domestic partnerships. Applicants and registrants may wish to consult with an attorney for such advice including but not limited to: wills, medical matters, finances and powers of attorney, children and dependents, medical and health care employment benefits.

611.020 Definitions:

(1) Domestic Partners. Any two adults who meet all of the following:

- (a) Are not related by blood closer than permitted under marriage laws of the state.
- (b) Are not married.
- (c) Are competent to enter into a contract.
- (d) Are jointly responsible to each other for the necessities of life.
- (e) Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status.
- (f) Do not have any other domestic partner(s).
- (g) Are both at least 18 years of age.
- (h) At least one of whom resides in Shoreview.

(2) Domestic Partnership. The term "domestic partnership" shall include, upon production of valid, government-issued documentation, of said relationship in addition to domestic partnerships registered with the City of Shoreview, and regardless of whether partners in either circumstances have sought further registration with the City of Shoreview:

- (a) Any persons who have a currently-registered domestic partnership with a governmental body pursuant to state, local or other law authorizing such registration. The term domestic partnership shall be construed to include unions, regardless of title, in which two individuals are committed to one another as married persons except for the traditional marital status.

- (b) Marriages that would be legally recognized as a contract of lawful marriage in another local, state or foreign jurisdiction, but for the operation of Minnesota law.

611.030 **Registration of Domestic Partnerships.** The City Clerk shall accept an application in a form provided by the City to register domestic partners who state in such application that they meet the definition of domestic partners.

The City Clerk shall charge an application fee for the registration of domestic partners or notices of termination. The fees required by this Section shall be in the amount set forth in Exhibit A: Administrative Fees.

The City Clerk shall provide each domestic partner with a registration certificate. The registration certificate shall not be issued prior to the third working day after the date of the application.

This application and certificate may be used as evidence of the existence of a domestic partner relationship.

The City Clerk shall keep a record of all registrations of domestic partnership, amendments to registrations and notices of termination. The records shall be maintained so that amendments and notices of termination are filed with the registration of domestic partnership to which they pertain.

The application and amendments thereto, the registration certificate, and termination notices shall constitute government data and will be subject to disclosure pursuant to the terms of the Minnesota Government Data Practices Act.

611.040 **Amendments.** The City Clerk may accept amendments for filing from persons who have domestic partnership registrations on file, except amendments which would replace one of the registered partners with another individual.

611.050 **Termination of Domestic Partnership.** Domestic partnership registration terminates when the earliest of the following occurs:

- (A) One of the partners dies; or
- (B) Forty-five days after one partner sends the other partner written notice of termination and that he or she has terminated the partnership by filing a notice with the City Clerk.

611.060 **City Fees.** If the City of Shoreview offers a family fee, family membership or family registration, domestic partners are entitled to the same family fee, family membership or family registration.