

CITY OF WOODLAND CODE OF ORDINANCES

CHAPTER 4
PUBLIC HEALTH AND SAFETY

CHAPTER 4. PUBLIC HEALTH AND SAFETY

SECTION 400 AIR POLLUTION

400.01 Definitions.

Subd.1. Open Burning. Burning any material in a way where the resultant combustion products are emitted directly into the open atmosphere without passing through an adequate stack, duct or chimney.

Subd.2. Recreational Fires. Wood-burning fireplaces and other recreational fires, provided only wood, coal or charcoal is burned.

Subd.3. Burning Permit. A permit issued by the Council authorizing fires exempted from the general provisions of this Section and setting conditions for the permit, if approved by the City's fire marshal.

400.02 Open Burning Prohibited. Except as provided otherwise in this Section, open burning is prohibited within the City.

400.03 Exemptions from Open Burning Prohibitions. Open burning of the types, and subject to the conditions stated in this Section, are exempt from the prohibition of Section 400.02.

Subd.1. Recreational Fires All recreational fires, including campfires and bonfires. All recreational fires shall be subject to the following general conditions:

- a) the fire must be kept a minimum of 25 feet from any structure;
- b) the fire must be in a non-combustible fire ring or container;
- c) the firewood must be no larger than 36 inches in perimeter and twenty four inches high (3' X 2');
- d) the fire must be attended at all times and there must be a fire extinguisher available or garden hose connected to a water supply readily available for use

Recreational fires that exceed these general standards are prohibited unless a permit has been issued for the fire. At the discretion of the City, recreational fires may be prohibited, and permits for other open burning will not be issued, when atmospheric conditions or local circumstances make such fires hazardous.

Subd.2. Fires under Managed Supervision. Fires for which a burning permit has been obtained from the Council, and where required by State law, from the Pollution Control Agency, but limited to the following:

- (a) Fires purposely set for the instruction and training of public and industrial fire-fighting personnel.
- (b) Fires set for the elimination of a fire hazard which cannot be abated by any other practicable means.
- (c) Fires purposely set for forest or game management and in accordance with the practices recommended by the Minnesota Department of Agriculture and the United States Forest Service.
- (d) The burning of trees, brush, grass and other vegetable matter in the clearing of land, the maintenance of street, road and highway right-of-way, and in accepted agricultural land management practices.

Subd.3. Exemption Exceptions. Exemption to conduct fires under this Section does not excuse the persons from the consequences and damages or injuries which may result, nor does it exempt any person from regulations promulgated by the Minnesota Pollution Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

400.04 Air Pollution Control Regulations. Pursuant to Minnesota Statutes, Section 471.62, the City adopts and incorporates by reference "Air Pollution Control Regulations and Ambient Air Quality Standards," 3-7 and 9-15, inclusive, effective July 7, 1969, and 1-3 and 8, effective June 5, 1970, of the Minnesota Pollution Control Agency as adopted pursuant to Minnesota Statutes, Section 116.07.

SECTION 405 ANIMAL CONTROL

405.01 Definitions. For the purpose of this Section, the following words have the meanings given them in this Subsection:

Subd.1. Animal: Includes cattle, horse, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, feathered birds or fowl, dogs, cats, rodents (guinea pigs, gerbils, hamsters) rabbits, ferrets, reptiles, amphibians, snakes invertebrates, fish, and caged household birds.

Subd.2. Animal Control Officer. A person designated by the Council to perform the duties described in this Section.

Subd.3. At Large. A dog or other animal off the premises of its owner and not controlled by a leash or within a vehicle or similar confinement.

Subd.4. Dangerous Animal. An animal that is a physical threat to human beings or to other animals by reason of one or more attacks of such severity as to cause physical injury.

Subd.5. Owner. Any person owning, keeping, harboring or, acting as custodian of a dog or other animal, or the parent or guardian of any person under the age of 18 years owning, keeping or harboring a dog or other animal.

405.02 Keeping Prohibited.

Subd.1. Limitation. Except as provided in Subd. 2 of this Subsection, no person, family, or group of persons maintaining a common household, may own, keep or harbor within the City.

- (a) Any cattle, horse, mule, sheep, goat, hog, pig, swine, pony, duck, geese, turkey, guinea hens, rodents, rabbits and roosters.
- (b) Any animal, reptile or fowl which by character, habit or disposition is considered wild by nature, such as a wolf, fox, skunk, raccoon, ferret, mink, bobcat, deer, monkey, and any animal which has at least 50 percent of its heritage from any such wild animal.

Subd. 2 Exempted Animals.

- (a) small rodents under five (5) pounds housed indoors

405.03 Dogs

Subd. 1. Identification. No owner may allow a dog to be at large unless a metal tag showing the name and telephone number of the owner is attached to the dog's collar. A dog found at large without the identification tag may be impounded.

405.04 Number of Dogs Kept.

Subd.1. Limitation. Except as provided in Subd. 2 of this Subsection, no person, family, or group of persons maintaining a common household, may own, keep or harbor more than two dogs within the City unless done so under a permit from the City authorizing the keeping of more than two dogs. The permit may be issued by the City Council subject to the following:

- (a) Upon payment of the fee set forth in Section 305.02, permits will be issued on an annual basis, expiring December 31 following the date issued.
- (b) There must be compliance with all other provisions of this Section.

- (c) The Council may revoke the permit for failure to comply with any provision of this Section.
- (d) The permit may impose any restrictions or conditions deemed necessary to protect neighboring property from unreasonable noise, unsanitary conditions, or other annoyance.
- (e) The Council may refuse to issue the permit if a neighboring property owner objects to issuance of the permit or if in the opinion of the Council the neighboring property cannot be adequately protected from unreasonable noise, unsanitary conditions or other annoyance.

Subd.2. New Born Dogs. Puppies born to a dog kept within the City may be kept by the owner for a period of 90 days after birth without constituting a violation of Subdivision 1 of this Subsection. Upon expiration of the 90-day period, the provisions of Subdivision 1 will apply.

405.05 Violations.

Subd.1. Owner Violations. An owner is in violation of this Code if the owner's dog or other animal does any one or more of the following:

- (a) Be at large without the identification tag required under Subsection 405.02.
- (b) Habitually knock over garbage cans or damage the property of anyone other than the animal owner.
- (c) Unreasonably disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably disturb the peace and quiet" shall include, but is not limited to, the creation of any noise by any dog or other animal which can be heard by any person, including the Animal Control Officer or a law enforcement officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period.
- (d) Attack or threaten to attack people or animals.
- (e) Charge or molest passersby, bicycles or vehicles.
- (f) Be designated by the Animal Control Officer as a menace to the public health, safety or welfare.

Subd.2. Other Violations. It is unlawful for any person to:

- (a) Own or keep a rabid dog.

- (b) Own or keep a dangerous animal, unless confined within a building or other secure enclosure or muzzled and in the control of a competent person.
- (c) Interfere with the valid enforcement of this Section.
- (d) Intentionally kill or injure any dog or cat unless in defense of himself or another person or unless such animal has been determined to be rabid; provided, however, that this Subsection will not apply to the humane destruction of diseased or injured animals by a veterinarian or as otherwise herein provided.
- (e) Permit any female dog in heat to be at large or to be unconfined so that it can come into contact with another dog, whether on or off the premises of the owner, except for breeding purposes within a building or other secure enclosure.

Subd. 3 Penalties. Any person violating any provision of this Section, upon conviction, will be deemed guilty of a misdemeanor.

405.06 Enforcement.

Subd.1. Dog Pound and Animal Control Officer. The Council will designate a dog pound for keeping dogs or other animals which may be taken into custody pursuant to this Section. The Animal Control Officer will have the authority of a police officer with respect to enforcement of this Section.

Subd.2. Impounding. The Animal Control Officer and his authorized representatives have the right to enter upon any public or private land within the City for the purpose of discharging the duties imposed by this Section where there is probable cause to believe that a violation of this Section has been committed. The Animal Control Officer and his representatives may enter a residential dwelling to enforce this Section only with the consent of the occupant or under an appropriate court order or warrant. The Officer or his authorized representative may seize and impound any dog in violation of this Section. Any dog impounded under this Section, except for purpose of rabies observation, will be cared for in the dog pound until claimed by its owner as hereinafter provided, or for a period of not less than seven days.

Subd.3. Release of Impounded Dogs. A dog impounded by the City will be released to the owner upon payment to the Clerk, or the Clerk's authorized representative, of the fee set forth in Section 305.02. The owner must also pay any additional sums incurred by the City as a boarding charge for each day or portion thereof that the dog is kept in the dog pound. All money collected under this Section will be deposited in the City's general fund.

Subd.4. Disposal of Unclaimed Animals. If a dog remains unclaimed after being impounded for at least seven days, the dog may be sold by the City at private sale, or the Animal Control Officer or his authorized representative may dispose of the animal in

a humane manner, or the dog may be used for scientific purposes pursuant to the provisions of Minnesota Statute, Section 35.71.

405.07 Care and Disposition of Injured or Dead Animals. An injured or diseased animal found off the owner's premises will be returned to its owner, if identifiable, for care or disposal. If the owner is unknown or unavailable, the animal will be impounded as provided in Subsection 405.06 unless in the opinion of the Animal Control Officer it is more humane to destroy the animal. Any dead dog or cat found off the owner's premises will be returned to its owner, if identifiable. If the owner is unknown, the dead animal shall be disposed of by the City.

405.08 Control of Rabies.

Subd.1. Impoundment of Rabies Suspects. A dog or other animal displaying rabies symptoms, or which has bitten a person and caused abrasion or puncture of the skin, may be seized at any place and time and will be confined in the dog pound or under the supervision of a licensed veterinarian, at the expense of the owner, until found to be free from rabies; provided, however, if the animal has been vaccinated against rabies as herein required, and the owner states in writing that the animal will be properly confined, the animal may remain on the owner's premises.

Subd.2. Killing of Rabies Suspects. If a dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and cannot be seized and impounded without serious risk, it may be killed by the Animal Control Officer or a police officer.

Subd.3. Destruction of Rabid Animals. For the purposes of this Section, a bat, skunk, raccoon, fox, or other wild animal that bites a person or a domestic animal will be presumed to be rabid and will be destroyed, with care taken to preserve the head, and will be delivered without delay to the most available facility for rabies testing.

405.09 State Law. The provisions of Minnesota Statute, Sections 35.67 (Rabies; Board, Health Officer; Duties), 35.68 (Rabies; Proclamation; Publication) and 35.69 (Unmuzzled Dogs Not Permitted at Large after Proclamation) are made a part of this Section by reference.

SECTION 406 DANGEROUS DOGS

Section 406.01 Definitions. For the purpose of this Section, the following terms are defined as follows:

Subd. 1. Dangerous Dog. "Dangerous Dog" means any dog that has:

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

- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 2. Potentially Dangerous Dog. "Potentially Dangerous Dog" means any dog that:

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

Subd. 3. 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 dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Subd. 4. Owner. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

Subd. 5. Substantial Bodily Harm. "Substantial Bodily Harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Subd. 6. Great Bodily Harm. "Great Bodily Harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Subd. 7. Animal Control Authority. "Animal Control Authority" means a person designated by the Council to perform the duties described by this Section, or such person's designated representative.

Subd. 8. Provocation. “Provocation” means an act that an adult could reasonable expect may cause a dog to attack or bite.

Subd. 9. Impartial Hearing Officer. “Impartial Hearing Officer” shall be the Woodland Public Safety Committee.

406.02 Registration of Dangerous Dogs.

Subd. 1. Requirement. No person may own a dangerous dog in the City unless the dog is registered as provided in this Section.

Subd. 2. Registration. An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

- (1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;
- (2) a surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the animal control authority in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;
- (3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this Section; and
- (4) the owner has had microchip identification implanted in the dangerous dog as required under Section 406.03.

Subd. 3. Warning Symbol. If the City issues a certificate of registration to the owner of a dangerous dog pursuant to Subd. 2, the City must provide for posting on the owner’s property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the Commissioner of Public Safety.

Subd. 4. Annual Notification. If the City issues a certificate of registration to the owner of a dangerous dog pursuant to Subd. 2 above, or if the City has determined a dog to be a potentially dangerous dog as defined in Section 406.01, Subd. 2, the City must provide annual notification to all property owners within 350 feet of the dog owner’s property. Annual notification shall include the address of the owner and the reason for its designation as a dangerous dog or a potentially dangerous dog.

Subd. 5. Fee. The City shall charge the owner an annual fee set forth in Section 305.02, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this Section.

Subd. 6. Dangerous Dog Designation Review. Beginning six months after a dog is declared a dangerous dog, an owner may request annually that the animal control authority reviews the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, and completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

Subd. 7. Exemption. Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

- (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
- (2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog;
- (3) who was committing or attempting to commit a crime; or
- (4) employed as a law enforcement official that used dangerous dogs for police work.

Subd. 8. Tag. A dangerous dog registered under this Section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

Subd. 9. Contracted Services. The City may contract with another political subdivision or other person to provide the services required under this Section. Notwithstanding any contract entered into under this subdivision, all fees collected under Section 406.02, Subd. 5, shall be paid to the City and all certificates of registration must be issued in the name of the City of Woodland.

406.03 Microchip Identification. The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to the purchase of an implantation of the microchip must be borne by the dog's owner.

406.04 Dangerous Dog Requirements.

Subd. 1. Proper Enclosure or Muzzle. An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

Subd. 2. Registration Renewal. An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the City, it must be registered as a dangerous dog in its new jurisdiction.

Subd. 3. Notification upon Death or Transfer. An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

Subd. 4. Sterilization. An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.

Subd. 5. Renter. A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering into the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

Subd. 6. Sale of a Dangerous Dog. A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

406.05 Confiscation.

Subd. 1. Seizure. The animal control authority shall immediately seize any dangerous dog if:

- (1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under Section 406.02;

- (2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under Section 406.02, Subd. 2;
- (3) the dog is not maintained in the proper enclosure;
- (4) the dog is outside the proper enclosure and not under physical restraint of a responsible owner as required under Section 406.04, Subd. 1;
- (5) the dog is not sterilized within 30 days, pursuant to Section 406.04, Subd. 4, or
- (6) if an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Subd. 2. Reclaimed. A dangerous dog seized under Section 406.05, Subd. 1, may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of Sections 406.02 and 406.04 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under 405.05, Subd. 4, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

Subd. 3. Subsequent Offenses; Seizure. If a person has been convicted of a misdemeanor for violating a provision of Section 406.02, 406.03, or 406.04, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under 405.04, Subd. 4.

406.06 Disposition of Seized Animals.

Subd. 1. Hearing. The owner of any dog declared dangerous has the right to a hearing by an impartial hearing officer.

Subd. 2. Security. A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security may be posted within seven days of the seizure inclusive of the date of the seizure.

Subd. 3. Notice. The authority declaring the dog dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

- (a) a description of the seized dog; the authority for and purpose of the dangerous dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept;
- (b) a statement that the owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section.
- (c) a statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of Section 406.04, Subd. 1 and 3, and until such time as the hearing officer issues an opinion;
- (d) a statement that if the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of Sections 406.02, 406.03 and 406.04.
- (e) a form to request a hearing under this subdivision; and
- (f) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

Subd. 4. Right to Hearing. Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the hearing. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the City.

406.07 Restrictions.

Subd. 1. Dog Ownership Prohibited. Except as provided in Subd. 3, no person may own a dog if the person has:

- (1) been convicted of a third or subsequent violation of Section 406.02, 406.03 or 406.04;
- (2) been convicted of a violation under Minnesota Statutes Section 609.205, clause (4);
- (3) been convicted of a gross misdemeanor under Minnesota Statutes Section 609.226, Subd. 1;
- (4) been convicted of a violation under Minnesota Statutes Section 609.226, Subd. 2; or
- (5) had a dog ordered destroyed under Section 406.09 and been convicted of one or more violations of Section 406.02, 406.03, 406.04 or Minnesota Statutes 609.226, Subd. 2.

Subd. 2. Household Members. If any member of a household is prohibited from owning a dog in Subd. 1, unless specifically approved with or without restrictions by an animal control authority, no person in the household is permitted to own a dog.

Subd. 3. Dog Ownership Prohibition Review. Beginning three years after conviction under Subd. 1 that prohibits a person from owning a dog, and annually thereafter, the person may request that the City review the prohibition. The City may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the City deems appropriate. The City may rescind the prohibition entirely or rescind it with limitations. The City also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the City rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the City or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the City may permanently prohibit the person from owning a dog in this state.

406.08 Penalties.

Subd. 1. A person violating a provision of Section 406.02, 406.03 or 406.04 is guilty of a misdemeanor.

Subd. 2. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.

Subd. 3. A person who is convicted of a second or subsequent violation of Subd. 1 or 2 is guilty of a gross misdemeanor.

Subd. 4. A owner who violates Section 406.07, Subd. 1, is guilty of a gross misdemeanor.

Subd. 5. Any household member who knowingly violates Section 406.07, Subd. 2, is guilty of a gross misdemeanor.

406.09 Destruction of Dog in Certain Circumstances.

Subd. 1. Circumstances. Notwithstanding Sections 406.01 to 406.08, a dog may be destroyed in a proper and humane manner by the City if the dog:

- (1) inflicted substantial or great bodily harm on a human on public or private property without provocation;
- (2) inflicted multiple bites on a human on public or private property without provocation;
- (3) bit multiple human victims on public or private property in the same attack without provocation;
- (4) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

Subd. 2. Hearing. The City may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker.

SECTION 407 CHICKENS

407.01. Animals and Fowl-Keeping, Treatment, and Housing

Subd. 1 Definitions. For the purpose of this Section, the following words have the meanings given them in this Subsection:

- (a) Chicken, a domestic fowl, *Gallus domesticus*, descended from various jungle fowl of southeastern Asia and developed in a number of breeds for its flesh, eggs, and feathers.
- (b) Coop means the structure for the keeping or housing of chickens permitted by the ordinance
- (c) Hen means female chicken

- (d) Rooster means a male chicken
- (e) Run means a fully enclosed area attached to a coop where the chickens can roam

Subd 2. Keeping of Chickens. No person shall own, harbor, or keep within the City a hen chicken unless a valid permit for such chicken has been obtained pursuant to the provisions stated herein.

- (a) Upon payment of the fee set forth in Section 305.02, permits will be issued on an annual basis, expiring December 31 following the date issued.
- (b) There must be compliance with all other provisions of this Section.
- (c) The permit may impose any restrictions or conditions deemed necessary to protect neighboring property from unreasonable noise, unsanitary conditions, a public health risk or other annoyance.
- (d) A permit shall be obtained prior to construction of the coop and run. An initial inspection of the property, coop, and run is required upon completion of the structures. A similar inspection is also required for permit renewals.
- (e) The City may inspect the property at any time to ensure compliance with the provisions of this Section or for any other reason.
- (f) A permit issued by the City shall not be transferable.
- (g) The permit is subject to revocation by the Council if found to present noxious odors, excessive noise levels, poorly maintained coop, unsanitary or inhumane conditions, failure to restrain chickens to their run, a public health risk and failure to comply with any provision of this Section.

Subd. 3 General

- (a) The keeping of roosters is prohibited.
- (b) No more than five (5) chickens shall be kept on any one (1) premise.
- (c) Chickens must be confined on the permitted premise at all times, in a chicken coop or chicken run, and may not be kept in any part of a principal dwelling or the garage.
- (d) All chicken grains and feed must be stored in a rodent proof container.
- (e) The use of chickens for cockfighting is prohibited.

- (f) The City will accept no responsibility for the loss of chickens to predators.

Subd. 4. Coop and Run

- (a) All chickens shall be provided access to both a coop and a run.
- (b) A scaled drawing shall be submitted with the application that includes the following:
 - 1. Location of the coop and run from the principal dwelling. Any chicken coop/run shall be set back at least twelve (12) feet from the principal dwelling; and
 - 2. Location of the coop and run from the well head. Any coop/run shall be set back at least fifty (50) feet from a well head; and
 - 3. Location of the coop and run from principal dwellings on adjacent lots. Any coop/run shall be set back fifty (50) feet from principal dwellings on adjacent lots; and
 - 4. Location of the coop and run from the property line. Any coop/run shall be set back thirty (30) feet from the property line.
 - 5. Location of the coop and run from a delineated wetland edge, top of bank of a pond, filtration basin. Any coop or run shall be set back at least twenty five (25) feet from a delineated wetland edge, top of bank of a pond, filtration basin.
- (c) A drawing of the coop and run that includes all dimensions shall be submitted by the applicant.

All items must be submitted to the City along with the application and fee 30 days prior to City Council consideration.
- (d) The coop and run shall not be placed in the front yard.
- (e) No coop or run shall be located in any form of easement or right-of-way.
- (f) The coop shall be screened view by neighbors upon their request.
- (g) The coop shall not be visible from Lake Minnetonka.
- (h) The coop and run shall be completely enclosed and rodent proof.

- (i) The coop shall provide adequate ventilation and protection from the elements and be winterized.
- (j) All fencing and electrical work associated with the chicken coop or run shall be consistent with the building and zoning codes and all appropriate permits and licenses shall be obtained therefore.
- (k) In no case shall the maximum, total coop and run surface coverage limit exceed 150 square feet.
- (l) The coop shall be elevated a minimum of twelve (12) inches above ground and no part of the coop may not exceed a height of ten (10) feet as measured from the ground.
- (m) The coop and the treatment of chickens shall meet the generally accepted standards for animal husbandry adopted by the commercial egg production industry, as revised from time to time by industry association(s).
- (n) The coop and run must be removed from the property when chickens are no longer kept.
- (o) The coop and run shall not be considered permanent structures and shall not have permanent footings.

SECTION 410 TRASH, GRAVEL, JUNK CARS AND ABANDONED OR UNSAFE STRUCTURES

410.01 Trash. No person may cause or permit any garbage, tin cans, paper, ashes, junk, or other trash or refuse to be dumped, thrown, scattered or deposited upon any street, highway or other public land, or upon any private land or premises within the City.

410.02 Gravel. Unless authorized to do so by the Council, no person may cause or permit any loose gravel, aggregate, crushed rock, or sand to be deposited upon any street or highway within the City in an amount that causes damage to the surface of the street or highway, or creates a hazard or inconvenience to the public. Deposits from a driveway or property by reason of flow of surface waters or by vehicular traffic will be considered to have been permitted by the owner of the driveway or property.

410.03 Junk Vehicles.

Subd.1. Definitions. "Junk vehicle" means a vehicle which is (a) not in operable condition, or (b) partially dismantled, or (c) used as a source of repair or replacement parts for other vehicles, or (d) kept for scrapping, dismantling, salvage or sale of parts.

A junk vehicle which remains on public or private land for more than seven days will be considered abandoned.

Subd.2. Restrictions. No person may cause or permit any junk vehicle to be parked, displayed, stored, placed or abandoned within the City upon any street or other public land, or upon any private land or premises other than in an enclosed building.

410.04 Abandoned or Unsafe Structures.

Subd.1. Council Determination. The Council may determine that a building or structure is abandoned or unsafe if it finds that it has not been occupied or used for one year prior to the determination and if it is a nuisance, a hazard to children or other persons or detrimental to the use or value of surrounding property. The Council may determine that other unsafe conditions exist if the conditions present a hazard to the health or safety of children or other persons.

Subd.2. Regulations. No owner may cause or permit any abandoned or unsafe building or structure, or other unsafe condition, to remain on the owner's property within the City.

Subd.3. Removal. An owner must promptly remove any abandoned or unsafe building or structure, or otherwise remedy any other unsafe condition, upon receipt of notice by the Council.

410.05 City Removal. If trash, junk vehicles or abandoned or unsafe buildings or structures exist in violation of this Section 410, the Council may order their immediate removal at the cost of the owner of the property on which they are located and may proceed as authorized by State law to abate the condition constituting the violation and to assess the cost against the property.

SECTION 415 NUISANCES

415.01 Definitions

Subd. 1. Public Nuisance Defined. Whoever by an act or failure to perform a legal duty intentionally does any one or more of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (a) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.
- (b) Interferes with, obstructs or renders dangerous for passage, any public highway or right-of-way, or waters used by the public.
- (c) Commits any other act or omission declared by law or this Code to be a public nuisance and for which no sentence is specifically provided.

Subd. 2. Construction activity shall include, but not be limited to:

- (a) Clearing, dredging, excavating, and grading of land.
- (b) The use or movement of manual tools, or any kind of electric, diesel or gas powered equipment and construction materials or supplies commonly employed in building, excavation, or roadway construction.
- (c) The delivery, organization, or distribution of building materials or equipment associated with building, and
- (d) The congregating of workers outdoors at or near the construction site, except where workers remain in their vehicles.

Subd.3. Commercial property maintenance activity shall include, but not be limited to:

- (a) The use of manual, power and maintenance equipment, lawn mowers, chain saws, leaf blowers, tractors, commercial vehicles, excavation equipment, generators, and compressors.
- (b) Deliveries of landscaping supplies and equipment, and
- (c) The gathering together of workers on site.

415.02 Public Nuisances Affecting Health. The following are declared to be nuisances affecting health:

- (a) Exposed accumulation of decayed or unwholesome food, vegetable matter, meat, fish, excrement, manure, refuse, debris, or other offensive substance.
- (b) Diseased animals running at large.
- (c) Carcasses of animals not buried or destroyed within 24 hours after death.
- (d) Pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
- (e) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.

415.03 Public Nuisances Affecting Morals and Decency. The following are declared to be nuisances affecting public morals and decency:

- (a) Drinking of alcoholic beverages on public streets, parking lots or parks.

- (b) Public exposure by a person of his or her unclothed genital organs, or public exposure by a woman of her unclothed breasts.

415.04 Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety and shall be enforced by the police department and, or the zoning coordinator:

- (a) Construction activity, as defined in Section 415.01, Subd. 2, and commercial property maintenance activity as defined in Section 415.01, Subd. 3, at any time other than the hours of 7:00 a.m. to 6:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays and no such activity is permitted on Sundays or on the following public holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Noise from equipment used during the removal of snow and generators and equipment used during power outages or other emergencies shall be exempt from the restrictions under this subsection.
- (b) Use of any public or private street or easement for fishing.
- (c) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.
- (d) All unnecessary noises and annoying vibrations.
- (e) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law.
- (f) Radio aerials or television antennae erected or maintained in a dangerous manner.
- (g) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk.
- (h) All hanging signs, awnings and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as required by this Code.
- (i) Any barbed wire fence.
- (j) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- (k) Wastewater cast upon or permitted to flow upon streets or other public property.

- (l) Accumulations in the open of discarded or disused machinery, household furniture and appliances, automobile bodies or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation or which endangers the health, safety or welfare of the public or adversely affecting the peaceful enjoyment of neighboring properties.
- (m) The leaving of any unused ice box, refrigerator or other box or appliance, with a door on it which will effectively exclude air when shut, in any public place or on any private property.
- (n) Any well, hole or similar excavation which is left uncovered, or in such other condition as to constitute a hazard. Any construction in or adjacent to any street or sidewalk must be secured by a metal or wooden fence at least 4 ½ feet in height with posts no more than 6 feet apart, and must be illuminated with red or yellow lights from sunset to sunrise.
- (o) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials.
- (p) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance.
- (q) The depositing of garbage or refuse on a public right-of-way or on adjacent private property.
- (r) Any gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. No person may visit or remain in or about a residential dwelling wherein such a party or gathering is taking place, except persons who reside at that dwelling or have gone there for the sole purpose of abating the disturbance.
- (s) The parking, storing or keeping on any public or private property of any automobile or truck which is not currently licensed under the laws of the State or other state or federal law, excluding, however, vehicles kept within a fully enclosed garage or other building, and excluding impounded vehicles held by the City.
- (t) All other conditions or things which are likely to cause injury to the person or property of anyone.
- (u) Use or possession of fireworks by any person.

- (v) Aiding, abetting, facilitating or causing the escape of a person by force or fraud from the custody of a police officer.
- (w) Removal, damage or other interference with any barricade erected to protect any excavation, grading, paving, construction or other work.
- (x) The first 30 feet back from the public right-of-way upon any property which exists noxious weeds as defined in Minnesota Statutes, Section 18.77, Subd. 8 or poisonous vegetation such as poison ivy, or weeds, grass, brush or other plants which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.
- (y) The length of grasses commonly used in lawn areas including blue grass, fescue or rye grass blends of similar grasses shall not exceed eighteen (18) inches in length, excluding grasses on steep slopes or adjoining ponds, wetlands and lakes.

415.05 Abatement. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer may issue a citation for the violation and/or may give written notice to the owner or occupant of the premises of that fact and order that the nuisance be terminated and abated. The notice may be served in person or by mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. If such order is given, it will specify the steps to be taken to abate the nuisance and the time, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer will report that fact to the Council. The Council may then, after notice to the owner or occupant and an opportunity to be heard, provide for abatement of the nuisance by the City. The notice will be served in the same manner as notice by the enforcing officer is served and will be given at least 10 days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least 30 days must elapse between the day of posting and the hearing. The giving of such notice and the abatement of the nuisance by the owner will have no effect on the City's ability to prosecute the owner or occupant of the property for violation of this ordinance.

415.06 Recovery of Cost.

Subd.1. Personal liability. The owner of premises on which a nuisance has been abated by the City is personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Clerk or other official designated by the Council will prepare a bill for the cost and mail it to the owner. The bill will be immediately due and payable at the office of the Clerk.

Subd.2. Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks or paths, the growth of

weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the Clerk will, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The Council may then assess the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.

SECTION 420 TRESPASS

420.01 Definitions. For the purpose of this Section, the following words have the meanings given them in this Subsection:

Subd.1. Picnic or Picnicking. Eating a lunch or other meal consisting of food or bottled liquids prepared or obtained elsewhere than at the place of the picnic by one or more persons either in the open air or in a parked vehicle.

Subd.2. Private Premises. Privately owned property that can include both dry land and land below the publicly owned waters.

420.02 Trespass Prohibited. Any person who enters upon any private premises or dock of which he is not the owner, lessee or licensee, within the City, without permission of the owner, lessee, or licensee of the premises for the purpose of picnicking, hunting or fishing; or any person who enters upon the premises or dock of another and who fishes thereon, therefrom or adjacent thereto, or who picnics on or hunts thereon, is guilty of an unlawful trespass.

420.03 Picnicking in Right-of-Way. It is unlawful for any person to picnic on any public road or highway right-of-way within the City.

SECTION 425 WEAPONS

425.01 Definition. The term “weapon” includes: (a) all firearms, including rifles, shotguns and pistols; (b) all bows and arrows, when arrows are pointed tipped; (c) B-B guns, pellet guns and other instruments used to expel pellets of any kind at high velocity, whether by spring, compressed air or gas, or other means; (d) sling shots.

425.02 Possession.

Subd.1. Carrying Weapons. No person may have any weapon in his possession in any public place in the City unless it is contained in a case and is unloaded in both the barrel and the magazine.

Subd.2. Motor Vehicles. No person may have any weapon in a motor vehicle unless it is unloaded in both the barrel and the magazine and is contained in a case or carried in the trunk of the vehicle.

Subd.3. Exceptions. This Section does not apply to peace officers, military personnel while on duty, or persons holding a valid permit issued under the authority of Minnesota Statutes, Sections 624.711 through 624.717.

425.03 Aiming Forbidden. No person may aim a weapon, whether loaded or not, at or toward any person, nor discharge a weapon where there is any person to be endangered, even though no injury actually results.

425.04 Firearm Permits.

Subd.1. Permit Required. It is unlawful for any person to fire off, discharge or explode any weapon within the City limits without having in his possession a current and effective permit to do so issued by the Council.

Subd.2. Issuance. The Council may issue a firearm permit to any person it deems suitable for a period not to exceed one year and upon such terms and conditions as are determined by the Council. A permit will not be issued contrary to rules, regulation or statutes of the State or its administrative agencies or departments.

Subd.3. Revocation. The Council may summarily revoke a firearm permit at any time.

Subd.4. Exception. This Section does not prevent the carrying of a handgun within the City under a permit subject to the restrictions imposed by law.

425.05 Minors Not to Use Firearms. No person under the age of 18 years may have a weapon in his or her possession or control, except while accompanied by or under the immediate supervision of a parent, guardian or other adult.

425.06 Controlled Harvest of Deer or Other Animals or Birds By The City. The city of Woodland may, without violating the provisions of Section 425 of this chapter, authorize a controlled harvest of deer population, or any other animals or birds, and in so doing permit the discharge of such firearms, bow and arrows or use of traps as deemed appropriate during such harvest. Prior to any such controlled harvest by authorization of City, the Council shall request the Chief of Police, or his designated representative, a report on the population within the City of the type of animal or bird to be harvested.

A report recommending the removal of deer shall discuss the number of deer/auto accidents within the City, reports of loss of ornamental trees or shrubs, deer sightings or such other information as deemed necessary or an actual survey of the deer population.

In the event the City shall permit such controlled harvesting the same shall be conducted in the area of the city and pursuant to and only in accordance with the rules, regulations and in the manner promulgated by the City.

SECTION 430 FIRE RESPONSE

430.01 Outside Fire Service. The officers and employees of a city, and any members of a volunteer fire department of a city, that the City of Woodland contracts with for fire service, are authorized to enter upon private property within the City of Woodland for the purpose of extinguishing any fire in response to a call.

430.02 Fire Call Service Fee.

- (a) The City of Woodland shall collect from the owner of record of the property requiring a fire response a portion of whatever sum the City is obligated to pay to the city providing fire protection, whether the fire call was real, a false alarm, or an unintentional call.
- (b) Fees for all fire calls (real, false alarm, or unintentional) are set by the City Council and specified in Section 305.02 of the City's Code of Ordinances.
- (c) Upon receipt of a fire call notice from the city, providing fire service to Woodland, the City Clerk shall notify the owner of record of the property requiring a fire response that a fire call service fee is due.
- (e) An owner of record charged a fire call service fee may make a written appeal to the Council within 10 days of receipt of notice from the City that a fire call service fee is due. The City Council, at its next meeting, shall make a determination as to whether the appellant is to be charged for the fire call.
- (d) All fees charged to the property owner are due and payable to the City Treasurer 30 days after either a notice in writing from the Clerk or 30 days following a determination by the City Council that a fee is due, if a later date. If the required payment is not made within 60 days of such notice or determination, an additional delinquency charge of \$100 will be added and will be payable by the owner.

430.03 Certification of Delinquent Payments. All unpaid charges shall be a lien upon the premises when due. All charges which on September 30 of each year are more than 60 days past due shall be certified by the City Clerk to the County Auditor to be extended by the Auditor on the tax rolls against the premises in the same manner as other taxes, and shall be collected by the County and paid to the City.

430.04 Allocation of Costs Among Properties. If the Council determines that a property in the vicinity of a fire has been protected or saved from damage by the fire department of a city that the City of Woodland has a contract with, the City Council may allocate a portion of the fire call service fee to the property in the vicinity of the fire on whatever basis the City Council deems just and equitable. The owner of property against which a portion of the fee has been allocated will be obligated to reimburse the City of Woodland

for whatever amount the City Council has allocated to the property, in the same manner as prescribed in Subsection 430.02.

SECTION 440 WATER SUPPLY

440.01 Water Quality. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

440.02 Private Wells. Private wells must be located, constructed, maintained and sealed in compliance with the Water Well Construction Code of the Minnesota Department of Health.

SECTION 445 FALSE ALARMS - POLICE

445.01 General Definitions. For the purposes of this section, certain words and terms shall have the following meanings:

- (a) Alarm User. This means the person, firm, partnership, association, corporation, a company or organization of any kind in control of any building, structure, or facility where an alarm system is maintained.
- (b) Alarm System. This means and includes any alarm installation designed to be used for the prevention or detection of burglary, robbery, fire or a medical condition on a premises which contains the alarm installation. Auto alarm devices shall not be considered an alarm system under this section. An alarm which alerts an alarm user on the premises and requires the user to make a personal inspection of the premises and then a personal phone call to the Police or Fire Department (such as a smoke and CO detector or automobile alarm) is not considered an alarm system under this section.
- (c) False Alarm. This means an alarm signal eliciting a response by Police or Fire personnel when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence or deliberate act of the owner or lessee of the alarm system or of his/her employees or agent. False alarms do not include alarms 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 owner.

445.02 False Alarm Fees. If an alarm user has been notified of an alarm system which reports three false alarms to the City in a single calendar year, the alarm user will be charged a user fee of \$50.00 per false alarm in excess of three false alarms in a calendar year; \$100.00 per false alarm in excess of six false alarms in a calendar year, and \$150.00 per false alarm in excess of ten false alarms per calendar year.

445.03 Appeal of Fee. Any alarm user charged the user fee under Section as a result of false alarms may make a written appeal to the Chief of Police within 10 days of notice by the City of the false alarm fee. A decision by the Chief of Police may be appealed to the City Council, who will have authority to make a determination as to whether the appellant is to be charged with the false alarm.

445.04 Notice of False Alarm. Upon receipt of the first false alarm report at an address, the Police Department shall by mail attempt to notify the alarm user of the provisions of this ordinance. Upon receipt of the fourth and all subsequent false alarm reports at the address, the City Clerk shall notify the alarm user that an alarm user fee is due.

445.05 Payment of Fees. Payment of user fees must be made to the City Treasurer within 30 days of the date of notice by the City to the alarm user. Failure to pay the fee within 30 days notice will cause the alarm user to be charged an additional service fee equal to 10% of the user fee.

445.06 Collection with Taxes. All delinquent charges for user's fees shall be a lien upon the premises. All charges which are on September 30 of each year more than 45 days past due; shall be certified by the City Clerk to the County Auditor to be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, collected by the County and paid to the City.

445.07 Injunctive Relief. In the event of a violation or a threat of violation of this ordinance, the City may institute appropriate action or proceeding, including requesting injunctive relief to prevent, restrain, correct, or abate such violation or threatened violation.

445.08 Civil Action. In addition to all other legal remedies, if a person fails to comply with the provisions of this ordinance, the City may recover costs, damages, or alarm user fees in a civil action in any court of competent jurisdiction.

SECTION 450 EMERGENCY MANAGEMENT

450.01 Policy and Purpose

Subd. 1. Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure or other major incidents, and in order to insure that preparations of the City will be adequate to deal with such disasters and generally, to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary.

- a) To establish a City emergency management organization responsible for City planning and preparation for emergency government operations in time of disasters.
- b) To provide for the exercise of necessary powers during emergencies and disasters.
- c) To provide for the rendering of Mutual Aid between the City, and other political subdivisions with respect to the carrying out of emergency preparedness functions.
- d) To comply with the provisions of Minnesota Statutes, Chapter 12, known as the Minnesota Emergency Management Act of 1996.
- e) To participate as a member of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee review and accept its emergency plan as the City's basic plan for responses to emergencies, disasters, major incidents, Mutual Aid and other projects consistent with this ordinance and Minnesota Statutes, Chapter 12.

450.02 Definitions

Subd. 1. "Emergency Management" means the preparation for and the carrying out of all emergency functions, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps or other major incidents. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical mitigation, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency Management includes those activities sometimes referred as "Civil Defense" or "Emergency Preparedness" functions.

Subd. 2. "Disaster" means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in major loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Subd. 3. "Emergency" means an unforeseen combination of circumstances, which calls for immediate action to respond, or prevent from developing or occurring.

Subd. 4. "Emergency Management Forces" means the total personnel resources engaged in city-level emergency management functions in accordance with the

provision of this resolution or any rule or order thereunder. This includes personnel from City departments, authorized volunteers, and private organizations and agencies.

Subd. 5. “Emergency Management Organization” means the staff element responsible for coordinating city-level planning and preparation for disaster response. This organization provides City liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities, major incidents, Mutual Aid, and other projects consistent with this ordinance and assures implementation of federal, state, county and other program requirements.

Subd. 6. “Major Incident” means any incident which exhausts local resources.

Subd. 7. “Emergency Management Mutual Aid” means any disaster or major incident which requires the dispatching of City personnel, equipment or other necessary resources within or without the city limits.

Subd. 8. “Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee” (*L.M.R.E.M.P.P.R.C.*) means a committee made up of the Lake Minnetonka area emergency management directors which develops, renews and establishes a basic emergency plan, and identifies and coordinates training for member communities and reviews local plans, exercises, major incidents and disaster responses which are consistent with Section 450.

450.03 Establishment of an Emergency Management Organization

Subd. 1. There is hereby created with the City government an Emergency Management Organization, which shall be under the supervision and control of the Emergency Management Director, hereinafter called the “director”. The director shall be appointed by the Mayor. (*The L.M.R.E.M.P.P.R.C. recommends the Chief Law Enforcement Officer be appointed the director*). The director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization.

450.04 Powers and Duties of the Director

Subd. 1. The director shall represent the City at any regional or state conference for Emergency Management. The director may develop additional Mutual Aid agreements with other political subdivisions of the state for reciprocal emergency management Aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the City for its action. Such arrangements shall be consistent with the Emergency Plan. The director shall also be the City’s representative on the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee.

Subd. 2. The director shall make assessments of personnel, businesses and industries, resources and facilities of the City as deemed necessary to determine their

adequacy for Emergency Management and to plan for their most efficient use in time of an emergency, major incident or disaster.

Subd. 3. The director shall prepare a comprehensive emergency plan for the emergency preparedness of the City and shall present such plan to the City for its approval. When the Council has approved the plan by resolution, it shall be the duty of all City agencies and all emergency preparedness forces of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the basic Emergency Management activities of the City to the end that they shall be consistent and fully integrated with the basic emergency plan of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee, and Federal and State Governments.

Sub. 4. In accordance with the Emergency Plan, the director shall institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the Emergency Plan when a disaster, major incident or Mutual Aid occurs.

Subd. 5. The director, during an Emergency, Major Incident or Mutual Aid, shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City to the maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable, cooperative with and extend such services and facilities to the Emergency Management organization. The head of each department or agency in cooperation with the director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

Subd. 6. The director shall, in cooperation with the existing departments and agencies affected, assist in the organizing, recruiting and training of such Emergency Management personnel that may be required on a volunteer basis to carry out the emergency plans. To the extent that such emergency personnel are recruited to augment a regular department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of said department or agency.

Subd. 7. The director shall carry out all orders, rules and regulations issued by the governing authority with reference to emergency management.

Subd. 8. The director shall prepare and submit such reports on emergency preparedness activities as may be requested by the governing authority.

450.05 Local Emergencies

Subd. 1. The Mayor or their legal successors may declare a local Emergency, including a Disaster, Major Incident or Mutual Aid response. It shall not be continued for a period

in excess of three days except by or with the consent of the governing board of the political subdivision. Any order, or proclamation declaring, continuing, or terminating a local Emergency shall be given prompt and general publicity and shall be filed promptly by the clerk of the local records-keeping agency of the subdivision.

Subd. 2. A declaration of a local Emergency shall invoke necessary portions of the response and recovery aspects of applicable plans including fiscal expenditures, which are consistent with this ordinance.

Subd. 3. No other jurisdictional agency or official may declare a local Emergency unless expressly authorized by the agreement under which the agency functions.

450.06 Emergency Regulations

Subd. 1. Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the City Council, the Council may by resolution promulgate regulations, consistent with the applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulation, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

Subd. 2. Every resolution of emergency regulations shall be in writing: shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the Office of the City Administrator, which copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the Administrator's office shall be conspicuously posted at the front of the city hall or other headquarters of the City or at such other places in the affected area as the Council shall designate in the resolution. By like resolution, the Council may modify or rescind any such regulation.

Subd. 3. The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent such conflict exists.

Subd. 4. During a declared emergency, the director is, notwithstanding any statutory or charter provision on the contrary, empowered through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The director may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law

pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirements for budgets.

450.07 Emergency Management a Governmental Function

Subd. 1. All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

450.08 Participation in Labor Dispute or Politics

Subd. 1. The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute. The director may express professional opinions on legislative or other legal regulations consistent with the areas found in Minnesota Statutes, Chapter 12.

450.09 AUTHORIZING DISPATCH AND USE OF CITY EQUIPMENT AND SERVICES BY THE DIRECTOR IN EMERGENCY SITUATIONS (MUTUAL AID)

Subd. 1. The City finds it desirable and necessary to authorize the director to dispatch City equipment and personnel to local communities who request Aid to combat their emergency, disaster, or major incident consistent with Section 450.

Subd. 2. The director shall evaluate the internal needs of the City, and dispatch appropriate available Aid. The director shall immediately recall, order and terminate the use of any dispatched equipment and personnel when the need for their use no longer exists, or earlier, when it appears in the best interest of the City. Aid requested from outside the Lake Minnetonka Regional area, or extended local Aid within the Lake Minnetonka regional area, shall require Mutual agreement between the director and the city Manager/Administrator or their designee.

Subd. 3. The director shall be fully authorized to act on behalf of the City, and all provisions for compensation of personnel, rental of equipment, liability insurance coverage, workman's compensation insurance and all other safeguards and matters pertaining to the City, its equipment and personnel, shall apply in each case as if specifically authorized and directed at such time, whether or not the governing body or authority of the place in which the disaster, major incident, Mutual Aid, or other occurrence exists, has previously requested and provided for assistance and the use of

equipment and personnel under a Mutual protection agreement or other type protection agreement within the City.

SECTION 455 NOISE CONTROL

455.01 GENERAL NOISE STANDARDS

Subd. 1. Incorporation by Reference. The MPCA Noise Rule, Chapter 7010.010 through 7010.008, and all amendments thereof and supplements thereto are hereby referred to, adopted, incorporated by reference, and made a part of this Section 455. A current copy shall be available for public inspection through the City Clerk's Office.

Subd. 2. Definitions. Except as provided in this Section, words or phrases used in this Section 455 and defined in the rules of the Minnesota Pollution Control "Agency Noise Section, Chapter 7010, shall have the meanings given in those rules.

- (a) A-Weighted. A specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting and characteristics and tolerances are those given in American National Standards Institute § 1.4-1983, Section 5.1.
- (b) Cut-Out or By-Pass. Mechanism which varies the exhaust system gas flow so as to discharge the exhaust gas and acoustic energy to the atmosphere without passing through the entire length of the system including all exhaust system sound attenuation components.
- (c) dB(A). A unit of sound level expressed in decibels (dB) and A-weighted.
- (d) Exhaust System. Combination of components which provides an enclosed flow of exhaust gas from engine parts to the atmosphere.
- (e) L10. The sound level, expressed in dB(A) which is exceeded 10% of the time for a one-hour period, as measured by test procedures approved by the Director of the MPCA.
- (f) L50. The sound level, expressed in dB(A) which is exceeded 50% of the time for a one-hour period, as measured by test procedures approved by the Director of the MPCA.
- (g) MPCA. Minnesota Pollution Control Agency
- (h) Noise Control Officer. The Noise Control Officer shall be the person appointed as such by the Woodland City Council.

Subd. 3. Maximum Noise Levels by Receiving Land Use Districts. No person shall operate or cause to be operated any source of noise in such a manner as to create a

noise level outdoors, as measured from the property line, exceeding the dB(A) limits set forth in the following Table:

<u>DAY (7 A.M.-10 P.M.)</u>		<u>NIGHT (10 P.M. - 7 A.M.)</u>	
<u>Sound Level</u>	<u>Maximum</u>	<u>Sound Level</u>	<u>Maximum</u>
L10	65 dB(A)	L10	55 dB(A)
L50	60 dB(A)	L50	50 dB(A)

455.02 Exemptions. The levels prescribed in the Table in Section 455.01 above do not apply to noise originating on public streets and alleys, but such noise shall be subject to other ordinances

455.03 Noises Prohibited.

Subd. 1. General Prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of the following paragraphs.

Subd. 2. Home, Audible and Signaling Devices, Etc. No person shall sound any signaling device on any vehicle (i) except as a warning of danger, or (ii) in violation of Minn. Stat. § 169.68.

Subd. 3. Engine Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws, regulations and this Section 455.

No exhaust system on any engine shall be modified, altered, or repaired in any manner, including the use of a muffler cut-out or by-pass, that shall amplify or otherwise increase noise above that emitted by the device as originally equipped.

Subd. 4. Radios, Phonographs, Televisions, Paging Systems, Etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, television, paging system, machine or other device for production or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. Operation of any such device between the hours of 10 P.M. and 7 A.M. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of violations of this subdivision.

Subd. 5. Social Gatherings. No person shall participate in any party or other gathering of people giving rise to noise which disturbs the peace, quiet or repose of the occupants of adjoining or other property. When a police officer determines that a gathering is creating such noise disturbance, the officer shall order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall cooperate with police officers and shall make every reasonable effort to see that the disturbance is abated.

A violation of this subdivision shall be deemed to be the act of the owner of the residential dwelling unit wherein it occurs as well as the persons on the premises who violate the subdivision except that the owner of the dwelling unit occupied by other shall be liable only for those violations occurring after a written notice of the violation of this subdivision shall have been received.

Subd. 6. Loudspeakers, Amplifiers for Advertising, Etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public for any purpose whatsoever.

Subd. 7. Human Noise. No person shall engage in yelling, shouting, screaming, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, in or on any residential property.

Subd. 8. Animal Noises. It shall be unlawful for any owner to fail to exercise proper care and control over his or her animals to prevent them from engaging in excessive noise such as to bark excessively, continuously or untimely. Failure on the part of the owner or custodian to prevent his or her animals from engaging in excessive noise shall subject the owner or custodian to the penalty hereinafter provided.

The phrase “to bark excessively, continuously, or untimely” includes, but is not limited to, the creation of any noise by any dog which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog is being kept and which noise occurs repeatedly over at least a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period.

455.04 Hourly Restriction For Certain Operations

Subd. 1. Domestic Power Equipment. No person shall operate a garden or lawn tractor, power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, power device for bug eradication, drill, or other similar domestic power maintenance equipment except between the hours of 7 A.M. and 8 P.M. on any week

day or between the hours of 9 A.M. and 6 P.M. on weekends. Snow removal equipment is exempt from this provision.

Subd. 2. Construction Activities. No person shall engage in or permit construction activities involving the use of any electric, diesel, or gas powered machine or other power equipment except between the hours of 7 A.M. and 6 P.M. week days or between the hours of 9 A.M. and 6 P.M. any weekends.

455.05 Exception For Emergency Work. Noise created exclusively in the performance of emergency work preserve the public health, safety or welfare, or in the performance of emergency work necessary to restore public service or eliminate a public hazard shall be exempt from the provisions of this Section for a period not to exceed 48 hours after the work is commenced. Persons responsible for such work shall inform the Noise Control Officer of the need to initiate such work or, if the work is commenced during non-business hours of the City, at the beginning of business hours of the first day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise and the duration thereof.

455.06 Portable And Stationary Power Generators.

Subd. 1. Noise from public and private portable and stationary power generators and equipment used during power outages or other emergencies shall be exempt from the restrictions under this subsection.

455.07 Powers And Duties of Noise Control Officer.

Subd. 1. Administration Officer. The noise control program established by this Section 455 shall be administered by the Police, Noise Control Officer, Building Inspector, Zoning Coordinator and City Clerk.

Subd. 2. Noise Impact Statements. The Noise Control Officer may require any person applying to the City for a change in zoning classification, permit, license for any structure, operation, process, installation, or alteration or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the officer. Each such statement shall be reviewed to ascertain whether the granting of such change would result in the violation of any provision of this Section. Reviews of noise impact statements shall be made by the Zoning Coordinator, and Planning Commission (if appropriate), and recommendations shall be made to the City Council.

Subd. 3. Other Powers and Duties. The Noise Control Officer shall exercise such other powers and perform such other duties as are reasonable and necessary to enforce the provisions of this chapter.

455.08 Enforcement and Penalties.

Subd. 1. When the Noise Control Officer, after appropriate testing has been done, determines that a noise exceeds the maximum sound level permitted under this Section or otherwise constitutes a nuisance, the Noise Control Officer shall give written notice of the violation of the owner or occupant of the premises where the noise originates, and order such persons to correct or remove each specified violations within such reasonable time as is prescribed in the notice.

In all other cases, the Noise Control Officer or a City law enforcement officer may demand immediate termination of the excessive noise. Failure to adhere to such demand shall subject the violator to appropriate criminal enforcement of such violation.

Subd. 2. Penalties. Any person violating this Section shall be guilty of a misdemeanor and in addition shall be subject to injunctive enforcement which the City may pursue through a court of competent jurisdiction or state administrative agency as may be appropriate. Each day that a violation continues shall constitute a separate violation.

SECTION 460 STORAGE TANKS AND STRUCTURES

460.01 Regulation of Storage Tanks

Subd. 1. Installation of New or Replacement Storage Tanks. No tanks, containers or storage structures for the purposes of temporary or permanent storage of flammable, combustible or potentially pollutant solids, liquids or gases may be installed or constructed above surface, on the surface or underground, except as provided in Subd. 2 of this Section.

Subd. 2. The City may grant a permit for a temporary tank or container for use in the construction of a building, if the installation and timely removal comply with all regulations of the Minnesota Pollution Control Agency (MPCA) and have been approved by the City Fire Marshall.

Subd. 3. Removal of Storage Tanks.

- (a) All storage tanks, containers or structures which have been removed from service for one year shall be deemed abandoned and shall be totally removed in accordance with the requirements of the City Fire Marshall.
- (b) All tanks, containers or structures found to cause or potentially cause pollution must be promptly emptied and totally removed, without replacement, in accordance with the regulations of the MPCA and as directed by the City Fire Marshall.

460.02 Sewage Treatment Systems. This Section 460 does not apply to individual sewage treatment systems.

SECTION 465 COAL TAR-BASED SEALER PRODUCTS

465.01 Purpose.

- (a) The City of Woodland understands that lakes, rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community.
- (b) The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between stormwater runoff and certain health and environmental concerns.
- (c) The purpose of this ordinance is to regulate the use of sealer products within the City of Woodland, in order to protect, restore, and preserve the quality of its waters.

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

Subd. 1. Asphalt-Based Sealer. A petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and which does not contain coal tar.

Subd. 2. Coal Tar. A byproduct of the process used to refine coal.

Subd. 3. Undiluted Coal Tar-Based Sealer. A sealer material containing coal tar that has not been mixed with asphalt and which is commonly used on driveways, parking lots and other surfaces.

Subd. 4. City. The City of Woodland

Subd. 5. MPCA. The Minnesota Pollution Control Agency.

Subd. 6. PAHs Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

465.03 Prohibitions.

- (a) No person shall apply any undiluted coal tar-based sealer to any driveway, parking lot, or other surface within the City of Woodland.

- (b) No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any undiluted coal tar-based sealer to any driveway, parking lot, or other surface within the City.
- (c) No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any undiluted coal tar-based sealer to any driveway, parking lot, or other surface within the City.

465.04 Exemption. Upon the express written approval from both the City and the MPCA, a person conducting bona fide research on the effects of undiluted coal tar-based sealer products or PAHs on the environment shall be exempt from the prohibitions provided in Section 3.

465.05 Asphalt-Based Sealcoat Products. The provisions of this ordinance shall only apply to use of undiluted coal tar-based sealer in the City and shall not affect the use of asphalt-based sealer products within the City.

465.06 Penalty. Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

465.07 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.

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

SECTION 470: ILLICIT DISCHARGE DETECTION AND ELIMINATION

470.01 PURPOSE AND OBJECTIVES

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Woodland through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by state and federal law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process. The objectives of this ordinance are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer

system by stormwater discharges by any user

- B. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- C. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance

470.02 DEFINITIONS

For the purposes of this ordinance, the following terms shall have the following meanings:

Authorized Enforcement Agency Employees or designees of the City of Woodland or the Minnesota Pollution Control Agency as designated to enforce this ordinance.

Best Management Practices (BMPs) Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City The City of Woodland

Clean Water Act The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more and projects that disturb less than 1 acre if they are part of a larger common plan of development. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 470.07 of this ordinance.

Illicit Connections An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

Industrial Activity Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

MPCA Minnesota Pollution Control Agency.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit A permit issued by EPA (or by the State of Minnesota under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge Any discharge to the storm drain system that is not composed entirely of storm water.

Person Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and boulevards.

Storm Drainage System Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan(SWPPP) A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the maximum extent practicable.

Wastewater Any water or other liquid, other than uncontaminated stormwater, discharged from a facility or property.

Waters of the State All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Minnesota or any portion thereof.

470.03 APPLICABILITY

This ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

470.04 RESPONSIBILITY FOR ADMINISTRATION

The City of Woodland shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the MPCA may be delegated in writing by the City Engineer of Woodland to persons or entities acting in the beneficial interest of or in the employ of the City.

470.05 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

470.06 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

470.07 DISCHARGE PROHIBITIONS

Subd. 1 Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or Waters of the State any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
- (b) Discharges specified in writing by the MPCA as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a verbal notification to the City Engineer 48-hours prior to the start of the test.
- (d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Subd. 2 Prohibition of Illicit Connections

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Subd. 3 Sump Pump and Drain Tile Discharges

- (a) The construction, use, maintenance or continued existence of piping of private sump pump and/or drain tile discharges to a surface outlet located within 20 feet of public streets or sidewalks is prohibited.
- (b) Connection of private sump pump and/or drain tile lines to public storm sewers is prohibited unless a Right of Way permit is obtained from the City Engineer.

470.08 SUSPENSION OF MS4 ACCESS

Subd. 1 Suspension due to Illicit Discharges in Emergency Situations. The City of Woodland may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.

Subd. 2 Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access.

Subd.3 A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City.

470.09 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an Industrial or Construction Activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to City prior to the allowing of discharges to the MS4.

1500.10 MONITORING OF DISCHARGES

Subd. 1 Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

Subd. 2 Access to Facilities.

- (a) The City shall be permitted to enter and inspect facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a discharger has security measures in force which require

proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

- (b) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of the NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (c) The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (d) The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy per manufacturer's recommendations.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the City access to a permitted facility is a violation of the stormwater discharge permit and of this Ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.
- (g) If the City has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

470.11 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The City of Woodland has adopted requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution

or contamination of stormwater, the storm drain system, or Waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or Waters of the State through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

470.12 WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

470.13 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or Waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such a release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Woodland within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

470.14 ENFORCEMENT

Whenever the City of Woodland finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written Notice Of Violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) The violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs; and
- (g) The deadline within which to remedy the violation.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

470.15 APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received by the City within 15 days from the date of the Notice of Violation. The appeal shall be heard by the City Council within 30 days from the date of receipt of the notice of appeal. The decision of the City Council shall be final.

470.16 ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within the deadline extended by the decision of the City Council, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

470.17 COST OF ABATEMENT OF THE VIOLATION

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs and the deadline to pay the abatement costs. The property owner may file a written protest objecting to the costs and payment terms of the abatement within 15 days. The appeal shall be heard by the

City Council within 30 days from the date of receipt of the notice of appeal. If the amount due is not paid within a timely manner as determined by the decision of the City Council after hearing the appeal, the charges be filed with Hennepin County and shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

470.18 INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

470.19 COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

470.20 VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

470.21 CRIMINAL PROSECUTION

Any person that violates this ordinance shall be shall be deemed guilty of a misdemeanor and upon conviction thereof, may be subject to the maximum fine and imprisonment allowed by State law. Each such violation shall constitute a separate offense punishable to the maximum extent of the law. The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

470.22 REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 475 PREDATORY OFFENDERS.

Section 475.01 Findings & Intent.

Subd. 1. Repeat predatory offenders who use physical violence and who prey on children present an extreme threat to the public safety. Predatory offenders are extremely likely to use physical violence and to repeat their offenses, and most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, clearly exorbitant.

Subd. 2. It is the intent of this ordinance to serve the city's compelling interest to promote, protect, and improve the health, safety and welfare of the citizens of the city by creating areas around locations where children regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residence.

Section 560.02 Definitions.

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

Designated Offender: Any person who has been convicted of a designated offense, regardless of whether adjudication has been withheld or has been categorized as a level III sex offender under Minnesota statutes section 244.052 or successor statute.

Designated Offense: A conviction, adjudication of delinquency, commitment under Minnesota statutes chapter 253B, or admission of guilt under oath without adjudication involving any of the following offenses: Minnesota statutes sections: 609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.23; 617.246; 617.247; 617.293; successor statutes; or a similar offense from another state. Committed the crime of failing to register as a predatory offender pursuant to Minnesota statute 243.166, subd. 1.

Permanent Residence: A place where the person abides, lodges, or resides for 14 or more consecutive days.

Temporary Residence: A place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Section 560.03 Residence Prohibitions, Activity Prohibition, Penalties, Exceptions.

Subd. 1. Prohibited Location of Residence: It is unlawful for any designated offender to establish a permanent residence or temporary residence 1) within 1000 feet of any school, licensed daycare center, park, or playground; or 2) within 1000 feet of any place of worship which provides regular educational programs (e.g. Sunday school), or any other place where children are known to regularly congregate.

Subd. 2. Prohibited Activity: It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on or preceding Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this subsection.

Subd. 3. Measurement of Distance: For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school, daycare center, park, playground, place of worship, or other place where children regularly congregate.

Subd. 4. Penalties: Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 1 of the Woodland City Code. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.

Subd. 5. Exceptions: A designated offender residing within a prohibited area as described in subd. 1 of this section does not commit a violation of this section if any of the following applies:

1. The designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota statutes sections 243.166, 243.167, or successor statute, prior to February 13, 2017.
2. The designated offender was a minor when they committed the offense and was not convicted as an adult.
3. The designated offender is a minor.
4. The school or daycare center within 1000 of the designated offender's permanent residence was opened after the person established the permanent residence and reported and registered the residence pursuant to Minnesota statutes section

243.166 or 243.167.

5. The residence is a property owned or leased by the Minnesota department of corrections.

Section 560.04 Renting Real Property, Penalties.

Subd. 1. It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any designated offender prohibited from establishing such permanent residence or temporary residence pursuant to section 925 this ordinance, if such place, structure, or part thereof, or other conveyance, is located within a prohibited location zone described in section 925.20, subd.1.

Subd. 2. A property owner's failure to comply with provisions of this section shall constitute a violation of this section.