

CHAPTER 5. HEALTH AND WELFARE

5.01. SNOWMOBILES AND RECREATIONAL VEHICLES. *(amended by Ord. # 299, August 21, 2006)*

5.011. PURPOSE. The purpose of this section is to provide reasonable regulations for the use of snowmobiles and ATVs on public and private property in the City of Zimmerman. This section is not intended to allow what the Minnesota State Statutes expressly prohibit nor to prohibit what the State Statutes allow. It is intended to prevent a public nuisance.

5.012. INCORPORATION OF STATE STATUTE. Any person operating a snowmobile within the City of Zimmerman, unless provided otherwise herein, shall be subject to the provisions of the Minnesota Statutes, §84.81 through §84.929, inclusive, as amended, and the regulations of the Commissioner of Natural Resources ("Commissioner"), adopted pursuant hereto.

5.013. DEFINITIONS. For the purposes of this section, the definitions listed below shall be construed as follows:

"All Terrain Vehicle (ATV)" shall mean trail bikes, mini-bikes, amphibious vehicles, dune buggies, and those vehicles commonly known as "three-wheelers" and "four-wheelers", but shall exclude special mobile equipment defined by Minn. Stat. §168.011.

"City" shall mean the City of Zimmerman, Sherburne County, Minnesota. Council shall mean the City Council of the City of Zimmerman.

"Dead man Throttle or Safety Throttle" shall mean a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

"Go-Cart" shall mean a motorized miniature vehicle capable of achieving speeds in excess of ten miles per hour and commonly used on courses or racetracks specifically designed for such vehicles.

"Operate" shall mean to ride in or on, and control the operation of a snowmobile.

"Operator" shall mean every person who operates, or is in actual physical control of a snowmobile.

"Person" shall mean an individual, partnership, corporation, the State and its agencies and subdivisions, and any body of persons, whether incorporated or not.

"Public Property" shall mean property that may be used for all of the public subject to reasonable regulation by a governmental body. Such property includes City parks, City parking lots and public school parking lots and grounds.

"Roadway" shall mean that portion of a street or highway improved, designed or ordinarily used for vehicular travel.

"Semi-Public Property" shall mean private property generally for use by the public but not owned or maintained by a governmental body. Such property includes without limitation: church property, shopping center property and other property generally used by patrons of a commercial or private business establishment.

"Snowmobile" shall mean a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

"Street or Highway" shall mean the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

5.014. LIMITATION OF OPERATIONS.

Subdivision 1. Snowmobiles may be operated only in the following locations within the City:

- a. On the Operator's property subject to the provisions of this chapter.
- b. On privately owned property if the Operator has in possession written permission from the property owner or, on privately owned property if the property owner has posted a clearly visible notice indicating "Snowmobiles Allowed" or words substantially similar.
- c. On public trails specifically designated by Council resolution or on lakes which are subject to the jurisdiction of the City.
- d. On trunk highway, county state aid highway or county roads as regulated by the State of Minnesota or the County of Sherburne.
- e. On City streets only when such operation is necessary to gain access to designated snowmobile trails, private property or areas which, by Minnesota Statutes, may be used by snowmobiles, except that no snowmobiles may be operated on any city streets in the area designated on official City of Zimmerman maps as "No Snowmobile Traffic".
- f. On Public or Semi-Public property only if clearly posted with signs designating the area or specific areas as snowmobile operating areas or trails.

Subdivision 2. ATVs and Go Carts may be operated only in the following locations within the City:

- a. On the Operator's property subject to the provisions of this chapter.
- b. On privately owned property if the Operator has in possession written permission from the property owner or, on privately owned property if the property owner has posted a clearly visible notice indicating "ATVs and Go Carts Allowed" or words substantially similar.
- c. On Public or Semi-Public property only if clearly posted with signs designating the area or specific areas as ATV or Go Cart operating areas or trails.

Subdivision 3. It shall be unlawful for any person to operate a snowmobile, ATV or Go Cart within the City in the following manner:

- a. On a public sidewalk or walkway provided or used for pedestrian travel.
- b. Within one hundred (100) feet of any fisherman, fish house, shelter, pedestrian, skating rink, sliding area or in any other area where such operation would conflict with the use or endanger other persons or property.

Subdivision 4. Hours of Operation. No snowmobile, ATV or Go Cart may be operated any place in the City of Zimmerman between the hours of 1:30 a.m. and 7:00 a.m.

5.015. PERSONS UNDER 18.

Subdivision 1 No person under the age of 16 may operate a snowmobile on any City street in the City of Zimmerman.

Subdivision 2. A person 16 years of age or older but less than 18 years may operate a snowmobile on a City street only if the person has in immediate possession a valid snowmobile safety certificate issued by the Commissioner.

Subdivision 3. A person 14 years of age or older but less than 16 years may make a direct crossing of a City street only if the person has immediate possession a valid snowmobile safety certificate issued by the Commissioner.

5.016. CITY AND STATE TRAFFIC ORDINANCES. City and State laws shall apply to the operation of snowmobiles, ATVs and Go Carts upon streets and highways in the City.

5.017. TOWING. It is unlawful for any person to operate a snowmobile, ATV or Go Cart so as to tow any person or thing on a public street except through the use of a rigid tow bar attached to the rear of the snowmobile.

5.018. EQUIPMENT. It is unlawful for any person to operate a snowmobile, ATV or Go Cart any place within the limits of the City unless it is equipped with the following:

- a. Brakes adequate to control the movement of, and to stop and hold, the snowmobile under any condition of operation.
- b. A safety or so-called" dead man" throttle in operating condition.
- c. When operated between the hours of one-half hour before sunrise, one-half hour after sunset, or at any time of reduced visibility, snowmobiles shall have at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming motor vehicle Operator. It shall also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance under normal atmospheric conditions.
- d. Snowmobilers, ATVs and Go Carts must have reflective material of at least 16 square inches on each side forward of the handlebars, so as to reflect lights at a 90 degree angle.
- e. Standard mufflers which are properly attached and in constant operation and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, bypass, straight pipe or similar device and the exhaust system shall not emit or produce a sharp popping or cracking sound.

5.019. PENALTY.

Subdivision 1. Misdemeanors. Unless another penalty is expressly provided in this code, any person violating any provisions of this code, or any rule or regulation adopted in the pursuance thereof, or any other provision of any code adopted in this code by reference, including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to a fine of not more than \$1,000.00 or imprisonment for a term of not to exceed 90 days or both, plus, in either case, the costs of prosecution.

Subdivision 2. Separate Violations. Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

5.02. FIREARMS

5.021. FIREARMS USE INSTRUCTION REQUIRED

Minnesota State Statutes known as M.S.A. 97.81, 97.82, and 97.83, which pertain to the safe use of firearms and instructions in using are hereby adopted by reference. Every provision contained in said statutes are made a part of this ordinance as if fully set forth herein.

5.022. WEAPON DEFINED

The term "weapon" shall include any gun, pistol, firearm, sling shot or similar device, BB gun, pellet gun, air rifles, bow and arrows, crossbows, or anything of a similar nature that could be used within the city limits to kill or injure humans or animals.

5.023. DISCHARGE PROHIBITED *(amended by Ord. No. 265, December 3, 2002)*

No person shall fire or discharge any gun, pistol, firearm, or weapon of any description within the limits of the City of Zimmerman, except that bows and arrow, and cross bows, may be discharged in the Fremont Wildlife Management Area (WMA) by individuals possessing a valid hunting license during established seasons in compliance with applicable regulations as established by the Minnesota Department of Natural Resources.

5.024. POSSESSION PROHIBITED

Except as hereinafter provided, no person shall have in his possession any gun, pistol, firearm, or other weapon of any description within the limits of the City of Zimmerman unless said pistol, gun, firearm, or other weapon is dismounted or broken apart or carried in a case in such manner that it cannot be discharged, nor shall any person carry or conceal any pistol, firearm, or other weapon upon his person.

5.025. LAW ENFORCEMENT OFFICERS

The terms of this chapter shall not prohibit the possession or discharge of firearms by duly authorized peace officers or military authorities.

5.026. FIRING RANGES

The terms of this chapter shall not prohibit the possession or discharge of firearms upon a firing range, either indoor or outdoor, provided said range is properly equipped and supervised to insure reasonable safety as determined by the certificate of the chief of police of the City of Zimmerman, or pursuant to licensing chapters hereinafter enacted for such ranges.

5.027. PROTECTION OF HOME AND FAMILY

Nothing in this chapter shall be construed to include the possession of a firearm within the home or the discharge of the same when done in the lawful defense of person, family, or property.

5.03. DOGS AND CATS

5.031. DEFINITIONS

As used in this section, unless the context otherwise indicates:

1. "Animal" shall be intended to mean a cat or dog.
2. "Dog" shall be intended to mean both male and female, and shall include dogs and animals of a dog kind.
3. "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring a dog.
4. "At large" shall be intended to mean off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise.
5. "Commercial kennel" is any place where dogs or other animals are kept where the business of raising, selling, boarding, breeding, showing, treating, or grooming of dogs or other animals is conducted.
6. "Private kennel" is any premises where dogs or cats are kept or harbored under circumstances not amounting to the operation of a commercial kennel, but requiring a conditional use permit as provided in Section 8.0811 herein.
7. "Release permit" shall be intended to mean a temporary release for a period of not more than 72 hours with purchase fees to be applied to regular license purchase, provided this is done within 72 hours. A release permit may be obtained at the city's discretion upon payment of a fee in accordance with that regular license requirement and payment of a release fee according to fee schedule, Chapter 7.0110 and any maintenance cost applied. (*amended by Ord. No. 140, October 7, 1985*)

5.032. RUNNING AT LARGE PROHIBITED

It shall be unlawful for any person who owns, harbors, or keeps a dog or cat or the parents or the guardians of any such person under 18 years of age to allow such dog or cat to run at large.

Dogs or cats on a leash accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited".

5.033. LICENSE REQUIRED (*amended by Ord. No. 251, July 19, 1999*)

All dogs over the age of six months, kept, harbored, or maintained by their owners in the City of Zimmerman shall be licensed or registered as required in this section. Dog licenses shall be issued by the City Clerk/Treasurer upon payment of a license fee of \$5.00 for every dog that is neutered or spayed, and \$10.00 for any dog that has not been neutered or spayed. The City Council, upon majority vote of the council members present at a meeting where there is a quorum, may waive the license fee with respect to any dog or dogs. Such license shall be issued, for a period of 12 months. Upon application the owner shall state, upon an application form provided by the City Clerk/Treasurer, the owner's name and address; the name, breed, color, and gender of each dog owned or kept by such owner and also whether each such dog is spayed or neutered. If the owner is applying for a license for a spayed or neutered dog the owner

shall provide records from a licensed veterinarian demonstrating that the spaying or neutering has been done on the animal for which the license is sought. No license shall be granted for a dog which has not been vaccinated against distemper or rabies, as provided in this section, during a 90 day period preceding the making of an application for such license, except that when a dog is first licensed for an entire year, thereafter the license may be issued if the dog has been vaccinated within a period of six months preceding the application for a license. Vaccination shall be performed only by a veterinarian qualified to practice veterinary medicine in the state in which the dog was vaccinated. A veterinarian who vaccinates a dog to be licensed in the City of Zimmerman shall complete, in triplicate, a certificate of vaccination. One copy shall be issued to the owner for affixing to the license application, one shall be sent to the Minnesota State Livestock Sanitary Board, and one copy shall be retained in the veterinarian's file.

5.034. PAYMENT

It shall be the duty of each owner of a dog to pay the license fee imposed in Section 7.0110 to the city Clerk/Treasurer or police clerk upon acquiring ownership or possession of any unlicensed dog or upon establishing residence in the city.

Upon payment of the license fee, the Clerk/Treasurer or police clerk shall execute a receipt in duplicate. He shall deliver the original receipt to the person who pays the fee, retaining the duplicate. He shall also procure a sufficient number of suitable metallic tags.

Upon payment of the license fee, the Clerk/Treasurer or police clerk shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped thereon the year from which it was issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the Clerk/Treasurer or police clerk upon presentation of a receipt showing the payment of the license fee. A charge of one dollar (\$1.00) shall be made for each such duplicate tag. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period.

The provisions of this section shall not be intended to apply to dogs whose owners are non-residents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor shall this provision apply to "seeing eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.

These funds received by the city Clerk/Treasurer or police clerk from all licenses and metallic tag fees shall first be used to defray any costs incidental to the enforcement of this ordinance; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

5.035. IMPOUNDING

The proper officer appointed to enforce this ordinance shall impound any dog found unlicensed or running at large and shall give notice of the impounding to the owner of such dog, if known. In case the owner is unknown, such officer shall post notice at the city that if the dog is not claimed within five days of the posting of the notice, it will be sold or otherwise disposed of.

All animals conveyed to the dog pound shall be kept, with kind treatment and sufficient food and water for their comfort, at least five days, unless sooner reclaimed by their owners or keepers as herein provided. In case the owner or keeper shall desire to reclaim the said animal from the dog pound, the following shall be required, unless otherwise provided for in this Code:

1. Payment of a \$50.00 release fee for first impounding, \$75.00 for second impounding, and \$100.00 for third and subsequent impounding; (*amended by Ord. No. 140, October 7, 1985*)
2. Payment of maintenance costs, as provided by the dog pound, per day or any part of day while animal is in said pound; and
3. If dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

At the expiration of five days from the time any dog is impounded, if the same has not been reclaimed in accordance with the provisions of this section, the officer appointed to enforce this section may let any person claim said dog by complying with all provisions of this section, including 5.037, or he may sell the dog to the University of Minnesota, or he may cause such dog to be painlessly killed and shall properly dispose of the remains thereof. Any monies collected under this section shall be payable to the city Clerk/Treasurer.

Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any dog, including dogs running at large. Violation of this section shall constitute a misdemeanor.

5.036. DANGER TO HEALTH AND SAFETY OF CITY

No person shall keep or suffer to be kept on his premises, or on the premises occupied by him, nor permit nor suffer to run at large in said city, any dog of a ferocious or vicious character, habit, or disposition, even though said dog be properly licensed under this section.

If, in the reasonable belief of any person or officer appointed to enforce this section, such dog presents an immediate danger to the health and safety of any person or the said city, said person or officer may painlessly kill said dog forthwith. Otherwise said person or officer may apprehend said dog and deliver him to the dog pound for confinement. If the dog is found to present a danger to the health and safety of said city, based upon a reasonable belief of the officer appointed to enforce this section, he may be painlessly killed or otherwise disposed of. In such a case, the owner or keeper of said dog shall be liable for the maintenance costs provided in section 5.035 hereof and a charge of \$15.00 to dispose of the dog. If said dog is found not to be a danger to the health and safety of said city, he may be released to the owner or keeper in accordance with section 5.035 hereof. Said dog may be released to other persons in accordance with section 5.035 hereof.

No owner or keeper of a female dog shall permit or suffer the same to run at large in said city while the same is in heat, even though properly licensed under this section. Any officer appointed to enforce this section, or any other person, may deliver said female dog to the dog pound for confinement.

5.037. DISEASED DOGS

No person shall keep or suffer to be kept on his premises, or on premises occupied by him, nor permit nor suffer to run at large in said city, any dog which is diseased so as to be a danger to the health and safety of said city, even though said dog be properly licensed under this section.

Any dog reasonably suspected of such disease may be apprehended and confined in the dog pound by any person or officer appointed to enforce this section. The officer appointed to enforce this section shall have a qualified veterinarian examine said dog. If found to be diseased in such a manner to be a danger to the health and safety of said city, the officer appointed to enforce this section shall cause such dog to be painlessly killed and shall properly dispose of the remains. The owner or keeper of said dog killed under this section shall be liable for a \$15.00 fine to cover the cost of disposing of the dog and \$3.00 per day maintenance charge and the costs of any veterinarian examinations.

If said dog, upon examination, is not found to be diseased within the meaning of this section, then said dog shall be released to the owner or keeper free of any charge.

5.038. VACCINATION

All dogs and cats kept harbored, maintained, or transported within the City of Zimmerman are required to be vaccinated at least once every two years by a licensed veterinarian for:

1. Rabies - with a live modified vaccine; and
2. Distemper.

A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature.

Upon demand made by the clerk, the owner shall present for examination the required certificate(s) of vaccination for his animal. In cases where certificates are not presented, the owner or keeper of animal(s) has seven days in which to present said certificates to the clerk. Failure to do so shall be deemed a violation of this section.

Any animal that has not been inoculated by a live modified rabies vaccine (as described in section 5.033) and has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined by the officer appointed to enforce this section in the city dog pound for a period of not less than ten days, at the expense of the owner. Such dog or other animal may be released at the end of such time if healthy and free from symptoms of rabies and by the payment of all costs by the owner. However, if the owner of such dog or other animal shall elect immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine such dog or other animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of Sherburne County, and provide immediate proof of such confinement in such manner as may be required, such owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate (as specified in section 5.033) from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

5.039. ENFORCING OFFICER

The City Council is hereby authorized to appoint an officer, title to be decided upon, to enforce the provisions of this section. In said officer's duty of enforcing the provisions of this section, he may from time to time, with the consent of the city council, designate certain assistants.

All fees and charges under this section shall be payable to the city Clerk/Treasurer.

The officer appointed to enforce this section shall keep an accurate account of all dogs received at the pound and of all dogs killed or released.

5.0310. INTERFERENCE WITH OFFICERS

No person shall in any manner molest, hinder, or interfere with any person authorized by the city council to capture dogs and convey the same to the dog pound while engaged in such occupation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or let out any dogs therefrom, or take or attempt to take from any agent any dog taken up by him in compliance with this section, or in any other manner to interfere with or hinder such officer in the discharge of his duties under this section.

5.0311. CATS

Cats shall be included as controlled by this section insofar as pickup, impounding, and boarding is concerned. The license of cats shall not be required, nor proof of anti-rabies vaccine. All other provisions of this section shall apply to cats.

5.0312. KENNELS

Subdivision 1. Definition. The keeping of three or more dogs on the same premises, whether owned by the same person or not and for what ever purpose kept, shall constitute a "kennel"; except that a fresh litter of pups may be kept for a period of three months before such keeping shall be deemed to be a "kennel".

Subdivision 2. Declaration of Nuisance. Because the keeping of three or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area, by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three or more dogs on the premise is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City of Zimmerman.

5.0313. RESTRICTIONS ON CERTAIN DOGS *(amended by Ord. No. 267, September 9, 2002)*

1. It shall be unlawful for any animal owner to permit his animal to damage any lawn, garden, or any other property.
2. No person, owner, or keeper of an animal shall allow such animal to make noise so as to cause annoyance, disturbance or discomfort of any person. It shall be a violation of this subdivision if:
 - (A) The noise can be heard from a location outside of the building or property where the animal is kept and at a distance of least 100 feet from such property; and
 - (B) The noise occurs repeatedly over a period of time of at least 10 minutes, during which the lapse of time between each animal noise is 30 seconds or less.

The noise described in this subdivision shall not be a violation if it occurs in conjunction with harassment or injury to the animal from someone or something other than the owner or keeper of the animal, or in conjunction with the trespass upon the property where the animal is located.

3. Any animal aforesaid in this section may be impounded as provided in Section 5.035 or complaint may be issued by anyone against the owner of the dog for prosecution under this section.

5.0314. PENALTY

Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Violation of this chapter constitutes a misdemeanor. Any animals kept contrary to this section are hereby declared a public nuisance and may be abated according to the law.

5.0315. PENALTY TO OWNERS FOR POOR TREATMENT

All dogs and cats shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in such a humane manner will be subject to the penalties provided in section 9.011.

5.04. KEEPING OF ANIMALS

5.41. ANIMALS WITHIN CITY

No person shall keep any cows, goats, sheep, pigs, horses, or other animals within the city limits, except as otherwise provided for in these statutes. This section shall not prohibit, however, the keeping of small domestic animals, such as gerbils, guinea pigs, etc., in a reasonable number.

5.042. ANIMALS AT LARGE

No person shall allow any animals of any type, or fowls belonging to him or in his care, to run at large or to be picketed on public grounds; but this prohibition shall not apply to cats or dogs, except as are by this Code forbidden to be at large.

5.043. FOWL, PIGEONS, RABBITS, AND OTHER SMALL ANIMALS

Subdivision 1. No person shall anywhere in the city keep, harbor, or maintain care, custody, or control over any small animal such as a rabbit, chinchilla, or mink, or any fowl such as a chicken, turkey, or duck, or any pigeon, without obtaining a permit therefore issued by the commissioner of health.

Subdivision 2. The commissioner of health may grant any permit pursuant to this section after the applicant has sought the written consent of at least 75 percent of the occupants of the several descriptions of real estate situated within 200 feet of the applicant's real estate. Such written consent shall be required on the first and initial application and as often thereafter as the commissioner of health deems necessary.

Subdivision 3. Such a permit granted by the commissioner of health will be valid for one year, and must thereafter be renewed annually.

Subdivision 4. When a permit has been granted for the keeping of such small animals, the premises must be kept in a sanitary condition, and the permit will be subject to revocation if the premises are found to not comply with this provision.

Subdivision 5. No permit shall be granted to keep any animal, fowl, or pigeon within a dwelling unit or part thereof, nor on any real estate which contains three or more dwelling units.

Subdivision 6. This section shall not apply to dogs or cats nor to veterinarians.

Subdivision 7. When a license has been issued, the number of such animals kept on the premises shall number no more than:

12 pigeons
12 rabbits
6 fowl

Subdivision 8. Not more than two registered purebred miniature Vietnamese potbelly pigs and other similar registered purebred miniature pigs, not exceeding one hundred-twenty (120) pounds, and not kept for breeding purposes, shall be allowed with the same licensing requirements and controls as required by Zimmerman City Code for keeping dogs. (*added by Ord. No. 208, July 6, 1992*)

5.05. BEEKEEPING

No person shall keep any bees in the city on property owned by him within 150 feet of the property line of any other property owner; nor shall any person keep or have at anyone location more than five hives of bees in any case.

5.06. HORSES

5.061. HORSE DEFINED

As used in this chapter, horse shall mean any stallion, mare, gelding, foal, pony, donkey, ass, burro, mule, or animal of the horse kind.

5.062. ACREAGE REQUIREMENTS

Subdivision 1. No horse shall be maintained on any plot of less than five acres or in a R-1, R-2, or R-3 Zoned District. (*amended by Ord. No. 206, July 6, 1992*)

Subdivision 2. Said horse(s) shall be provided adequate shelter.

Subdivision 3. Fences for pens, corrals, or similar enclosures must be of sufficient height and strength to retain such animals. Extra care must be taken to insure that stallions are properly enclosed.

Subdivision 4. At the passing of this Code, any person, firm, or corporation maintaining horses within the City of Zimmerman on any plot of less than five acres shall be permitted to maintain an equivalent number of horses on that property, as long as the property remains in his possession.

5.063. RODENT AND INSECT CONTROL

Subdivision 1. Manure shall be handled or treated in such a manner so as not to create a public nuisance.

Subdivision 2. Corrals, pens, stables, or similar enclosures shall be maintained in a manner to minimize fly breeding.

Subdivision 3. No person shall leave accumulations of manure on any street, sidewalk, or alley, nor upon any area or lot in any portion of the city.

5.064. CARE AND MAINTENANCE OF HORSES

Subdivision 1. No horses shall be treated cruelly or inhumanely by any person or in violation of Minnesota Statutes 346.20 - 346.26.

Subdivision 2. Proper care and maintenance of each horse shall be the responsibility of the person, firm, or corporation designated as the owner, caretaker, or custodian of such horse.

Subdivision 3. No person shall keep any horse in a manner creating a public or private nuisance.

5.065. CONTROL, TRESPASS AND PUBLIC ROADWAYS

Subdivision 1. No person, firm, or corporation shall permit any horse of which he is the owner, caretaker, or custodian to run at large within the city. Such animal will be deemed to run at large when it is off the premises owned or rented by its owner and unaccompanied by the owner, or an agent or employee of the owner.

Subdivision 2. The chief of police or any designated agent of the city may impound any such animal found at large and shall provide proper sustenance for any and all such animals impounded. The chief of police or his designated agent shall, within 24 hours after any such animal has been impounded, post written notice at the city hall describing such animal and stating that it has been impounded.

Subdivision 3. No legally impounded animal shall be released except to the person displaying a receipt from the city Clerk/Treasurer showing payment in full of the costs of impounding and care of the animal. If any person, without authority of law, and without first paying the costs due, shall take any impounded animal out of the enclosure in which he is impounded, he shall be guilty of a misdemeanor.

Subdivision 4. The following schedule of fees shall be used in determining the total costs due on any animal determined to be at large within the city:

Fines for Animal at Large

Release fee (<i>resolution 01-12-05</i>)	\$75 first offense \$100 second offense \$125 third and subsequent offenses Add \$25 if animal is unlicensed
Care of impounded animal	\$ 5.00/day (minimum)
Trace and catch of animal	\$10.00/hour (minimum)
Trailer charge	Rental cost plus \$.25 per mile for total distance involved

Subdivision 5. If any horse impounded is not redeemed within 14 days, the chief of police or his designated agent shall give an additional three days notice of the time and place where such animal or animals will be sold by posting and serving notices as required for notice herein. If such animal cannot be sold on the day stated, it may be sold as soon as possible thereafter without notice.

Subdivision 6. On order of the city council, the city Clerk/Treasurer shall pay to the owner of such animal the difference between the sale price as stated in subdivision 5, after deducting the cost of impounding, feeding, and sales charges, if the owner makes claim for the monies within one year from the date of the sale; otherwise, it shall be forfeited to the city.

Subdivision 7. No person may ride or drive a horse after the hours of sunset and before the hour of sunrise along or crossing any public way without appropriate lighting or reflectorized clothing.

Subdivision 8. No person may ride or drive a horse in any public park, beach, golf course, or other public property except within the right- of-way of public streets and highways and in areas duly designated as a trail way or hitching area.

Subdivision 9. The city park and recreation commission shall designate and properly post those areas in public lands and parks where horses may be ridden.

Subdivision 10. Every person riding a horse or driving any horse-drawn vehicle upon a public roadway shall be subject to those provisions of the City Code applicable to the driver of a motor vehicle, except those provisions which by their nature have no application.

Subdivision 11. No horse shall be ridden or driven in any manner which would cause undue damage to any hard-surfaced road.

Subdivision 12. No person shall ride or drive on any horse upon private property without the prior written permission of the owner or occupant thereof.

Subdivision 13. No person or domestic animal shall interfere with any horse ridden or kept in a lawful manner.

5.07. CONSTRUCTION WORK HOURS

5.071. It shall be unlawful to engage in or conduct any activity in the construction of any building or structure, or the laying of any pavement, including but not limited to, the making of any excavation, clearing of surface land, loading or unloading material, equipment, or supplies, and cutting of wood anywhere in the city except between the hours of 7:00 A.M. and 7:00 P.M. on weekdays, other than Saturday, and except between the hours of 8:30 A.M. and 5:00 P.M. on Saturday. However, such activity shall be lawful if a permit therefore has been issued by the city upon application in accordance with the requirements of the following sections.

5.072. It shall be unlawful to engage in such work or activity on a Sunday unless a special permit for such Sunday work has first been issued.

5.073. Application for a permit shall be made in writing to the city manager and shall state the name of the applicant and his business address, the location of the proposed work, and the reason for seeking a permit to do such work on Saturday or Sunday, as well as the estimated time of the proposed operations.

5.074. No such permit shall be issued excepting where the public welfare will be harmed by failure to perform the work at the times indicated.

5.08. PUBLIC NUISANCE (*amended by Ord. No. 175, July 5, 1989*)

Section 5.081. Nuisances Defined.

Subdivision 1. All acts described, regulated and prohibited herein are hereby deemed to be, and are hereby declared to be, nuisances and all of such acts shall constitute misdemeanors and, in addition to abatement as provided herein, shall be punishable as misdemeanors.

Subdivision 2. A nuisance is a thing, act, occupation or use of property which:

- (a) annoys, injures or endangers the safety, health, comfort, or repose of the public or
- (b) offends public decency or
- (c) unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage, a lake, stream, canal, or basin or a public park, square, street, alley or highway or
- (d) in any way renders the public insecure in life or in use of property.

Section 5.082. Specific Instances or Incidents Declared to be Nuisance.

Each of the specific instances or incidents set forth in the Subdivisions which follow is hereby declared to be a nuisance.

Subdivision 1. All ponds or pools of stagnant water.

Subdivision 2. Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of such milk for sale within the City.

Subdivision 3. Privy vaults and garbage cans which are not fly-tight.

Subdivision 4. The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, creamery, or industrial waste or other substances.

Subdivision 5. All noxious weeds and other rank growths of vegetation which are in violation of Minnesota State Statutes which regulate and/or control the growth of weeds and other vegetation.

Subdivision 6. Dense smoke, noxious fumes, gas and soot, or cinders in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities.

Subdivision 7. Accumulations or storage in the open of any of the following items or any parts or accessories thereto:

- (a) Machinery;
- (b) Household appliances;
- (c) Household furnishings;

- (d) Motor vehicles which are not licensed for the current year and do not display current license tabs and license plates on the vehicle, or vehicles which are in the condition of being non-operable by reason of dilapidation, damage, or both. This shall also include any motor vehicle having little or no resale value in its "as is" condition for uses other than scrap or for its individual parts, or a combination thereof. *(amended by Ord. No. 269, October 21, 2002)*
- (e) Items which are not generally or normally used on the particular premises;
- (f) Firewood which is not neatly stacked in a compact manner;
- (g) Any other materials or items of any kind or nature which tend to harbor rats, mice, snakes, vermin or otherwise are a potential fire, health or safety hazard from such accumulations;
- (h) Accumulations of any items that tend to cause an unsightly appearance of the premises and which cause discomfort for any other members of the public who may be using their own or public property.

Subdivision 8. To make or keep gunpowder, nitroglycerin or other explosives or combustible material in the City or carry it through the streets without first obtaining a permit from the Council.

Subdivision 9. To willfully oppose or obstruct a health officer or physician charged with the enforcement of the health laws in performing any legal duty.

Subdivision 10. To sell or cause to be sold, place or cause to be placed, any gasoline or benzine or other highly inflammable liquids in quantities of more than one (1) pint and less than six (6) gallons in any receptacle except one of a bright red color and tagged and labeled in large plain letters with the name of the contents therein.

Subdivision 11. To sell or offer for sale as unadulterated or undiluted an adulterated or diluted product for the use or consumption of man or beast.

Subdivision 12. To sell or offer for sale any article whatsoever which has become spoiled, tainted, or for any cause, unfit to be used for the purpose for which it was alleged to have been intended.

Subdivision 13. To offer or expose for sale at retail for human food at any public market, store or shop or house, or in or about any street or other public place, any domestic or wild fowls, or any slaughtered rabbits, squirrels, or other small animals, wild or tame, unless the entrails, crops and other offensive parts are properly drawn and removed.

Subdivision 14. To slaughter fresh meat, fish, fowl or game for human food, and while transporting said food from place to place, fail to protect the same from dust, flies, vermin or any other substance or circumstance which may injuriously affect said product.

Subdivision 15. To sell, give, loan or in any way furnish any firearm or ammunition to a minor under the age of eighteen (18) years without the written consent of his parents or guardian or of a police officer or magistrate.

Subdivision 16. To negligently or carelessly set on fire or cause to be set on fire, any combustible material, whether on one's own land or not, by means whereof the property of another shall be endangered, or negligently suffering any fire upon one's own land to extend beyond the limits thereof.

Subdivision 17. To willfully expose or cause to be exposed any person affected with any contagious or infectious disease in any public place.

Subdivision 18. To directly or indirectly or otherwise scatter, distribute or give away samples of any medicine, drugs or medical compounds, salves or liniments of any kind, unless the same is delivered into the hands of an adult person or mailed to such person through the regular mail service.

Subdivision 19. The acts of betting, bookmaking, prize fighting, and the possession of all apparatus used in such occupations.

Subdivision 20. All wires or limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.

Subdivision 21. All buildings, walls and other structures which have been damaged by fire, decay or otherwise and which are so situated as to endanger the safety of the public.

Subdivision 22. All buildings and all alterations to buildings made or erected in violation of the fire limits established by ordinance.

Subdivision 23. Any use of a public street or sidewalk which causes large crowds of people to gather obstructing traffic and the free use of the streets or sidewalks.

Subdivision 24. All signs, awnings and other structures over the streets or sidewalks so situated or constructed as to endanger public safety.

Subdivision 25. The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

Subdivision 26. All dangerous, unguarded machinery in any public place or so situated or operated on private property as to attract the public.

Subdivision 27. The distributing of handbills except as provided by permit or ordinance.

Subdivision 28. Waste water, excepting that of natural runoff rainwater or snow, which is cast upon or permitted to flow upon or over streets or other public property.

Subdivision 29. Any well, hole or excavation left uncovered or in such other condition as to constitute a hazard to a child or other person being or coming upon the premises where the same is located, or any discarded or unused icebox, refrigerator or other similar device or object which is left outside or in such condition as to be accessible to any child being or coming upon the premises where the same is located.

Subdivision 30. The uncovered storage for more than ninety (90) days of pipe, lumber, forms, machinery or other occupational materials upon any property except for the purpose of doing construction or repair work.

Subdivision 31. Any rubbish, swill, offal, metal cans or garbage (except in otherwise authorized containers), ashes, litter, yard cleanings, dead animals or other foul or unhealthy materials or other dangerous conditions.

Subdivision 32. Putting up of any handbills, advertisement posters, show bills or other signs on any building, pole or property not the property of the installer without the permission of the owner thereof.

Subdivision 33. Producing, giving or taking part in producing or giving any immoral show or permitting the same to be done.

Subdivision 34. Placing refuse in any street, alley or other public place or upon any private property whether owned by such person or not within the City unless it be in proper containers for collection and with the expressed permission granted by the appropriate authority of the City.

Subdivision 35. Throwing or depositing any refuse in any stream or other body of water.

Subdivision 36. To manufacture, own, possess or have in one's custody or control any destructive devices which shall include, but not be limited to, any device, apparatus or equipment by whatever name known, which causes damage by combustion or explosion, and any bomb, time-bomb, Molotov Cocktail, grenade, mine, rocket or missile. This provision shall not apply to owners, employees or agents of bona fide business operations which store, transport or use explosives in said operations, nor shall it apply to government officials acting in discharge of official duties, nor shall it apply to persons who have procured dynamite as set forth in the Minnesota Statutes and other emergency regulations issued by the government or State of Minnesota or the Minnesota Director of Public Safety.

Subdivision 37. To do by means of a telephone, or permit any telephone under one's control, to be used for any of the following:

- (a) Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent.
- (b) Make a telephone call, whether or not conversation ensues, without disclosing one's identity and with the intent to annoy, abuse, threaten, or harass any person at the called number.
- (c) Make or cause the telephone of another to repeatedly or continuously ring with intent to harass any person at the called number.
- (d) Make or cause to be made a telephone call with the intent as a hoax to threaten to bomb or threaten that a bomb has been placed in a building or any location other than a building where said bomb, if it were so placed, might cause injury or death to a person or damage to property.

Subdivision 38. To permit or suffer to be or remain offensive, hurtful, dangerous, unhealthy or uncomfortable to any person or persons or neighborhood any sewer, private drain, sink, pool, cesspool, outhouse, privy vault, putrid or unsound flesh, meat, fish, skin, carcass, garbage, stagnant water, vegetable matter, weeds, rodents, vermin, or any other unwholesome or offensive substance, liquid or other thing, in or upon a premises or land occupied by, or under the control, of the party allowing such a condition.

Subdivision 39. To permit or suffer to remain upon one's private property a tree or trees which are dead or diseased.

Subdivision 40. For any person to organize or promote any activity described below in Paragraphs (a) or (b), or to allow such activity on property within his control, or to remain within any area wherein such activity is taking place, unless that person is there for the sole purpose of abating the disturbance:

- (a) To congregate because of or participate in any party or gathering of people from which noise emanates of a sufficient volume as to disturb the peace, quiet or repose of persons residing in any residential district.
- (b) To congregate because of or participate in any party or gathering of people in or upon private land such as fields, woods, farm land, or gravel pits, wherein any disturbing form of noise emanates and/or which causes foot traffic, vehicular traffic or parking volume to increase significantly in the surrounding area, thereby disturbing the normal traffic and parking volume.

Subdivision 41. To own or have control of property or a building thereon which property or building has incomplete landscaping or exterior appearance and for which no building permit for construction work has been issued within the preceding twelve (12) months.

Section 5.083. Drinking Water, Impure.

The Mayor shall order a chemical or bacterial examination, or both, of the water from any well in the City whenever he shall have cause to believe the same to be contaminated, polluted or unwholesome for drinking purposes. When, pursuant to such order, it is found that the water from any well is contaminated, polluted, or otherwise unfit or unwholesome for drinking purposes, the City shall cause a warning to be affixed to the pump or other water drawing device connected with said well.

Subdivision 1. No person shall remove any such warning and the owner, agent or occupant of the premises upon which the polluted well is situated shall be responsible for any unauthorized removal of a warning so affixed.

Subdivision 2. No person owning, controlling or occupying any premises upon which is situated a polluted well shall use or permit or cause others to use any of the water in or from such well for drinking purposes.

Section 5.084. Inspection by Municipal Employees and Council.

The Chief of Police, Director of Inspections, Council, or their authorized representatives, shall enforce the provisions of Chapter 5.08, and for the purpose of enforcing the same or satisfying themselves whether there has been any violation thereof, shall, where they have reasonable cause to believe that Chapter 5.08 has been violated in any particular instance, enter into any examination as to the existence or presence upon such premises of any nuisance or offensive substance or practice as hereinbefore specified, or otherwise. No person shall resist, oppose or obstruct the above officers in any manner in the enforcement of Chapter 5.08.

Whenever, in the judgment of the health authority, City Engineering, or Public Safety Director (or such other officers as may be determined by the Mayor), he finds upon investigation that a public nuisance is being maintained or exists within the City of Zimmerman and within the respective fields of supervision as hereinbefore set forth, they shall issue written notice to the owner or occupant and require him to terminate and abate said nuisance or to remove such conditions or remedy such defects. Service of said notice shall be in person or by mail. If the premises is not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. If said nuisance is not abated within ten (10) days of the date of issuance of said notice, the Police Department shall issue an ordinance violation citation to the notified owner or occupant.

Section 5.085. Penalty. Any person who shall knowingly cause or create any nuisance or permit a nuisance to be created or to be placed upon or to remain upon any premises shall upon conviction thereof be guilty of a misdemeanor. It shall also be a misdemeanor for anyone to aid, abet, advise, encourage or assist another to violate any of the provisions of Chapter 5.08.

Alternative Remedy.

Subdivision 1. Without affecting any other penalty provision herein, the Council may, in conjunction with such penalty, or in the alternative, in the form of a resolution, declare that there exists upon privately owned lands or premises a public nuisance.

Subdivision 2. Notice of the passage of the resolution shall be served personally upon the owner of said premises or his agent or the occupant of the premises if the names of said persons can be readily ascertained. Such notice may be served by mail in all cases where such owner, agent or occupant is not in the City or cannot be found therein. Such notice may likewise be served by posting for twenty-four (24) hours a copy of such notice upon the premises where the nuisance exists whenever the owner or agent thereof is not known or cannot be found and a post office address is unknown. Said notice shall designate therein the time after the service or the mailing or the posting of said notice which it considers a reasonable time for the abatement or removal of such nuisance.

Subdivision 3. In instances where the Council declares by resolution that there is a public nuisance and proceeds as aforesaid with a civil remedy instead of a criminal remedy as set forth by the giving of notice as herein required, the owner, agent or occupant of the premises after said notice, shall remove and abate the said nuisance. The cost of such removal or abatement shall be paid by the owner, agent or occupant.

Subdivision 4. If such notice is not complied with within the time specified therein, the City shall cause the removal or abatement of such nuisance and the cost thereof shall be assessed against the premises. The cost of such removal or abatement shall include publication of any action by the Council, posting and service of notices, costs and expenses, including personnel, expenses of equipment and the sums of money necessarily paid out by any City Department as a cost or expense of abatement from said nuisance. The Council shall adopt an assessment roll levying a special assessment upon such land and premises directly involved in said abatement of nuisance, which shall be transmitted to the County Auditor and included with the next tax levy upon such land and premises and collected in the manner provided by law for levying and collecting of other special assessments.

5.086. UNAUTHORIZED DEPOSIT OF GARBAGE, RUBBISH AND REFUSE

*(added by Ord. No. 213, October 4, 1993) *renumbered*

Subdivision 1. All garbage, rubbish, and refuse accumulated on any premises shall be placed and maintained in plastic bags, container, or packaged or bundled in a manner so as to enable convenient pickup. Garbage rubbish and refuse bags and/or containers provided by the owner, tenant, lessee, or occupants of the premises shall be maintained in a good, clean, neat, and sanitary condition at all times. All garbage, rubbish and refuse bags and/or containers shall be used solely and only by that owner, tenant, lessee, or occupant of the premises or commercial establishment as a receptacle.

Subdivision 2. It shall be unlawful fro any person to deposit or dump any residential, commercial, or large amount of garbage, rubbish, refuse, or any other type of waste on any public or private property and/or in any commercial establishment dumpster, container, or receptacle unless specifically authorized by the commercial establishment.

Subdivision 3. All commercial and industrial establishments within the City of Zimmerman shall have sufficient garbage, rubbish, trash and refuse receptacles to hold the amount of garbage, rubbish, trash and refuse produced on the business premises by the business, its employees, patrons and customers between garbage pickups. All commercial and industrial establishments shall have at least one container for garbage, rubbish, trash and refuse no smaller than 30 gallons in capacity.

Subdivision 4. Any business accumulating rubbish/garbage or refuse shall have a container large enough to hold the accumulation of garbage produced between garbage pickups.

5.09. SEXUAL CONDUCT IN PREMISES LICENSED TO SELL INTOXICATING AND NON-INTOXICATING LIQUOR

The following acts of conduct on premises holding an on-sale intoxicating or non-intoxicating malt liquor license are deemed contrary to public welfare and morals and, therefore, no "on-sale" license shall be held at any premises where such conduct or acts are permitted:

1. To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.
2. To employ or use the services of any hostess while such hostess is unclothed or in such attire, costume, or clothing as described in paragraph 1 above.
3. To permit any person to remain in or upon the premises while such person is unclothed or in such attire, costume, or clothing as described in paragraph 1 above.
4. To encourage or permit any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person.
5. To permit any employee or person to wear or use any device or covering exposed to view which simulates genitals, anus, pubic hair, or any portion thereof.
6. To permit any person to perform acts of or acts which simulate:
 - a. With or upon another person sexual intercourse, sodomy, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - b. Masturbation or bestiality.
 - c. With or upon another person the touching, caressing, or fondling on the breast, buttocks, anus, or genitals.
7. To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.
8. To permit the showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:
 - a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - b. Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals.
 - c. Scenes wherein a person displays the vulva or the anus or the genitals.
 - d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

5.10. DISORDERLY CONDUCT

5.101. DEFINITIONS

1. "Public place" shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and also public grounds, areas, or parks.
2. "Riot" shall mean a public disturbance involving (a) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual; or (b) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.
3. "Incite a riot" shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (a) advocacy of ideas; or (b) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

5.102. DISORDERLY CONDUCT PROHIBITED

Subdivision 1. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder, or nuisance, he willfully does any of the following acts in a public place:

- a. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb, or health;
- b. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
- c. Causes, provokes, or engages in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another;
- d. Interferes with another's pursuit of a lawful occupation by acts of violence;
- e. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the city police or other lawful authority known to be such;
- f. Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his own safety or the safety of others, or is consuming an intoxicating liquor on any city street;
- g. Resists or obstructs the performance of duties by city police or any other authorized official of the city, when known to be such an official;

- h. Incites, attempts to incite, or is involved in attempting to incite a riot;
- i. Addresses abusive language or threats to any member of the city police department, any other authorized official of the city who is engaged in the lawful performance of his duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance, or resentment are not prohibited;
- j. Damages, befouls, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;
- k. Makes or causes to be made any loud, boisterous, and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed or the traveling public annoyed or which interferes with another person's pursuit of lawful activities;
- l. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;
- m. Uses abusive or obscene language or makes an obscene gesture;
- n. Willfully and lewdly exposing his person or the private parts thereof, or procuring another to do so, and any open and gross lewdness, or any act of public indecency.

Subdivision 2. Parties. When a party or gathering of people generates sounds or noise so as to interfere with the peaceful enjoyment by the general public, such action shall constitute disorderly conduct. If this disorderly conduct does not cease after being requested to do so by a police officer, then the tenant of the property, or the owner if there is no tenant, shall be guilty of a violation of this Code, whether or not he is present at the party or gathering.

5.103. EXEMPTIONS

This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

5.11. PARADES AND MARCHING

5.111. PURPOSE

The purpose of this chapter is to define the time and place, duration, and manner of the use of streets for parades and marches, so as not to unreasonably interfere with rights of others to the use of the streets and other public places; to have access to driveways and store entrances, and to have traffic movement in such a manner so as not to deprive the public of police and fire protection, and the public use and enjoyment of streets and other public places.

5.112. DEFINITIONS

For the purposes of this chapter, the following definitions shall apply:

1. "Parade" is any parade, march, or procession in or upon any street, except the sidewalks thereof, or in or upon any alley.
3. "Parade permit" is a permit as required by this chapter.

5.113. PERMIT REQUIRED

No person shall engage in, participate in, form, or start any parade, unless a parade permit therefor shall have been obtained from the City Council. This chapter shall not apply to:

- a. Funeral processions;
- b. A governmental agency acting within the scope of its functions.

5.114. APPLICATIONS

In addition to such information as the Clerk/Treasurer may require pursuant to Section 7.01, the application shall also include:

- a. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and phone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
- b. The name, address, and phone number of the person who will be the parade chairman and who will be responsible for its conduct;
- c. The date when the parade is to be held;
- d. The route to be traveled;
- e. The approximate number of persons who, and animals and vehicles which, will constitute such parade, the type of animals, and description of the vehicles;
- f. The hours when the parade will start and terminate;
- g. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- h. The location by streets of any assembly areas for such parade;
- i. The time at which units of the parade will begin to assemble at any such assembly area or areas;

- j. The interval of space to be maintained between units of such parade;
- k. If the parade is designated to be held by, or on behalf of, or for any person other than the applicant, the applicant for such permit shall file with the city Clerk/Treasurer a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for a permit on his behalf.

5.115. FILING PERIOD FOR APPLICATION

An application for a parade permit shall be filed with the city clerk/ treasurer not less than 21 days before the date on which it is proposed to conduct the parade. The city Clerk/Treasurer, where good cause is shown, shall have authority to consider any application hereunder which is filed less than 21 days before the date such parade is proposed to be conducted.

5.116. ISSUANCE OF PERMIT AND BASIS FOR DENIAL

The city Clerk/Treasurer shall consult the chief of police, fire chief, and director of public works prior to issuance or denial of a license. An application for a permit shall be denied if any of the following is found to exist:

- a. The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- b. The conduct of the parade would require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- c. The concentration of persons, animals, and vehicles at assembly points of the parade will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- d. The conduct of such parade will interfere with the movement of fire-fighting equipment enroute to a fire;
- e. The parade is not scheduled to move from its point of origin and to its termination point expeditiously and without unreasonable delays enroute;
- f. The parade is to be held for the sole purpose of advertising any product or goods and is designed to be held purely for private profit.

5.117. NOTICE OF REJECTION OR ACCEPTANCE

The city Clerk/Treasurer shall act upon the application for a parade permit within three days, Saturdays, Sundays, and holidays excepted, after the receipt thereof. Notice of acceptance or rejection shall be delivered or mailed to the applicant within three days, Saturdays, Sundays, and holidays excepted, after the date upon which the application was filed, and shall state the reasons for denial of the permit, if applicable.

5.118. DUTIES OF PERMITTEE

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman' or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

5.119. PUBLIC CONDUCT DURING PARADE

Subdivision 1. Interference. No person shall unreasonably hamper, obstruct, or impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

Subdivision 2. Driving through parades. Except for emergency vehicles, no vehicle, unless so directed by a police officer, shall drive between the vehicles or persons comprising a parade when such parade is in progress.

Subdivision 3. Parking on parade route. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking on a parade route. The chief of police shall post signs to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. The provisions of section 4.022, Prima Facie Evidence, shall apply herein. No person shall be liable for parking in violation of this chapter on a street not so posted.

5.1110. REVOCATION OF PERMIT

Whenever any parade shall be of a nature, or conducted in a manner substantially different from that indicated in the application therefor, such parade shall be in violation of this chapter and the permit may be revoked immediately by the police department.

5.12. LITTERING

5.121. No person shall throw or deposit debris, litter, or junk, or cause the same to be thrown, deposited, or accumulated within the City of Zimmerman.

5.122. Junk shall include automobiles, trucks, snowmobiles, or other motorized vehicle and/or machinery, etc. not currently licensed and not in operating condition; piles of cluttered building materials, remains, tires, engines, and miscellaneous automobile parts; broken glass or windows; garbage; straw bales (except such used for insulation, after May and before October 1); old refrigerators, stoves, or other appliances not in working order and in an area other than a porch or garage; paper, cardboard, boxes, cans, barrels, etc. laying about the land; and any other similar accumulation.

5.123. All debris, litter, and junk not removed after reasonable notice to the owners thereof shall be cleaned up by the city and all expenses therewith shall be assessed to the owners and person or persons responsible.

5.124. No person, persons, or corporation shall burn or cause to be burned any leaves or debris on the bituminous surfaced or black topped streets within the City of Zimmerman.

5.125. No person shall allow debris, litter, or junk to accumulate on his property within the City of Zimmerman, Minnesota. Upon written notice to the registered property owner of the accumulation of debris, litter, or junk on his property, the property owner shall remove the debris, litter, or junk within ten (10) days from receipt of the written notice. For purposes of Chapter 5.123, the ten (10) day period following receipt of the written notice by the registered property owner shall constitute "reasonable notice" as that term is used therein. (*amended by Ord. No. 156, March 2, 1987*)

5.13. GAMBLING

- 5.131. A fraternal, religious, veterans, or other nonprofit organization, as defined in Minnesota Statutes 290.05, Subd. I, clause (i) or (k), may set up or operate a gambling device, as defined in 349.26, or conduct a raffle if licensed by the City of Zimmerman, pursuant to this section.
- 5.132. The fee for such a license is \$25.00.
- 5.133. Such license will be valid for one event, not to exceed three days, but may be suspended or revoked for violation of this section.
- 5.134. The city must act on a license application within 180 days from the date of application, but no license can be issued for at least 30 days after the date of application.
- 5.135. Any gambling device which is licensed under this section must be operated pursuant to, and in accordance with, the provisions of Minnesota Statutes 349.26.

5.14. BINGO

5.141. AUTHORIZATION TO ISSUE LICENSES

The City is hereby authorized to issue Bingo Operator's Licenses pursuant to Minnesota Statutes Annotated, Chapter 349. Licenses may be issued to organizations, as defined by Minnesota law in said chapter.

5.142. LICENSE REQUIRED

No organization shall operate a bingo game within the City of Zimmerman without having issued to it a Bingo Operator's License.

5.143. APPLICATION FOR LICENSE

An eligible organization shall make application for a Bingo Operator's License on forms provided by the city. No license shall be issued until at least 30 days after the date of said application. A license shall be valid for a period of one year.

5.144. LICENSE FEE

The annual license fee for a Bingo Operator's License shall be \$100.00 per year. A special four-day license may be issued at a cost of \$25.00. This special four-day license fee may be waived by Council action for church or other charitable organizations.

5.145. MINIMUM AGE

No person working a bingo game shall be less than 18 years of age.

5.146. SUSPENSION OR REVOCATION

A Bingo Operator's License may be suspended for violation of this section or for violation of the state statute for a period not exceeding 30 days. A Bingo Operator's License may be revoked for violation of this section or for violation of the state statute; said revocation shall be after reasonable notice and public hearing before the City Council.

5.15. CURFEW (*amended by Ord. No. 269, October 21, 2002*)

The curfew ordinance of Sherburne County, Minnesota, as it exists or shall be amended is hereby adopted by reference.

5.16. CONDUCT IN PUBLIC PARKS

5.161. DEFINITIONS

1. "Director" is a person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.
2. "Park" is a park, reservation, playground, beach, golf course, recreation center, or any other area, owned or used by the city, and devoted to active or passive recreation.
4. "Vehicle" is any wheeled conveyance, whether motor-powered, animal drawn, or self-propelled. The term shall include any trailer in tow of any size, kind, or description. Exception is made for baby carriages and vehicles in the service of the city parks.

5.162. BUILDINGS AND OTHER PROPERTY

No person in a park shall:

1. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fire places, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances what so ever, either real or personal;
2. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex;
3. Dig, remove, or damage any beach sand, whether submerged or not, or any soil, rock, stones, golf links, or trees, shrubs, or plants, down-timber or other wood or materials, or other means or agency;
4. Construct or erect any building or structure of whatever kind, whether temporary or permanent in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

5.163. TREES, SHRUBBERY, LAWNS

No person in a park shall:

1. Damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant, attach any rope, wire, or other contrivance to any tree, plant, dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area;
2. Climb any tree or walk, stand, or sit upon monuments, vases, fountains, railing, fences, or gun carriages or upon any other property not designated or customarily used for such purposes;
3. Tie or hitch a horse or other animal to any tree or plant.

5.164. WILDLIFE

Except for authorized city personnel, no person in a park shall:

1. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile, or bird, remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird, collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any of the group of tree snails. Nothing contained herein shall prohibit the killing of snakes known to be deadly, such as rattlesnakes or other deadly reptiles;
2. Give or offer, or attempt to give, to any animal or bird any tobacco, alcohol, or other known noxious substances.

5.165. SANITATION

No person in a park shall:

1. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, or other body of water in or adjacent to any park or any tributary stream, storm sewer, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters;
2. Bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacle are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere;
3. Deposit or leave garbage cans or other such containers on park property.

5.166. TRAFFIC

No person in a park shall:

1. Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this and other chapters;
2. Fail to obey all traffic officers and park employees; such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director;
3. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property;
4. Ride or drive a vehicle at a rate of speed exceeding five miles an hour, except upon such roads as the director may designate, by posted signs, for speedier travel;

5. Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

5.167. PARKING

No person in a park shall:

1. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with instructions of any attendant who may be present;
2. Full-park on the road or driveway at anytime;
3. Leave a vehicle standing or parked at night without lights clearly visible for at least 75 feet from both front and rear on any driveway or road area except legally established parking areas;
4. Double-park any vehicle on any road or parkway unless directed by a park official;
5. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

5.168. BICYCLES, SNOWMOBILES, AND GO-CARTS

No person in a park shall:

1. Ride a bicycle, snowmobile, or go-cart on other than a paved, vehicular road or path or area designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use;
2. Ride a bicycle, snowmobile, or go-cart other than on the right hand side of the road paving as close as conditions permit, and they shall be kept in single file when two or more are traveling in a group. They shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the left of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting;
3. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available;
4. Leave a bicycle, snowmobile, or go-cart lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them;
5. Ride a bicycle or snowmobile on any road, path, or area between 30 minutes after sunset and 30 minutes before sunrise without an attached taillight plainly visible at least 200 feet from the rear of such bicycle or snowmobile;
6. Ride any other vehicles any place in the parks, except as may be designated; provided, however, that city maintenance equipment may be used, and ranger carts and registered golf carts may be used on the golf course in accordance with regulations for the golf course.

5.169. BATHING AND SWIMMING

No person in a park shall:

1. Swim, bath, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the director upon finding that such use of the water would be dangerous or otherwise inadvisable;
2. Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between the hours of the day as shall be designated by the director for such purposes for each individual area;
3. Erect, maintain, use, or occupy on or in any beach or bathing area any tent, shelter, or structure of any kind unless there shall be an unobstructed view into said tent, shelter, or structure from at least two sides; nor shall any guy wire, rope, or extension or exterior brace or support be connected or fastened from any such structure to any other structure, stake, rock, or other object outside thereof;
4. Allow himself to be so covered with a bathing suit as to indecently expose his person. No person shall appear in bathing costume at any place in the parks except within the limits of designated bathing places or areas, and all bathing costumes shall conform to commonly accepted standards;
5. Dress or undress on any beach or in any vehicle, toilet, or other place, except in such bathing houses or structures as may be provided for that purpose.

5.1610. HUNTING AND FIREARMS

No person in a park shall hunt, trap, or pursue wild life; use, carry, or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device; except that weapons may be used in specific target areas in accordance with rules therefor. Shooting into park areas from beyond park boundaries is forbidden.

5.1611. PICNIC AREAS AND USE

No person in a park shall:

1. Picnic or lunch in a place other than those designated for that purpose. The park commission shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end;
2. Use any portions of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded;
3. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles where

provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

5.1612. CAMPING

No person in a park shall camp, nor set up tents, shacks, or any other temporary shelter for the purpose of overnight camping in any place except as such place may be designated specifically for camping; nor, except as may be designated, leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon, or the like.

5.1613. GAMES

No person in a park shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes, except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football or baseball is prohibited except on the fields and courts or those areas provided therefor. Roller skating shall be confined to those areas specifically designated for such pastime.

Any games or activities engaged in shall only occur in those areas of the park which are designated for such activities.

5.1614. HORSEBACK RIDING

No person in a park shall ride a horse except on designated bridle trails. Horses shall be thoroughly broken and properly restrained and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree, or shrub.

5.1615. ALCOHOLIC BEVERAGES *(amended by Ord. No. 303, 5-7-07)*

No person may possess or consume any alcoholic beverage in or upon any public park during an event in which a permit was required pursuant to Chapter 5.1623 that was not purchased at the event, in the public park, from an organization or individual with a temporary liquor license.

5.1616. FIREWORKS AND EXPLOSIVES

No person in a park shall bring or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedos, rockets, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto; nor any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints, unless licensed by the City Council pursuant to Minnesota Statutes Chapter 624.

5.1617. DOMESTIC ANIMALS

No person in a park shall bring a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in This Area". Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than eight feet in length.

5.1618. FIRES

No person in a park shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the park commission. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper, or other inflammable material within any park area or on any highway, road, or street abutting or contiguous thereto.

5.1619. OTHER UNLAWFUL BEHAVIOR

No person in a park shall:

1. Solicitations or contributions for any purpose, whether public or private;
2. Enter an area posted as "Closed to the Public", nor shall any person use or abet the use of any area in violation of posted notices;
3. Gamble, or participate in, or abet any game of chance;
4. Go onto the ice on any of the waters except such areas as are designated as skating fields, provided a safety signal is displayed;
5. Sleep or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace;
6. Fail to produce and exhibit any permit from the park commissioner he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule;
7. Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity under the authority of a permit.
8. Have in his or her possession any glass beverage containers or any kegs of all beverage (whether full, partially full or empty) except in the civic building in connection with an event for which a permit has been issued in accordance with this Chapter. *(added by Ord. No. 220, May 16, 1994)*

5.1620. MERCHANDISING, ADVERTISING AND SIGNS

No person in a park shall:

1. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the director;
2. Announce, advertise, or call the public attention in any way to any article or service for sale or hire;
3. Paste, glue, tack, or otherwise post any sign whatever on any public lands or highways or roads adjacent to a park.

5.1621. HOURS *(amended by Ord. No. 196, July 1, 1991)*

Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during the hours of 8:00 A.M. to 10:30 P.M. The opening and closing hours for each individual park shall be posted therein for public information. Park lights shall be turned off no later than 10:30 P.M. A permit for use of the park during other than the above hours may be obtained in accordance with the Rules of the Park Commission.

5.1622. CLOSED AREAS

Any section or part of any park may be declared closed to the public by the park commission at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.

5.1623. PERMIT REQUIRED *(amended by Ord. No. 220, May 16, 1994)*

A permit shall be obtained from the Park Commission before any person may participate in an activity in a park involving any private group over 20 persons or for use of the park between the hours of 10:00 p.m. and 8:00 a.m., or for any activity to be conducted in the Civic Building. No permit shall be issued to a person under the age of 21. No permit shall be issued until the applicant has paid the fee established by the City Council by ordinance or by resolution. If the city council does not establish such fees, then the Commission may establish the fees by resolution. The permittee and all persons participating in any event for which a permit has been issued shall abide by rules and regulations established by the City Council relating to use of and behavior in the Civic Building.

5.1624. APPLICATION

A person seeking issuance of a permit hereunder shall file an application with the Park Commission. The application shall state:

1. The name and address of the applicant;
2. The name and address of the person sponsoring the activity, if different from the applicant;
3. The day and hours for which the permit is desired;
4. An estimate of the anticipated attendance;
5. Any other information which the commission shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder. The application shall be accompanied by the appropriate fee, if any, as contained in a fee schedule adopted by resolution of the City Council.

5.1625. STANDARDS FOR ISSUANCE

The director shall issue a permit hereunder when he finds:

1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation;
3. That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;
4. That the proposed activity will not entail unusual, extraordinary or burdensome expense, or police operation by the city;
5. That the facilities desired have not been reserved for other use.

5.1626. APPEAL

Within 20 days after receipt of an application, the commission shall issue the permit or apprise an applicant in writing of his reasons for denying the permit. Any aggrieved person shall have the right to appeal to the City Council. Such appeal shall be in writing and shall be filed with the city Clerk/Treasurer within ten days after receipt of the director's decision. The Clerk/Treasurer shall place the appeal on the agenda for the next regular Council meeting, at which time the applicant may appear in support of his appeal. The Council may affirm, deny, or alter the terms of the permit. The decision of the Council shall be final.

5.1627. LIABILITY OF PERMITTEE

The permittee shall be liable for any loss, damage, or injury sustained by any person or whatever by reason of the negligence of the permittee or his agents.

5.1628. INSURANCE

The Commission shall, at its discretion, require insurance covering the persons participating in the proposed activity, with a minimum of \$500,000 coverage.

5.1629. CLEAN-UP DEPOSIT

Any person seeking issuance of a permit hereunder must deposit with the Park Commission, at the time of application, a \$25.00 clean-up deposit, which shall be refunded to said person at the completion of the proposed activity, and when to the satisfaction of the Commission, the area has been restored to the condition it was in prior to the commencement of said activity. The Commission may require a clean-up deposit of more than \$25.00 when, in their judgment, a higher deposit is necessary.

5.1630. REVOCATION

The park commission shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

5.1631. EJECTMENT

The police department shall have the authority to eject from the park any person acting in violation of this chapter.

5.1632. SEIZURE OF PROPERTY

The police department shall have the authority to seize and confiscate any property, thing, or device in the park, used in violation of this chapter.

5.1633. RULE AND REGULATIONS *(added by Ord. No. 220, May 14, 1994)*

The City Council may adopt my resolution reasonable rules and regulations relating to the use of and behavior in parks and in the Civic Building.

5.17. OPEN BURNING *(repealed by Ord. No. 217, March 21, 1994)*

See Ordinance No. 217 for regulations.

5.18. DUTCH ELM DISEASE

5.181. DECLARATION OF POLICY

The City of Zimmerman has determined that the health of the elm trees within the municipal limits is threatened by a fatal disease known as Dutch Elm Disease. It has further determined that the loss of elm trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare, and convenience of the public. It is declared to be the intention of the council to control and prevent the spread of this disease and this chapter is enacted for that purpose.

5.182. FORESTER

Subdivision 1. Position created. The powers and duties of city forester, as set forth in this chapter, are hereby conferred upon the Mayor or any such persons as he may delegate.

Subdivision 2. Duties of forester. It is the duty of the forester to coordinate, under the direction and control of the council, all activities of the municipality, relating to the council the details of a program for the control of Dutch Elm Disease. He shall recommend to the council the details of a program for the control of Dutch Elm Disease, and perform the duties incident to such a program adopted by the council.

5.183. DUTCH ELM DISEASE PROGRAM

It is the intention of the Council of Zimmerman to conduct a program of plant pest control pursuant to all the powers of this municipal corporation, including the authority granted by Minnesota Statutes 1961, Section 18.022, as amended. This program is directed specifically at the control and elimination of Dutch Elm Disease fungus and elm bark beetles and is undertaken at the recommendation of the Commissioner of Agriculture. The city forester shall act as coordinator between the Commissioner of Agriculture and the council in the conduct of this program.

5.184. NUISANCES DECLARED

The following things are public nuisances whenever they may be found within the City of Zimmerman:

- a. Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm Disease fungus *Ceratocystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylungopinus Refipes* (Marsh).
- b. Any dead elm tree or part thereof, including legs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.

5.185 ABATEMENT

It is unlawful for any person to permit any public nuisance as defined above to remain on any premises owned or controlled by him within the City of Zimmerman. Such nuisances may be abated in the manner prescribed by this chapter and chapter V, part 8.

5.186. INSPECTION AND INVESTIGATION

Subdivision 1. Annual Inspection. The forester shall inspect all premises and places within the city as often as practicable to determine whether any condition described in 5.184 exists thereon. He shall investigate all reported incidents of infestation by Dutch elm fungus or elm bark beetles.

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

Subdivision 3. Diagnosis. The forester shall, upon finding conditions indicating Dutch elm infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in 5.188, no action to remove infected trees or wood, shall be taken until positive diagnosis' of the disease has been made.

5.187. ABATEMENT OF DUTCH ELM DISEASE NUISANCES

In abating the nuisances defined in 5.184, the forester shall cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch elm disease fungus and elm bark beetles. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commission of Agriculture.

5.188. PROCEDURE FOR REMOVAL OF INFECTED TREES AND WOOD

Whenever the forester finds with reasonable certainty that the infestation defined in 5.184 exists in any tree or wood in any public or private place in the city, he shall proceed as follows:

- a. If the forester finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, he shall make a written report of his finding to the Council which shall proceed by (1) abating the nuisance as a public improvement under Minnesota Statutes Chapter 429 or (2) abating the nuisance as provided below.
- b. If the forester finds that danger of infestation of other elm trees is imminent, he shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than five days from the date of mailing of such notice.

The forester shall immediately report such action to the Council, and after the expiration of the time limited by the notice he may abate the nuisance.

Upon receipt of the forester's report required above, the Council shall by resolution order the nuisance abated. Before action is taken on such resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed bases of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the city Clerk/Treasurer all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

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

5.189. SPRAYING ELM TREES

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

The notice provisions of 5.188 apply to spraying and treatment operations conducted under this section.

5.1810. TRANSPORTING ELM WOOD PROHIBITED

It is unlawful for any person to transport within the city any bark bearing elm wood without having obtained a permit from the forester. The forester shall grant such permits only when the purposes of this chapter will be served thereby.

5.1811. INTERFERENCE PROHIBITED

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

5.19. WEEDS

5.191. DEFINITION

"Weeds" shall be construed to mean and include all noxious weeds as defined by the Minnesota Statutes Section 18.171, Subd. 5, and all such useless and troublesome plants as are commonly known as weeds to the general public. The word "weeds" shall also be construed to mean all rank vegetable growth which exhales unpleasant or noxious odors, and also high and rank vegetable growth that may conceal filthy deposits.

5.192. GROWING GRASS (*amended by Ord. No. 153, September 15, 1986*)

All weeds or grass growing upon any lot or parcel of land within the platted portions of the city, or within 500 feet of a platted area, growing to a height greater than six inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety, and good order of the city.

5.193. PERMITTING A NUISANCE

Subdivision 1. When the owner and/or occupant permits a nuisance to exist in violation of this chapter, the weed inspector or his assistants shall serve a notice on the owner, occupant, or agent of the owner of such lot or parcel of land ordering such person to have such weeds or grass cut and removed or otherwise eradicated or removed within ten days after the service of such notice. Such notice shall also state that in the event of noncompliance, removal will be done by the City of Zimmerman at the owner's expense. When no owner, occupant, or agent of the owner can be found, notice shall be sent by registered mail to the person who is listed on the records of the county auditor or county Clerk/Treasurer as the owner; service will be complete with mailing.

Subdivision 2. If such person fails to comply with the notice within ten days after service, or if no owner, occupant, or agent can be found, the weed inspector or his assistants shall have such weeds cut and removed or otherwise eradicated. The records showing the cost of such work attributable to each separate lot or parcel plus five percent for inspection and other additional costs in connection therewith, shall be delivered to the city Clerk/Treasurer. On or before the first day of October of each year, the amount so charged against said lot or parcel of land, together with a description of the premises and the name of supposed owner shall be certified to the county auditor and shall be collected in the same manner as taxes and/or special assessments against said premises and shall bear interest at the same rate as taxes. Such charges shall be a perpetual lien on said premises until paid.

5.194. WEED INSPECTOR

The Mayor of the City of Zimmerman shall be the weed inspector.

5.195. OBSTRUCTING CITY EMPLOYEES

No person shall obstruct the weed inspector or his employees in the cutting, removal, or eradication of weeds or grass. Any person so obstructing a city employee shall be guilty of a misdemeanor. Each day on which such obstruction continues shall constitute a separate offense.

5.20. CAMPERS AND TENTS

No person shall permanently reside within the City of Zimmerman in a camper or tent. For the purposes of this section, "permanently" shall mean more than 4 consecutive days, or 8 cumulative days per month. Any person violating the provisions of this section shall be guilty of a misdemeanor.

5.21. MISDEMEANORS

The following Minnesota Statutes are hereby adopted by reference and shall be in full force and effect in the City of Zimmerman as if set out here in full:

GENERAL PRINCIPLES

- 609.05 - Liability for crimes of another
- 609.085 - Sending written communication

ANTICIPATORY CRIMES

- 609.175 - Conspiracy
 1. to cause arrest or prosecution
 2. to commit crime
 3. application of section

CRIMES AGAINST THE PERSON

- 609.224 - Assault in the fourth degree

CRIMES OF COMPULSION

- 609.27 - Coercion

CRIMES AGAINST THE FAMILY

- 609.37 - Definition
- 609.375 - Non-support of wife or child

CRIMES AGAINST THE GOVERNMENT

- 609.40 - Flags

CRIMES AFFECTING PUBLIC OFFICER OR EMPLOYEE

- 609.475 - Impersonating an officer

CRIMES AGAINST THE ADMINISTRATION OF JUSTICE

- 609.485 - Escape from custody
 1. definition
 2. acts prohibited
 3. exceptions
 4. sentence
- 609.50 - Obstructing legal process or arrest
- 609.505 - Falsely reporting crime
- 609.51 - Simulating legal process
 1. acts prohibited
 2. exception
- 609.515 - Misconduct of judicial or hearing officer

THEFT AND RELATED CRIMES

- 609.52 - Theft
 1. definitions
 2. acts constituting theft
 3. sentence

- 609.525 - Bringing stolen goods into state
- 609.53 - Receiving stolen property
- 609.535 - Issuance of worthless check
 1. definition
 2. acts constituting
 3. proof of intent
 4. proof of lack of funds or credit
 5. exceptions

- 609.545 - Misusing credit card to secure services

DAMAGE OR TRESPASS TO PROPERTY

- 609.595 - Damage to property
 1. aggravated criminal damage to property
 2. criminal damage to property

- 609.60 - Dangerous trespasses and other acts
- 609.605 - Trespasses and other acts
- 609.615 - Defeating security on realty

FORGERY AND RELATED CRIMES

- 609.65 - False certification by notary public

CRIMES AGAINST PUBLIC SAFETY AND HEALTH

- 609.66 - Dangerous weapons
- 609.68 - Unlawful deposit of garbage, litter, or like
- 609.685 - Use of tobacco by children
- 609.686 - False fire alarms; tampering with or injuring a fire alarm system

PUBLIC MISCONDUCT OR NUISANCE

- 609.705 - Unlawful assembly
- 609.715 - Presence at unlawful assembly
- 609.725 - Vagrancy
- 609.735 - Concealing identity
- 609.74 - Public nuisance
- 609.745 - Permitting public nuisance

GAMBLING

- 609.75 - Gambling; definitions
 1. lottery
 2. bet
 3. what are not bets
 4. gambling device
 5. gambling places
 6. bucket shop

- 609.755 - Act of or relating to gambling

CRIMES RELATING TO COMMUNICATIONS

- 609.775 - Divulging telephone or telegraph message; non-delivery

- 609.78 - Emergency telephone calls
- 609.785 - Fraudulent long distance telephone calls
- 609.79 - Obscene or harassing telephone calls
- 609.795 - Opening sealed letter, telegram, or package

CRIMES RELATING TO A BUSINESS

- 609.805 - Ticket scalping
 - 1. definition
 - 2. acts constituting
- 609.81 - Misconduct of pawnbrokers
- 609.815 - Misconduct of junk or second-hand dealer
- 609.82 - Fraud in obtaining credit

5.22. DANGEROUS AND POTENTIALLY DANGEROUS DOGS. *(added by Ord. No. 194, June 17, 1991)*

5.221. Definitions. For purposes of this Ordinance, the terms defined in this section shall have the meanings given to them:

Subdivision 1. Dangerous Dog shall have the meaning ascribed in Minn. Stat. §347.50, Subd. 2, or any amendments or successor statutes thereto.

Subdivision 2. Potentially Dangerous Dog shall have the meaning ascribed in Minn. Stat. §347.50, Subd. 3, or any amendments, or successor statutes thereto.

Subdivision 3. Proper Enclosure shall have the meaning ascribed in Minn. Stat. §347.50, Subd. 4, or any amendments or successor statutes thereto.

Subdivision 4. Owner shall have the meaning ascribed in Minn. Stat. §347.50, Subd. 5, or any amendments or successor statutes thereto.

Subdivision 5. Substantially bodily harm shall have the meaning ascribed in Minn. Stat. §347.50, Subd. 6, or any amendments or successor statutes thereto.

Subdivision 6. Animal control authority means the person or agency responsible for animal control operations with the City of Zimmerman.

5.222. Registration of Dangerous Dogs.

No dangerous dog may be kept within the city limits of the city of Zimmerman unless such dog is registered in accordance with Minn. Stat. §347.51, or unless such dog is used by law enforcement officials for police work.

5.223. Regulation of Dangerous Dogs.

The provisions of Minn. Stat. §347.52 through §347.55 and any amendments or successors to those statutes are hereby incorporated into this ordinance by reference.

5.224. Potentially Dangerous Dog.

An owner of a potentially dangerous dog shall keep the potentially dangerous 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 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 will not cause injury to the dog or interfere with its vision or respiration.

5.225. Confiscation.

Subdivision 1. Seizure.

- (a) The animal control authority may immediately seize any potentially dangerous dog if:
 - (1) The dog is not maintained in the proper location; or
 - (2) The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 5.225.

- (b) If an owner of a dog is convicted of a crime for 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 a dog.

Subdivision 2. Reclaimed.

A potentially dangerous dog seized under Subd. 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under Section 5.035 and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

Subdivision 3. Subsequent Offenses; Seizure.

If a person has been convicted of a misdemeanor for violating a provision of Minn. Stat. §347.51 or 347.52 or a provision of this ordinance, and the person is charged with a subsequent violation of any of those statutes or this ordinance 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 that the owner pay the costs of confining and destroying the animal. If, the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the animal control authority of a fee for the care and boarding of the dog. If the dog has not been 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 in Ordinance No. 5.035 and the owner is liable to the city for the costs incurred in confining, impounding and disposing of the dog.

5.226. Penalty

Any person who violates this Ordinance is guilty of a misdemeanor.

5.23. SIDEWALKS *(added by Ord. No. 298, 7/17/06)*

5.231. Clean Walks Required.

The owner or occupant of any premises in the City shall clear the sidewalk in front of or beside the premises, of snow and loose or melting ice within twenty-four (24) hours after the completion of any snowfall. This section shall not apply to sidewalks or bituminous trails listed on the official City of Zimmerman Sidewalk and Trail Maintenance Map, for sidewalks and bituminous trails which shall be maintenance by the City.

5.232. Failure to Clean Walks.

Whenever the owner or occupant of any premises in the City fails to clear their sidewalk within twenty-four (24) hours after the completion of any snowfall, the Public Works Department shall clear the sidewalk and bill the property owner for all costs. Said costs include, but are not limited to, equipment mobilization, labor and benefits, equipment use, fuel, equipment depreciation and or replacement, and overhead expenses. The City Administrator shall annually determine and publish the hourly rate for the clearing of said sidewalks.

5.233. Assessment of Cost.

If the bill is not paid to the City Clerk within thirty (30) days from the date issued, the amount of the cost shall be certified to the County Auditor and the Auditor shall cause the cost to be assessed, levied, and collected in one payment with the payable taxes.