

**CHAPTER 3  
TAYLORS FALLS CODE OF ORDINANCES  
MUNICIPAL REGULATION AND LICENSING**

**Section 300 - General Licensing and Permit Provisions**

**300.01 Licenses and Permits**

**Subd. 1 General Rule.** Except as otherwise provided in this Code, all licenses and permits granted by the City shall be governed by the provisions of this Section.

**Subd. 2 Acts Prohibited.** No person shall conduct any activity or use any property for which a license or permit is required by law or this Code without a currently valid license or permit for such activity or use.

**Subd. 3 Application.** Every application for a license shall be made to the Clerk-Treasurer on a form the Clerk-Treasurer provides. It shall be accompanied by payment to the Clerk-Treasurer of the prescribed fee. If, after investigation, the Clerk-Treasurer is satisfied that all requirements of law and this Code have been met, the Clerk-Treasurer shall present the application to the Council for action or, if the license or permit does not require Council approval, the Clerk-Treasurer shall issue the license or permit.

**300.02 Not Transferable.** No license issued by the City may be transferred from one person to another without permission of the Council. When the Council permits the transfer of a license, it may waive any residency requirement, but only for the required term of the license.

**300.03 Bond.** Where a bond is required for a license or permit, the bond will be a corporate surety bond executed on a form approved by the City attorney and will be filed with the Clerk-Treasurer before the license or permit is issued. The bond will be in the amount and with the penalty provisions as required by the Code.

**300.04 Procedure for Issuance.** If, after investigation, the Clerk-Treasurer is satisfied that all requirements of law and this Code have been met, the Clerk-Treasurer will present the application and a report of the investigation and findings to the Council for action. If the license or permit does not require Council approval, the Clerk-Treasurer may issue the license or permit.

**300.05 License Period.** All licenses will terminate on December 31 of the year issued, unless otherwise indicated.

**300.06 Renewal.** Applications for renewal of a license will be made to the Clerk-Treasurer on forms provided. The renewal application will contain the information required for the original application plus any additional information required by the Clerk-Treasurer.

**300.07 Duplicates.** A duplicate license certificate or tag may be issued by the Clerk-Treasurer to replace any license certificate or tag previously issued which has been lost, stolen, defaced or destroyed, without any willful conduct on the part of the licensee, if the licensee files an affidavit with the Clerk-Treasurer attesting to such fact and pays to the Clerk-Treasurer a fee of one dollar.

**300.08 Revocation.** Any license may be revoked by the Council for a violation of the section or chapter under which it is issued. However, the revocation must follow any procedure provided in the section or chapter in question.

**300.09 Appeal.** Any person who has made application which has been denied or not acted upon within 30 days after the application may apply directly to the Council for a license. The application to the Council shall contain the same information required in the original application, plus any additional information that the Council may require or that the applicant may feel is pertinent. The Council may grant the license, after hearing if the requirements of this Code are substantially complied with, and in the opinion of the Council granting the license would be in the best interest of the public.

**300.10 Penalty.** Any person who violates any provision of this Section shall be guilty of a misdemeanor.

### **Section 305 - Fees**

**305.01 License Fees.** The fee for any license, permit or application required under this Code will be the amount stated in Section 305.05, which amount will be paid by the applicant at the time the application is submitted to the Clerk-Treasurer. All fees paid are non-refundable, unless otherwise specified in writing.

**305.02 Rezoning.** Any application to the City for the rezoning of land must be accompanied by a fee in the amount stated in Chapter 10 of this Code of Ordinances.

**305.03 Vacation of Street, Alley or Public Easement.** Any application to the City for the vacation of all or part of any street, alley or public easement must be accompanied by payment of a fee in the amount stated in Section 305.05. The Council may refund all or part of the fee if the vacation is approved. Rejection of the application by the Council will not entitle the applicant to a refund of all or any part of the fee.

**305.04 Private Use of City-Owned Facilities.** Each time the City permits a person exclusive use of City owned facilities for a limited period of time, the person must pay the fee for that use stated in Section 305.05.

**305.05 Establishment of Fee Amounts.** Building permit fees, septic system permits, inspection fees, plan check fees, and state surcharges will be charged in accordance with the applicable provisions of the Uniform Building Code. All other fees required by this Code shall be established periodically by Council resolution and included as an appendix at the end of this Chapter.<sup>1</sup>

### **Section 310 - Cigarette Licenses**

**310.01 License Required.** No person, firm or corporation shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise dispose of any cigarette, cigarette paper or cigarette wrapper at any place in the City unless a license is obtained.

**310.02 Application.** In the cigarette license application, the applicant shall make full disclosure of all matters relating to the applicant's name, age, the business in connection with which the proposed license will operate and its location, and such other information as may be required by the Council.<sup>2</sup>

**310.03 Fees.** The fee for every license shall be in the amount stated in Section 305.05.

**310.04 License Shall be Displayed.** Every license shall be kept conspicuously posted at the location for which the license is issued and shall be exhibited to any person upon request.

### **Section 315 - Public Dances**

**315.01 Definition.** The term "public dance" shall be taken to apply to any place in which dancing may be or is

carried on, other than a private residence; and the term "public dance" shall be taken to apply to every dance held in a public dancing place, whether an admission fee is charged or not.

**315.02 Permit Required.** No person shall conduct a public dance in this City unless a permit shall have been procured from the Clerk-Treasurer.

**315.03 Application.** Any person or persons desiring a permit to hold or conduct a public dance in the City shall make application on forms furnished by the Clerk-Treasurer.<sup>3</sup> The applications shall set forth the name and address of the person, persons, committee, or organization which is to conduct the dance; time and place where such dance is to be held; and the area of the dance floor.

**315.04 Police Protection Required.** Unless waived by the City Council, it shall be a condition of any permit issued under this Subsection that the applicant shall provide at the applicant's own expense policing of the immediate and surrounding area of the building or area in or upon which said dance is held by a police officer approved by the Chisago County Sheriff's Department. The failure to provide such policing shall constitute grounds for the immediate revocation of the permit.

**315.05 Community Center Policy.** The City Council shall, by resolution, adopt an official policy relating to the use of the Taylors Falls Community Center. Said policy may be amended from time to time by the Council, with the most recent policy being attached as an addendum to this chapter of the City code.<sup>4</sup>

## **Section 320 - Peddlers**

**320.01 Peddler** means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares of merchandise and offering or exposing them for sale.

**Solicitor** means any person, firm or corporation who goes from dwelling to dwelling business to business, place to place, or from street to street, soliciting donations or attempts to take orders for any goods, wares or merchandise for future delivery.

**Transient Merchant** means any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares or merchandise with the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vacant lot, parking lot, motor vehicle or trailer.

**Religious Groups** mean any person, firm or organization who goes from dwelling to dwelling, business to business, place to place or from street to street, carrying or distributing literature regarding religion or religious beliefs.

**320.02 Registration/Permit Required.** It is unlawful for any peddler, solicitor, and transient merchant or religious group to engage in any such activity within the City of Taylors Falls without first registering with the City Clerk's office in compliance with the provisions of this Ordinance. Registration does not exempt compliance with all applicable local, state and federal laws.

**A. Registration.** Persons registering under this ordinance shall file a sworn statement with the City Clerk's office on a form to be furnished by the City.<sup>5</sup> The sworn statement shall provide:

1. Name and driver's license number or other acceptable photo identification of the person registering;

2. The permanent home address of the applicant and the address of the place of business or the firm or corporation which the applicant represents;
3. A description of the nature of the business and the goods to be sold;
4. The length of time for which the right to do business is required.
5. In cases of transient merchant sales, the applicant must also provide:
  - a) Proof of appropriate permission to operate on proposed site.
  - b) A copy of the firm or individual's sales tax permit. The sales tax permit must be posted at the site.

**B. Registration/Permit Fee.** At the time of registration, the person registering shall pay a fee to cover the administrative costs of processing. The following is the fee structure for permits:

- |   |  |
|---|--|
| 1) Peddlers, Solicitors or Religious Groups | \$100.00/per month                                   |
| 2) Transient Merchants                      | \$25.00/per day weekdays<br>\$40.00/per day weekends |

**320.03 Persons Working for Assisting Registrant.** The registrant shall also supply the name and address of all persons working for or assisting the registrant.

**320.04 Registration Identification.** To identify that they have duly registered with the City, all registered solicitors and peddlers shall carry the registration/permit with them at all times. All transient merchants shall conspicuously display a registration permit issued by the City.

**320.05 Practices Prohibited.** No Peddler or Solicitor shall enter in or upon any premises or attempt to enter in or upon any premises wherein a sign bearing the notice, "Peddlers or Solicitors Prohibited", or language similar thereto, is located.

**320.06 Registration Period.** Registration shall be valid for the following time periods:

- A. Peddlers/Solicitors/Religious Groups - 30 days from date of issuance  
Peddlers/Solicitors/Religious Groups may operate between 9:00 a.m. and 7:00 p.m. only
- B. Transient Merchants - per day basis, valid for days paid  
Transient Merchants may operate between 8:00 a.m. and 8:00 p.m. only

**320.07 Farm and Garden Products Exception.** In accordance with Minnesota Statutes §329.14<sup>6</sup>, the provisions of this Ordinance shall not apply to persons selling products of the farm or garden occupied and cultivated by themselves (in accordance with the Minnesota Grown Program<sup>7</sup>). However, registration of Farm & Garden Product sales is required. The City will not issue more than four permits at a time for the sale of farm and garden products. These permits are issued on a first-come-first-serve basis, and are issued as seasonal permits. Farm and Garden Product may not be sold from City-owned property unless received special permission from the City Council.

**320.07 Special Events Exception.** The provisions of this ordinance shall not apply to special events such as Wannigan Days, etc. which are citywide celebrations and which received special permission from the City Council.

**320.08 Non Profit Organization.** (i.e.) Boy Scouts, Girl Scouts, Church Youth Groups, etc. The provision of this Ordinance shall not apply to non-profit organizations/groups (as listed above) and which receive special permission from the City Council.

**320.10 Penalty.** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor.

Adopted August 13, 2012

### **Section 325 - Fireworks**

**325.01 License Required.** No person shall possess, use or explode any fireworks as defined in Minnesota Statute §624.20<sup>8</sup> without a license and a license shall be issued only when permitted by State law.

**325.02 Application.** Every application for such a license shall be made in writing to the Clerk-Treasurer at least fifteen (15) days prior to the date of the display<sup>9</sup>. The application shall be promptly referred to the Fire Chief, who shall make an investigation to determine whether the operator of the display is competent and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The Fire Chief shall report the findings of this investigation to the Clerk-Treasurer and if the Fire Chief reports that in his or her opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the state fire marshal, the Clerk-Treasurer shall issue a license for the display.

**325.03 Fee.** The license shall not be issued until the fee established in Section 305.05 is paid for each day of display.

### **Section 330 - Explosives**

**330.01 Definitions.** For the purpose of this section the terms defined in this section have the meanings given them.

**Subd. 1 Explosive** - any compound or mixture, the primary or common purpose of which is to function by explosion, that is, with substantially instantaneous release of gas and heat; but shall not mean or include the components for hand leading rifle, pistol, and shot gun ammunition, black powder, primers, and fuses when used for ammunition and components for antique or replica, muzzle leading rifles, pistols, muskets, shotguns and cannons, or fireworks as defined in Minnesota Statutes §624.20<sup>9</sup> nor shall it include any fertilizer product possessed, used or sold solely for a legitimate agricultural, forestry, conservation or horticultural purpose.

**Subd. 2 Explosive Device** - any device so articulated that an ignition by fire, by friction, by concussion, or by detonation of any part of the device may cause such sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effect, but shall not mean or include the components for hand leading rifle, pistol, and shotgun ammunition and/or rifle, pistol and shotguns and cannons, or fireworks as defined in Minnesota Statutes §624.20, nor shall it include any fertilizer product possessed, used or sold solely for legitimate agricultural, forestry, conservation, or horticultural purpose.

**Subd. 3 Incendiary Device** - any device so articulated that ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion, but shall not mean or include a manufactured device or article in common use by the general public which is designed to produce combustion for a lawful purpose, including, but not limited to, matches, lighters, flares, and petroleum derivatives, nor shall it include any fertilizer product possessed, used or sold solely for legitimate agricultural, forestry, conservation, or horticultural purpose.

**330.02 License Required.** No person shall manufacture, assemble, warehouse, or store explosives for the purpose of wholesale or retail sale, or for any other purpose other than for ultimate consumption without being licensed to do so by the commissioner of public safety.

**330.03 Permit Required.** No person shall have in his or her possession explosives, unless the person shall have obtained a valid permit for the use of explosives as provided in this Section. The transportation of an explosive by a common carrier for hire shall not be deemed to be possession of an explosive for purposes of this section.<sup>10</sup>

**Subd. 1 Application.** Any person desiring to possess explosives other than a person licensed as provided in this section shall make application for a permit for the use of explosives to the chief of the City's fire department. The application shall require the applicant's name, address, purpose for acquiring explosives, place of intended acquisition, quantity required, place and time of intended use, place and means of storage until such use and whether the applicant is a person to whom no such permit may be issued pursuant to this section. Any person aggrieved by the denial of a permit may request a hearing before the state fire marshal. The provisions of Minnesota Statutes §14.57 – §14.69<sup>11</sup> shall apply to the hearings and subsequent proceedings, if any.

**330.04 Affirmation.** A license or an explosive use permit shall have printed on it a statement underlined that the applicant affirms under penalty of perjury that the information provided in the permit is true to the best of permittee's knowledge and belief. No license or permit shall be issued unless the applicant signs the application.

**330.05 Terms.** Each license or permit issued pursuant to this act shall be designated by number and shall otherwise be sufficient to identify the licensee or permittee. A duplicate of the license or permit shall be retained by the issuing authority. A license or permit shall not be issued for a period of time greater than one year, but may be issued for shorter periods.

**330.06 Issuance of License or Permit to Certain Persons Prohibited.** The following persons shall not be entitled to receive an explosive license or permit:

**Subd. 1 Crime.** Any person, who within the past five years have been convicted of a felony, or gross misdemeanor involving moral turpitude, is on parole or probation, or is currently under indictment for any such crime.

**Subd. 2 Mental Illness.** Any person with mental illness or mental retardation as defined in Minnesota Statutes §13.02<sup>12</sup> who has been confined or committed in Minnesota or elsewhere for a mental illness or mental retardation to any hospital, mental institution or sanitarium, or who has been certified by a medical doctor as being mentally ill or mentally retarded, unless that person possesses a certificate of a medical doctor or psychiatrist licensed to practice in this state or other satisfactory proof that he /she is no longer suffering from this disability.

**Subd. 3 Drugs.** Any person who is or has been hospitalized or committed for treatment for the habitual use of narcotic drug, as defined in §152.01, Subd. 10, of the State Statutes<sup>13</sup>, or a controlled substance, as defined in §152.01, Subd.4, of the State Statutes, or who has been certified by a medical doctor as being addicted to narcotic drugs or depressant or stimulant drugs, unless in the possession of a certificate of a medical doctor or psychiatrist licensed to practice in this State, or other satisfactory proof, that the person no longer has this disability.

**Subd. 4 Liquor.** Any person who, by reason of the habitual and excessive use of intoxicating liquors is incapable of self-management or the management of personal affairs and who has been confined or committed to any hospital, mental institution or sanitarium in this state or elsewhere as a "chemically dependent" person as defined in Minnesota Statutes §253.28<sup>14</sup>, or who has been certified by a medical

doctor as being addicted to alcohol, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof that that person is no longer suffering from this disability.

**Subd. 5 Minors.** Any person under the age of eighteen (18) years.

**330.07 Transfer and Purchase.** No person shall transfer explosives to another unless the transferee shall display to the transferor a copy of a valid license or use permit and proper identification, and unless the transferee shall present to the transferor a signed standardized form provided by the commissioner of public safety, acknowledging receipt of the quantity of explosives transferred, the identifying numbers of the same explosives, or if none, the identifying numbers of the primary container from which the same explosives were distributed and the serial number of the use permit displayed, which receipt shall be kept among the transferor's records until authorized to dispose of it by the state fire marshal.

No person shall purchase more than five pounds of black powder without providing suitable identification and such other information as the commissioner may require. The records shall be submitted to the local fire marshal designated in Minnesota Statutes §299.19, Subd. 4<sup>15</sup> at such time as the commissioner may by rule prescribe and such records shall be open to the inspection of any peace officer acting in the normal course of his/her duties as such.

**330.08 Possession Without a Permit.** Whoever possesses dynamite or other explosives, commonly used for agricultural, forestry, conservation, industry or mining purposes, without a valid license or permit, with intent to use the explosive for legitimate agricultural, forestry, conservation, industry or mining purposes, and in only such quantities as are reasonably necessary for the intended use, may be sentenced to imprisonment for not more than 90 days or to a payment of a fine of not more than \$1,000, or both.

**330.09 Illegal Transfer.** Whoever illegally transfers dynamite or other explosives commonly used for agricultural, forestry, conservation, industry, or mining purposes to another, personally known to the transferor, in the belief that the explosive shall be used for legitimate agricultural, forestry, conservation, industry, or mining purposes and in only such quantities as are reasonably necessary for such believed purpose, may be sentenced to imprisonment for not more than 90 days or of a payment of a fine of not more than \$1,000, or both.

**330.10 Fees.** A license shall not be issued under this subsection until the fee established in Section 305.05 has been paid in full.

### **Section 340 - Circuses, Theatrical Performances, Amusements, Shows and Exhibitions**

**340.01 Limitations.** No person except a local school, lodge, society, or charitable organization, none of which are organized or maintained for profit, shall hold, promote, advertise for, or otherwise engage in offering or opening to the public a circus, theatrical performance, amusement, show, or exhibition.

### **Section 345 - Dogs, Cats, and Other Animals**

**345.01 Definitions.** As used in this Section the terms shall mean the following:

**Subd. 1 Animal** shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

- A. **Domestic Animals** shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
- B. **Non-Domestic Animals** shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
1. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
  2. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
  3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
  4. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
  5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
  6. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.
- C. **Farm Animals** shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

**Subd. 2 Cat** shall be intended to mean both the male and female of the felidae species commonly accepted as domesticated household pets.

**Subd. 3 Dog** shall be intended to mean both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

**Subd. 4 Owner** shall be intended to mean any person or person, firm, association or corporation owning, keeping, or harboring an animal.

**Subd. 5 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, not exceeding eight (8) feet in length, or otherwise restrained or confined.

**Subd. 6 Release Permit** means a permit issued by the animal control officer for the release of an animal that has been taken to the pound. A release permit may be obtained upon payment of a fee in

accordance with that regular license requirement if the animal is unlicensed, payment of a release fee, any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established from time to time by resolution of the City Council, but not less than twenty-five (\$25.00) the first time an animal is impounded, fifty dollars (\$50.00) the second time it is impounded, and seventy-five (\$75.00) for the third and each subsequent time the same animal is impounded. For the purpose of a release permit, any change in the registered ownership of an animal subsequent to its impoundment and release resets that animal's impoundment count to the beginning of the fee scale.

**Subd. 7 Unprovoked** means the condition, in which the animal is not purposely stimulated, agitated or disturbed.

**Subd. 8 Peace Officer or Animal Control Officer.** The Chisago County Sheriff's Department, or any person, firm, or agency hired or engaged by the City to enforce the provisions of this Ordinance. Hereinafter referred to as Officer.

**Subd. 9 Pound.** A place designated by the City Council to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

### **345.02 Dogs and Cats**

**Subd. 1 Running at Large Prohibited.** It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, or the parents or the guardians of any such person under eighteen (18) years of age, to run at large. Dogs or cats on a leash and 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 assigns reading "Dogs or Cats Prohibited."

**Subd. 2 License Required.**<sup>16</sup> All dogs and cats over the age of six months kept, harbored, or maintained by their owners in the City, shall be licensed and registered with the City. All licenses shall be issued by the Clerk-Treasurer upon payment of the license fee. The owner shall state, at the time application is made for the license and upon forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog and/or cat owned or kept by him or her. No license shall be granted for a dog or cat which has not been vaccinated against distemper and rabies, as provided in this Section. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog and/or cat is vaccinated. A veterinarian who vaccinates a dog and/or cat to be licensed in the City shall complete a certificate of vaccination. One copy shall be issued to the owner for affixing to the license application.

- A. Term of License.** All dog or cat licenses shall be issued for one year beginning with the first day of January of each year and shall expire December 31<sup>st</sup>.
- B. License Fee.** It shall be the duty of each owner of a dog and/or cat subject to this Section to pay to the Clerk-Treasurer the license fee as established in Section 305.05 of this Code of Ordinances. Licenses shall be obtained no later than April 1<sup>st</sup> of the licensing year. Licenses obtained after April 1<sup>st</sup> shall pay twice the license fee.
- C. Identification.** Upon payment of the license fee, the Clerk-Treasurer shall issue to the owner a license certificate and metallic tag for each dog and/or cat licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number of the certificate. Every owner shall be required to provide each dog and/or cat 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 or cat tag is lost or destroyed, a

duplicate shall be issued by the Clerk-Treasurer. A charge of two dollars (\$2.00) shall be made for each duplicate tag. Dog tags shall not be transferable from one dog or cat to another and no refunds shall be made on any dog or cat license fee or tag because of death of a dog or cat or the owner's leaving the City before the expiration of the license period.

**D. Exception of License Requirements.** The licensing provisions of this Subdivision shall not apply to dogs or cats whose owners are non-residents temporarily (six (6) months or less) within the City, nor to dogs or cats brought into the City for the purpose of participating in any dog and/or cat 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.

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

**345.04 Farm Animals.** Farm animals shall only be kept on a residential lot of at least ten (10) acres in size provided that no animal shelter shall be within three hundred (300) feet of an adjoining piece of property. An exception shall be made to this subsection for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

#### **345.05 Impounding.**

**Subd. 1 Running at Large.** Any unlicensed animal running at large is hereby declared a public nuisance. Any Officer may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the Officer shall post notice at City Hall that if the dog or other animal is not claimed within the time specified in Subd. 3, it will be sold or otherwise disposed of. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

**Subd. 2 Biting Animals.** Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the City Pound for a period of not less than ten (10) days, at the expense of the owner. The 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. The owner may, upon receipt of the notice of the need for confinement, voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, and shall provide immediate proof of such confinement in such manner as may be required. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

**Subd. 3 Reclaiming.** All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five (5) regular business days, unless the animal is a dangerous animal as defined under §345.08 in which case it shall be kept for seven (7) regular business days or the times specified in §345.08, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten (10) regular business days, unless sooner reclaimed by their owners or

keepers as provided by this Section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

- A. Payment of the release fee and receipt of a release permit from the Officer;
- B. Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in said pound; and
- C. If a dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

**Subd. 4 Unclaimed Animals.** At the expiration of the times established in Subdivision 3, if the animal has not been reclaimed in accordance with the provisions of this Section, the Officer may let any person claim the animal by complying with all provisions in this Section, cause the animal to be destroyed in a proper and humane manner by a registered veterinarian and the remains properly disposed.

**345.06 Kennels.** (amended February 9, 1998)

**Subd. 1 Maximum Number of Dogs or Cats.** No person, family, household, business or entity shall own, possess, or harbor more than two (2) dogs or two (2) cats without obtaining a kennel license.

**Subd. 2 Kennel Defined.** "Kennel" means any place where three (3) or more dogs or three (3) or more three cats are owned, possessed, or harbored for any purpose, regardless of whether they are kept for breeding or sale.

**Subd. 3 Application.** Any person seeking a kennel license <sup>17</sup> shall pay a non-refundable application fee as set forth in Section 305.05 of this Code of Ordinances, and shall provide:

- A. Verification that all dogs or cats in the proposed kennel have received vaccinations and medical treatment as the Council deems appropriate.
- B. Verification that each dog or cat in the proposed kennel has been licensed in accordance with the terms of this Chapter.

**Subd. 4 Council Consideration.** The Council may grant a kennel license only if it finds that:

- A. All conditions set forth in Subdivision 2 have been met by the applicant;
- B. All persons eighteen (18) years of age or older who own property or reside within three-hundred-fifty (350) feet of the property boundary upon which the kennel is proposed, shall receive written notice from the City within ten (10) days prior to the Council meeting for their public opinion.
- C. The kennel will not adversely affect neighboring property values;
- D. The kennel will not pose a significant threat to the health and welfare of any City residents; and
- E. The kennel will not constitute a nuisance.

If a license is granted, the Council shall specify the maximum number of cats or dogs which the licensee may possess along with any other conditions which the Council deems appropriate.

**Subd. 5 Newborn Cats or Dogs.** Newborn cats or dogs less than six months old shall not be considered in determining whether their owner or possessor needs a kennel license.

### **345.07 Nuisances.**

**Subd. 1 Habitual Barking.** It shall be unlawful for any person to keep or harbor a dog, which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five (5) minutes with less than one (1) minute of interruption. Such barking must also be audible off of the owner or caretaker's premises.

**Subd. 2 Damage to Property.** It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this Subdivision may be impounded as provided in this Section or a complaint may be issued by anyone aggrieved by an animal under this Section, against the owner of the animal for prosecution under this Section.

**Subd. 3 Animal Defecation.** Any person being the owner of or having charge of any animal not confined to that person's property shall immediately remove any feces deposited on public or private property. Any such person shall have in their possession a means to collect and dispose of all fecal matter in a proper manner. A person being the owner of or having charge of any animal shall keep their premises free from an unreasonable accumulation of fecal matter. (amended June 22, 1998)

**Subd. 4 Acts Considered a Nuisance.** The owner or custodian of any domestic animal shall prevent the animal from committing any act in the City, which constitutes a nuisance. It is a nuisance for any animal to habitually or frequently chase vehicles, to molest or annoy any person away from the property of the animal's owner or custodian, or to damage, defile or destroy public or private property. Failure of the owner or custodian to prevent the domestic animal from committing a nuisance is a violation of this section.

**Subd. 5 Other.** Any animals kept contrary to this Section are subject to impoundment.

**345.08 Seizure of Animals.** Any Officer may enter upon private property and seize an animal provided that following exist:

- A. there is an identified complainant other than an Officer making a contemporaneous complaint about the animal;
- B. the Officer reasonably believes that the animal meets either the barking dog criteria, the criteria for cruelty; or the criteria for an at large animal;
- C. the Officer can demonstrate that there has been at least one previous valid complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date; and
- D. the Officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;

- E. the seizure will not involve the forced entry into a private residence. Use of a pass-key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key is considered an authorized entry;
- F. no other less intrusive means is available to stop either the barking dog, the inhumane treatment of the animal; or the at large animal; and
- G. written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

**345.09 Danger to Health and Safety of City.** If, in the reasonable belief of any person, or any Officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the Officer may, as a last resort, destroy the animal in a proper and humane manner. Otherwise the person or Officer may apprehend the animal and deliver it to the pound for confinement. If the animal is destroyed by the Officer, a fee as set forth in Section 305.05 of this Code of Ordinances, shall be charged to the owner of the animal to dispose of the animal. If the animal is found not to be a danger to the health and safety of any person or the City, it may be released to the owner or keeper.

#### **345.10 Diseased Animals.**

**Subd. 1 Running at Large.** No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the City, any animal which is diseased so as to be a danger to the health and safety of the City, even though the animal is properly licensed under this Section.

**Subd. 2 Confinement.** Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by an Officer. The Officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the City, the Officer shall cause such animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this Section shall be liable for at least \$75 to cover the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

**Subd. 3 Release.** If the animal, upon examination, is not found to be diseased within the meaning of this Section, the animal shall be released to the owner or keeper free of charge.

#### **345.11 Dangerous Animals.**

**Subd. 1 Attack by an Animal.** It shall be unlawful for an owner of any animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

**Subd. 2 Destruction of Dangerous Animal.** The Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this Ordinance. Notwithstanding the other provisions of this Ordinance, upon a Final Determination, following a hearing if one is requested, a dangerous dog that: (i) inflicted substantial bodily harm or great bodily harm on a human being on public or private property without provocation; (ii) inflicted multiple bites on a human on public or private property without provocation; (iii) bit multiple human victims on public or private property in the same attack without provocation; or (iv) bit a human on public or

private property without provocation in an attack where more than one dog participated in the attack may be destroyed in a proper and humane manner by the Animal Control Authority.

### **Subd. 3 Definitions**

1. A **Dangerous Animal** is an animal which has:
  - a. Caused bodily injury or disfigurement to any person on public or private property; or
  - b. Engaged in any attack on any person under circumstances which would indicate danger to personal safety; or
  - c. Exhibited unusually aggressive behavior, such as an attack on another animal; or
  - d. Bitten one (1) or more persons on two (2) or more occasions; or
  - e. Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
  
2. A **Potentially Dangerous Animal** is an animal which has:
  - a. Bitten a human or a domestic animal on public or private property; or
  - b. When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
  - c. Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.
  
3. **Proper Enclosure.** Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:
  - a. Have a minimum overall floor size of thirty-two (32) square feet.
  - b. Sidewalls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be one-and-one-quarter- (1¼) inch or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (18) inches in the ground.
  - c. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two (2) inches.
  - d. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two (2) inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

**Subd. 4 Designation as Potentially Dangerous Animal.** The Officer must designate any animal as a potentially dangerous animal upon receiving such evidence that such potentially dangerous animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or a domestic animal. When an animal is declared potentially dangerous, the Officer must notify the owner of the potentially dangerous animal, in writing, that such animal is potentially dangerous.

**Subd. 5 Evidence Justifying Designation.** The Officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

1. That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal;
2. That the animal has been declared potentially dangerous and such animal has then bitten, attacked, or threatened the safety of a person or domestic animal.

**Subd. 6 Authority to Order Destruction.** The Officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

1. The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
2. The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

**Subd. 7 Procedure.** The Officer, after having determined that an animal is dangerous, may proceed in the following manner:

1. The Officer must notify the owner of the animal in writing or in person that the animal is dangerous and may order the animal seized or make such orders as deemed proper. This owner must be notified as to dates, times, places and parties bitten, and shall be given fourteen (14) days to appeal this order by requesting a hearing before the City Council for a review of this determination.
  - a. If no appeal is filed, the orders issued will stand or the Officer may order the animal destroyed.
  - b. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, the date for said hearing must not be more than three weeks after demand for the hearing. The records of the Officer or the City Clerk-Treasurer's office are admissible for consideration by the Officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Council must make an order, as it deems proper. The City Council may order that the Officer take the animal into custody for destruction, if such animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Officer.
  - c. A person who harbors an animal after it has been found by the City Council or the Officer to be dangerous and ordered into custody for destruction is subject to the penalties provided in this Section.

**Subd. 8 Stopping an Attack.** If any Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

**Subd. 9 Notification of New Address.** The owner of an animal, which has been identified as dangerous or potentially dangerous, must notify the Officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least fourteen (14) days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any.

### **345.12 Dangerous Animal Requirements.**

**Subd. 1 Requirements.** If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:

1. That the owner provide and maintain a proper enclosure for the dangerous animal as specified in §345.11, Subd. 3(3);
2. Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statute §347.51<sup>18</sup>;
3. Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;
4. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash not to exceed six (6) feet in length, and under the physical restraint of a person sixteen (16) years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
5. If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statute §347.51;
6. All animals deemed dangerous by the Officer shall be registered with Chisago County within fourteen (14) days after the date the animal was so deemed and provide satisfactory proof thereof to the Officer;
7. If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

**Subd. 2 Seizure.** The Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within fourteen (14) days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

**Subd. 3 Reclaiming animals.** A dangerous animal seized under §345.11 may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to the Officer that each of the requirements under §345.12 are fulfilled. An animal not reclaimed under this section within fourteen (14) days may be disposed of as provided under §345.11, Subd. 6, and the owner is liable to the City for costs incurred in confining the animal.

**Subd. 4 Subsequent Offenses.** If an owner of an animal has subsequently violated the provisions under §345.11 with the same animal, the animal must be seized by the Officer. The owner may request a hearing as defined in §345.11, Subd. 7. If the owner is found to have violated the provisions for which the animal was seized, the Officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of §345.12, Subd. 3. If the animal is not yet reclaimed by the owner within fourteen (14) days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under §345.11, Subd. 6 and the owner is liable to the City for the costs incurred in confining, impounding and disposing of the animal.

**345.13 Basic Care.** All animals 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 this Section.

**345.14 Breeding Moratorium.** Every female dog or female cat in heat shall be confined in a building or other enclosure in such manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

**345.15 Enforcing Officer.** The Council is hereby authorized to appoint an animal control officer(s) to enforce the provisions of this Section. In the Officer's duty of enforcing the provisions of this Section, he or she may from time to time, with the consent of the Council, designate assistants.

**345.16 Pound.** Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

**345.17 Interference with Officers.** No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this Chapter, or in any other manner to interfere with or hinder such Officer in the discharge of his or her duties under this Chapter.

#### **345.18 Violations and Penalties.**

**Subd. 1 Separate Offenses.** Each day a violation of this Chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

**Subd. 2 Misdemeanor.** Unless otherwise provided, violation of this Chapter shall constitute a misdemeanor punishable by a fine of up to \$1,000.00 or imprisonment for up to ninety (90) days.

**Subd. 3 Petty Misdemeanor.** Violations of §345.02, §345.06, §345.12 and §345.13 are petty misdemeanors punishable by a fine up to \$300.00.

Amended April 20, 2005  
Amended March 9, 2009

### **Section 348 – Chickens**

**348.01 Definitions.** As used in this subdivision, the following definitions shall apply:

**Chicken** means a domesticated bird that serves as a source of eggs or meat.

**Coop** means the structure for the keeping or housing of chickens permitted by the Ordinance.

**Hen** means a female chicken.

**Permit** means a Back Yard Chicken Permit.

**Permit Fee** means a fee which shall be paid and filed with the permit and/or renewal permit application, and which shall be established by City Council Resolution.

**Representative of the City** means a person employed by the City of Taylors Falls.

**Rooster** means a male chicken.

**Run** means a fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

**Substrate** means the base of the chicken coop/run.

#### **348.02 Backyard Chicken Permit required.**

**Subd. 1 Ownership.** It is unlawful for any person to keep, harbor, maintain, possess, or otherwise control any chicken within the City, except:

- A. In an area zoned as Rural Countryside; or
- B. Pursuant to a permit issued by the City under this subdivision on a parcel of record Residential Transitional or Small Town with a single family detached dwelling only.

**Subd. 2 Approval of Adjoining Properties.** The City may grant a permit for chickens after the applicant has obtained written consent of one hundred (100%) percent of the owners and occupants of privately or publicly owned real estate that are located immediately adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested. Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the City deems

**Subd. 3 Exempt Properties.** Properties two (2) acres or more in size are exempt from the written approval requirement if there remains a minimum of two-hundred (200') feet between the property line and the proposed coop and run.

**348.03 Application.** An application for the permit shall be filed with the City Clerk upon a form furnished by the City. The permit fee shall be paid and filed with the permit application. A permit issued shall be for duration of one year, from May 1<sup>st</sup> to April 30<sup>th</sup>. The permit application shall include, but not be limited to, the following:

1. The full name and address of the following persons:
  - (a) The applicant.

- (b) The owner(s) of the property on which chickens are to be kept and for which the permit would apply.
2. If the applicant is not the only fee owner of the premises on which the chickens are to be kept and for which the permit would apply, the application shall be signed by all fee owners of the premises.
  3. The street address of the property on which chickens are to be kept.
  4. The number of chickens and breed of chickens to be kept.
  5. A detailed site plan of the property showing the location and size of the proposed coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location style, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.
  6. A Self-Inspection Checklist form for the applicant to complete, verifying that each requirement of this Ordinance have been complied with, which includes statements that the applicant will at all times keep the chickens in accordance with the conditions prescribed by the City, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and grounds for cancellation of the permit.
  7. Any other and further information as the City deems necessary.

#### **348.04 Granting or Denying Issuance of Permit.**

**Subd. 1 Prior to Issuance.** The Applicant for the permit to Keep Backyard Chickens must acknowledge that they have read the “Backyard Chicken Basics” obtainable from the University of Minnesota Extension, <http://www.extension.umn.edu/food/small-farms/livestock/poultry/backyard-chicken-basics/> (or attached), and viewed the three short videos entitled Raising Chickens #1: setting up the space, Raising Chickens #2: moving chicks into the space, and Raising Chickens #3: supplemental heat, viewable at <http://www.extension.umn.edu/food/small-farms/livestock/poultry/>.

**Subd. 2 Granting Permit.** The permit may be issued by the City Clerk following the initial inspection by a City Representative, who shall inspect the location and construction of the chicken coop and run as illustrated on the permit application to ensure compliance with the requirements of this Ordinance.

**Subd. 3 Denying Permit.** The City Clerk may deny a permit hereunder for any of the following reasons:

1. The application is incomplete or contains false, fraudulent or deceptive statements.
2. The signed Self-Inspection Checklist form was not attached to the application form.
3. The applicant does not or has not complied with one or more of the provisions of this subdivision.
4. The applicant or owner of the premises where the chickens are to be kept has been convicted of a violation under this subdivision or under any state or local law governing cruelty to animals or the keeping of animals.
5. The applicant is not the owner of the chickens proposed to be kept on the premises.

6. The applicant is not the occupant of the premises for which the permit is to be issued.

**348.04 Subd. 4 Renewal Permit.** The City Clerk may issue a renewal permit upon receipt of the following:

1. Submission of the Renewal Permit Application.
2. Submission of the Self-Inspection Checklist form which verifies the number of birds, the condition of the roof, coop, fencing, and substrate, and that all other requirements of this Ordinance have been complied with.
3. Submission of a dated photo validating the information submitted on the renewal permit application and Self-Inspection Checklist form.
4. The renewal fee.

**Subd. 5 Transferability of permit.** A permit issued hereunder shall be nontransferable. It is unlawful to keep, harbor, maintain, possess, or otherwise control any chicken on property that is not identified on the permit.

**348.05 Regulations.** The keeping, harboring, maintaining, or possessing of any chicken under a permit issued pursuant to this subdivision shall be in accordance with the following:

1. No more than six (6) chickens shall be kept on the premises.
2. Roosters are prohibited.
3. Slaughtering of chickens is prohibited on the premises.
4. No chickens shall be kept, maintained, housed or permitted inside any residential dwelling or any garage.
5. No chicken shall be permitted to run at large. The term "run at large" is defined as any chicken freely roaming outside of a secure and proper boundary fenced coop and run.
6. Chickens shall not be kept in such a manner as to disturb the peace and quiet of the City or to otherwise become a public or private nuisance so as to annoy, injure or endanger the health, safety, comfort or repose of the public.
7. No chicken eggs shall be sold or offered for sale; all chicken eggs shall be for personal use or consumption.
8. All grains and feed for the chickens shall be stored inside a structure in a rodent and vermin-proof container.
9. Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within forty-eight (48) to seventy-two (72) hours. Legal forms of chicken carcass disposal include offsite burial, off site incineration or rendering, or offsite composting.

**348.06 Chicken coop and run required.** A chicken coop and run are required to house the chickens.

**Subd. 1 Coops.** Coops must be constructed and maintained to meet the following minimum standards:

1. The chicken coop shall be setback at least ten (10') feet from the rear lot line and at least ten (10') feet from the side lot lines. The chicken coop and run, or any portion thereof, shall not be located in the front yard, which is defined as any area located between the front lot line and the front setback line or front building line, whichever is further from the front lot line, running from side lot line to side lot line.
2. No chicken coop or run, or any portion thereof, shall be located within twenty-five (25') feet of the outer perimeter of any inhabitable building.
3. The interior floor space of the chicken coop shall be a minimum size of five (5) square feet for each chicken, and an interior height of six (6) feet to allow access for cleaning and maintenance.
4. The exterior finish materials of the chicken coop shall be weather-resistant, protective covering material, decay-resistant wood, or if exterior finish wood is not decay resistant, then the wood finish shall be protected from the elements and decay by paint or protective covering (e.g., siding, fascia wrap).
5. The construction of, and materials used, for the chicken coop and run, must be stored adequately to prevent access by rodents, vermin, and predators.
6. The chicken coop and run shall be kept in a sanitary and odor-free condition, including the regular and frequent removal and proper disposal of any accumulated chicken feces or waste, dirt or filth that could create a safety or health hazard, and devoid of all rodents and vermin.
7. The chicken coop shall be immediately removed within ten (10) days if a permit granted under this subdivision expires or is revoked.

**Subd. 2 Runs.** Runs must be constructed and maintained to meet the following minimum standards:

1. The chicken run shall be setback at least ten (10') feet from the rear lot line and at least ten (10') feet from the side lot lines. The chicken coop and run, or any portion thereof, shall not be located in the front yard, which is defined as any area located between the front lot line and the front setback line or front building line, whichever is further from the front lot line, running from side lot line to side lot line.
2. The run shall be a minimum of ten (10') square feet per bird. If the coop is elevated two (2') feet so the hens can access the space beneath, that area may count as a portion of the minimum run footprint.
3. The coop's attached pen must be securely constructed with at least a mesh type material and shall have protective over-head netting to keep the chickens in and the predators out. The attached pen must be well drained so there is no accumulation of moisture.
4. The chicken run shall be kept in a sanitary and odor-free condition, including the regular and frequent removal and proper disposal of any accumulated chicken feces or waste, dirt or filth that could create a safety or health hazard, and devoid of all rodents and vermin.
5. The substrate shall be composed of material that can be easily raked or regularly replaced to reduce odor and flies.

6. The run shall be immediately removed if a permit granted under this subdivision expires or is revoked.

**348.07 Revocation of permit.**

1. All complaints received by the City shall be investigated. If found that a violation of a provision of this Ordinance exists, and if the violation is significant in nature, it may constitute grounds for the revocation of a permit. A revoked permit may not be re-issued for a period of one (1) year.
2. Any person, whose permit has been revoked, shall with ten (10) days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.
3. Any person found to be in violation shall reimburse the City for all costs borne by the City to enforce the conditions of the permit including but not limited to the pickup and impounding of the chickens.

**348.08 Severability** If any section or provision of this Ordinance is declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**348.09 Effective Date.** This Ordinance shall be effective upon its passage and publication according to law.

ADOPTED BY THE CITY COUNCIL ON APRIL 14, 2014  
PUBLISHED IN THE CHISAGO COUNTY PRESS APRIL 24, 2014

**Section 350 - Bingo, Other Lawful Gambling and Video Games of Chance**

**350.01 Lawful Gambling Permitted.** Lawful gambling, as defined in Minnesota Statutes, §349.12, Subd. 24 ("Lawful gambling" is the operation, conduct or sale of bingo, raffles, paddle wheels, tipboards, and pull-tabs) is permitted in the City if the organization conducting such gambling meets the following criteria:

- A. It is licensed by the Minnesota Gambling Control Board, and is in compliance with Minnesota Statute §349<sup>19</sup>;
- B. It is a tax exempt organization pursuant to Section 501(c) of the Internal Revenue Code or has a Section 501(c) application pending with the Internal Revenue Service;
- C. It has been in existence as a union non-profit corporation or as a Section 501(c) tax exempt organization for at least three (3) consecutive years prior to the date the gambling operation begins; and
- D. Complies with all of the provisions of this Section.

**350.02 Filing of Records; Inspections; Access to Records.**

**Subd. 1 Reports.** Every organization licensed to conduct gambling in the City shall file with the Clerk-Treasurer copies of all records and reports required to be filed with the Minnesota Lawful Gambling Control Board pursuant to Minnesota Statutes, Chapter 349, and the rules and regulations promulgated by Minnesota Statute §349. The records and reports shall be due at the same time they are due to the Board.

**Subd. 2 Inspection.** Every gambling event in the City conducted by an organization under Minnesota Statutes, Chapter 349, shall be open to inspection by officers of the Police Department.

**Subd. 3 Inspection of Records.** The Chisago County Sheriff's Department may inspect, at any reasonable time, without notice or search warrant, all records of a licensed organization, including gambling accounts and other bank records which are required, by the Minnesota Lawful Gambling Board, to be maintained and preserved.

### **350.03 Approval of Premises Permit.**

**Subd. 1 Notification of Application.** The Minnesota Lawful Board shall notify the Council in writing in the manner required by law of each pending application for a lawful gambling license at least sixty (60) days before issuing or renewing the license. Each pending application for a license shall be approved or disapproved by resolution of the Council.

**Subd. 2 Filing.** Any organization applying to the Gambling Control Board for a Premises Permit, bingo hall license or for the renewal of the premises permit to conduct lawful gambling in the City shall, within ten (10) days of making such application, file the following with the Clerk-Treasurer:

- A. A duplicate copy of the Gambling Control Board application along with all supporting documents submitted to the Gambling Control Board;
- B. A copy of the Articles of Incorporation and Bylaws of the organization;
- C. The names and addresses of all officers and directors of the organization;
- D. A copy of the organization's written procedures and/or criteria for distribution of funds derived from lawful gambling, its standardized application form and its written fiscal control procedures; and
- E. A copy of the Internal Revenue Service's tax exempt letter.

**Subd. 3 Investigation.** Upon receipt of the materials required by 350.03 Subd. 2 and not later than sixty (60) days from receipt of notice from the Gambling Control Board, City staff shall investigate the applicant and, based upon said investigation, the Council shall act on the application.

**Subd. 4 Approval/Denial.** The action of the City Council to approve an application for a premises permit or a bingo hall license within the City shall be by resolution. Failure to receive a majority affirmative vote of the Council, shall be a denial of the application.

**Subd. 5 Resolution.** A copy of the Council resolution will be made available to the license application upon request.

**Subd. 6 Filing.** Copies of any other reports or documents which are required to be subsequently filed by the organization with the Gambling Control Board, including monthly financial statements, shall be filed with the City within ten (10) days of filing such materials with the Gambling Control Board.

**Subd. 7 Records.** To assure compliance with this Section, the City may require a premises permit holder or bingo hall licensee to provide copies of the records described in Minnesota Statutes §349.215.

#### **350.04 Locations.**

**Subd. 1 Maximum Number.** The maximum number of locations where lawful gambling may be conducted within the City is ten (10).

**Subd. 2 Allotment to Single Organization.** No single organization may conduct lawful gambling at more than three (3) locations within the City.

**Subd. 3 Where Permitted.** Lawful gambling under license issued by the Minnesota Lawful Gambling Control Board may be conducted only at the following locations:

- A. In the licensed organization's hall where it has its regular meetings. No organization shall rent, lease, or occupy, directly or indirectly, any other property for the purpose of conducting gambling, except an on-sale establishment as permitted in this Section;
- B. In licensed on-sale liquor, wine, and beer establishments;
- C. Notwithstanding Subsections A and B above, "raffle only" licenses may be approved for any proper location.

**Subd. 4 Compliance.** No location shall be approved for gambling unless it complies with the applicable zoning, building, fire, and health codes of the City.

#### **350.05 Liquor Sales/Lawful Gambling at On-Sale Establishments.**

**Subd. 1 Prohibition.** No sale, consumption, or possession of liquor, wine, or 3.2 beer shall be permitted during gambling conducted by a licensed organization, except as permitted under a valid on-sale liquor, wine, or 3.2 beer license, or a bottle club permit; provided further that no sale, consumption, or possession of liquor, wine, or 3.2 beer shall be permitted in the room where a bingo session is taking place:

**Subd. 2 Regulations.** Lawful gambling at on-sale liquor, wine, and 3.2 beer establishments shall be conducted in compliance with the following regulations:

- A. Only licenses for pull tabs and raffles may be issued except where the licensed gambling organization also holds the on-sale liquor, wine or 3.2 beer licenses for the premises, in which case any lawful gambling license may be issued;
- B. On-sale establishments shall be limited to one licensed gambling organization at any one time in the licensed premises or any rooms adjoining the premises under the same management. No lease shall be effective between an on-sale establishment and a gambling organization while there is still a lease in effect between the on-sale establishment and another gambling organization.
- C. Every agreement between a non-profit organization and an on-sale premises for gambling shall be in the form of a written lease. The written lease shall be the complete agreement between the parties, and there shall be no unwritten terms or conditions. The lease shall specifically provide that the lessee shall operate only after issuance of a license and shall be subject to the terms of this Section;

- D. A copy of any lease agreement between a non-profit organization and an on-sale licensee shall be filed with the Clerk-Treasurer with the gambling license application;
- E. A lease agreement between a non-profit organization and an on-sale establishment shall not provide for rental payments based on a percentage of receipts of profits from lawful gambling. There shall be no other compensation paid to the on-sale establishment, directly or indirectly, other than the rental fee provided in the lease agreement.
- F. No gambling funds shall be commingled with funds of the on-sale establishment;
- G. No food, drink or entertainment discounts or other promotions shall be offered in conjunction with the sale of gambling devices or chances;
- H. The on-sale establishment shall allow the organization to conduct gambling at any time during its lawful business hours and shall prohibit gambling at any time other than its lawful business hours;
- I. The on-sale licensee shall make no agreements with any gambling equipment distributor requiring the use of the distributor's gambling; and
- J. Licenses may be denied for establishments with previous gambling violations.

**350.06 Gambling Manager.** Before any person may serve as a gambling manager for any organization licensed to conduct gambling in the City, that person must have satisfactorily completed a course of instruction conducted by the Minnesota Lawful Control Board on the duties and responsibilities of the gambling manager.

**350.07 Contributions.**

**Subd. 1 Percentage.** Each organization conducting lawful gambling within the City shall contribute ten percent (10%) of its net profits derived from lawful gambling in the City to a fund administered and regulated by the City without cost to the fund for disbursement by the City for lawful purposes as defined by Minnesota Statutes §349.12, Subd. 25, the City's use of the funds shall be determined by the City Council.

**Subd. 2 Reporting Requirement.** The ten percent (10%) contribution imposed by this Section shall be reported on a duplicate copy of the gambling tax return filed with the Minnesota Lawful Gambling Control Board each month. The report shall be an exact duplicate of the report filed with the Minnesota Lawful Gambling Control Board without deletions or additions, and must contain the signatures of organization officials as required on the report form.

**Subd. 3 Reporting Deadline.** The contribution and the report due must be postmarked or, if hand-delivered, received in the office of the Clerk-Treasurer on or before the last business day of the month following the month for which the report is made.

An incomplete report will not be considered timely filed unless corrected and returned by the due date for filing. Delays in the mailing, mail pick-ups, and postmarking are the responsibility of the organization.

The report and contribution shall be delivered to:

CITY OF TAYLORS FALLS  
637 First Street

Taylor Falls, MN 55084

**Subd. 4 Payment.** Checks shall be made payable to:

"City of Taylor Falls"

**Subd. 5 Interest.** There shall be an interest charge of eight (8) percent per annum on the unpaid balance of all overdue contributions owed by an organization under this Section.

**Subd. 6 Delinquencies.** The City Council shall disapprove any pending application for renewal or original issue of a lawful gambling license for any organization which owes delinquent gambling contributions to the City. Further, the Council or Clerk-Treasurer may notify the Minnesota Lawful Gambling Board of any organization owing delinquent gambling taxes to the City and may request that the Council revoke or suspend the organization's license during the license year. The Council shall not issue or renew any on-sale or off-sale alcoholic beverage license, bottle club permit, or food license to any organization which owes delinquent gambling contributions to the City. The above remedies are not exclusive and shall be in addition to any other powers and remedies provided by law.

**Subd. 7 Exemption.** The receipts from lawful gambling of an organization that is exempt from licensing under Minnesota Statutes §349.166, are not subject to the contribution imposed by this Section.

**Subd. 8 Evaluation of Purpose of Funds.** City will evaluate yearly the purposes for which the funds will be used.

**350.08 Contribution Requirement.** Each licensed organization which conducts lawful gambling activities within the City of Taylor Falls shall expend no less than fifty percent of its lawful expenditures of funds derived from gambling activities for the direct benefit of citizens living, working or learning with the "local trade area". The "local trade area" is defined to include the area within the boundaries of the City of Taylor Falls. The definition of the "local trade area" may on a case by case basis, be expanded by the City Council properly acting upon a specific request. Each request for expansion of the "local trade area" will be considered on its own merits and each expansion so enacted will be valid for that specific request only.

**350.09 Gambling Exempt from State Licensing Requirements.** Organizations which conduct lawful gambling which are exempt from state gambling licensing requirements (pursuant to Minnesota Statute §349.166) may conduct such gambling within the City upon receipt of a permit from the City; except this requirement does not apply to door prizes or rates and bingo where total prizes are less than \$5,000 in a calendar year.

**Subd. 1 Application.** An application for such a permit shall be made at least thirty (30) days prior to the date such gambling shall be conducted. The application shall contain the following:

- A. The name of the organization;
- B. The address of the organization;
- C. The place where such gambling will occur; and
- D. The total prizes to be awarded.

**Subd. 2 Permit Fee.** The organization shall pay a permit fee of ten dollars (\$10.00) for each day the gambling is conducted;

**Subd. 3 Permitted Classes of Gambling.** Permits for all classes of gambling activities may be approved.

**Subd. 4 On-Sale Premises.** Lawful gambling by an organization exempt from licensing may be conducted on the premises of a licensed on-sale liquor, wine, or beer establishment or a bottle club, subject to the restrictions in this Section relating to the conduct of gambling in on-sale establishments and bottle clubs;

**Subd. 5 Consumption, Possession, 3.2 Beer.** Except as provided in 350.10, Subd. 4, the sale, consumption, and possession of intoxicating liquor at a gambling event by an exempt organization shall be prohibited. However, 3.2 beer may be served and consumed, but only under a valid temporary on-sale beer license;

**Subd. 6 Compliance, Notice.** The organization shall comply with all statutory requirements for an exempt organization, including the thirty (30) day notice requirement to the City, pursuant to Minnesota Statutes §349.166, Subd. 2(4).

**Subd. 7 Filing of Report.** Within thirty (30) days after filing any reports with the Gambling Control Board, the organization shall file a copy of such reports with the City.

### **Section 350 - Pawnbroker Regulations**

**355.01 State law adopted.** Except as further specified by this Ordinance, the City of Taylors Falls hereby adopts the provisions of Minnesota Statutes, Chapter 325J<sup>20</sup>, with reference to definitions, eligibility, business operations, records, charges, and locations, as those provisions may be amended from time to time, and intends to make those provisions a part of this Ordinance as if fully set out herein.

#### **355.02 License Required**

**Subd. 1 Valid License Required.** A person may not engage in business as a pawnbroker or otherwise portray the person as a pawnbroker unless the person has a valid license authorizing engagement in the business. Any pawn transaction made without benefit of a license is void.

**Subd. 2 Separate License Required.** A separate license is required for each place of business. A person may obtain more than one license if the person complies with this Chapter for each license. Licenses are issued for the premises described in the application and shall not be transferable to a different location. A failure to comply at any one location may be grounds for revocation of all licenses held by the person.

#### **355.03 Application Procedures**

**Subd. 1 Application Filing.** An application for a pawnbroker license<sup>21</sup> shall be filed with the City Clerk, along with the license fee.

**Subd. 2 Background Investigation Required.** The City shall request a background investigation of the applicant, and report the results of said investigation with the forwarded application. Should the City or the Bureau of Criminal Apprehension determine that investigation outside the State of Minnesota is necessary, the applicant shall pay for the cost of the investigation, up to \$10,000.00, through the City.

**Subd. 3 Public Hearing Required.** The Clerk shall forward the completed application to the Planning Commission for review and recommendation to the City Council. The City Council shall hold a public hearing on the application. Notice of the hearing shall be mailed, at least ten days prior to the date of the hearing, to the owners of all properties located within 350 feet of any lot line of the property on which the business is proposed. The notice shall also be published in the official newspaper at least ten days prior to the date of hearing. After conducting the hearing, the City Council may grant or refuse the application in its discretion.

**Subd. 4. Term of License.** All licenses shall expire on the last day of December of each year. Each license shall be issued for a period of one year except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month.

**Subd. 5. Renewal** Each person holding a pawnbroker license shall apply to the City Clerk prior to the expiration of the license. Each application for a renewal license shall be accompanied by the license fee. Prior to issuance of a license renewal, the City Clerk shall determine that all licensing conditions and City ordinances are being met.

#### **355.04 Conditions Upon Licenses**

**Subd. 1 Bond Required.** Before any person shall be licensed as a pawnbroker under this ordinance, such applicant shall file with the City Clerk a bond in the sum of five thousand dollars (\$5,000.00) with a duly licensed surety company as surety thereon, with such surety bond to be approved by the City Clerk and such bond to be approved as to form and execution by the City attorney. Conditions of such bond shall be that the licensee shall observe the sections of this Ordinance or other City ordinances in relation to the business of the pawnbroker and that such licensee will conduct such business in conformity therewith and will account for and deliver to any person legally entitled thereto any goods, wares or merchandise, article or thing which may have come into the possession of such licensee as pawnbroker or, in lieu thereof, such licensee shall pay in money to such person the reasonable value thereof.

**Subd. 2 Code Compliance.** The pawnbroker's premises must be in compliance with all applicable zoning, building and fire codes.

**Subd. 3 Notice of Lost or Stolen Goods.** If a pawnbroker shall receive notice through publications, advertisements, or any other means that any goods, articles or things in the licensee's possession are lost or stolen, the licensee or an agent thereof shall immediately give information to either the City Clerk or the Chisago County Sheriff's Department that the items are in the licensee's possession. The licensee shall not thereafter dispose of the goods, articles or things except upon written authority from the City Clerk or Chisago County Sheriff.

**Subd. 4 Report of Tampering with Serial Number.** Any licensee shall immediately report to the Chisago County Sheriff's Department any attempt to sell, trade or barter any merchandise with a serial number that has been removed, altered, obliterated or otherwise defaced in violation of state law.

**Subd. 5 Hours of Operation.** No licensed premises shall open for business before 8:00 a.m. or remain open after 9:00 p.m. on any day of the week.

**355.05 Revocation, Appeal.** A license may be suspended or revoked for failure to comply with this Ordinance or the provisions of Minnesota Statutes incorporated herein.

**Subd. 1 Contract Obligations.** No expiration, revocation, suspension, or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any pledgor.

**Subd. 2 Suspension and Revocation of License.** The City Clerk shall suspend a pawnbroker license where compliance with the licensing conditions or City ordinances cannot be obtained. The suspension shall extend for three months or until the license holder demonstrates compliance with this ordinance and other applicable law to the City. The City Clerk shall revoke the license of a pawnbroker in the event of confirmed noncompliance with this ordinance or other applicable law, conviction of the license holder or an employee of the licensed operation of a crime which would make the person ineligible to maintain a pawnbroker license under Minnesota Statute §325J.03, or where the licensed operation has been discontinued.

**Subd. 3 How to Appeal Suspension or Revocation.** The holder of a license whose license has been suspended or revoked by the City Clerk may appeal the decision to the City Council. To request an appeal, a written letter or request must be submitted to the City Clerk within 30 days of the adverse license action. The City Council shall hold a public hearing on the appeal, using the notification procedures in Section 355.03, Subd. 3. After conducting the public hearing, the Council may uphold the adverse action taken by the Clerk, overturn the findings of the Clerk allow the license to continue, reduce a revocation to a suspension for a term set by the Council, or allow continuation with additional conditions imposed upon the license.

**Subd. 4 Follow-up Report.** When applying additional conditions or ordering a suspension, the Council may direct that it receive a follow-up report at a time prior to the annual license renewal.

**Subd. 5 Notification.** The City Clerk shall notify the Chisago County Sheriff's Department of any licensee whose license has expired or been surrendered, suspended, or revoked as provided by this chapter.

**355.06 Severability.** If any Section or provision of this Ordinance is declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**355.07 Effective Date.** This Ordinance will be in full force and effect following its passage and publication of the summary Resolution, according to law.

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1. Fee Resolution
  2. Cigarette License Application
  3. Music/Dance Permit Application
  4. Community Center Policy
  5. Peddler's Permit Application
  6. Minnesota Statute §329.14 Certain Sales Exempted
  7. Minnesota Grown Program
  8. Minnesota Statute §624.20 Fireworks
  9. Outdoor Fireworks Display Application
  10. Explosives License Application
  11. Minnesota Statutes §14.57 - §14.69 Contested Case Procedures
  12. Minnesota Statute §13.02 Definitions
  13. Minnesota Statute §152.01 Definitions
  14. Minnesota Statute §253.28 State Operated Community Based Programs for Persons with Mental Illness
  15. Minnesota Statute §299.19, Subd. 4 Local Flammable Liquids and Explosives Authority
  16. Animal License Application
  17. Kennel License Application
  18. Minnesota Statute §347.51 Dangerous Dog Registration
  19. Minnesota Statute Chapter 349 Lawful Gambling Devices
  20. Minnesota Statute Chapter 325J.01 Definitions
  21. Pawn Broker License Application