

SEC. 8.01 SEXUAL OFFENDERS AND SEXUAL PREDATORS

- A. Purpose and Intent. The City Council of the City of Hanover finds that sexual offenders and sexual predators present an extreme threat to the health, safety, and welfare of the citizens of the City. It is the intent of this Section to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain Designated Offenders are prohibited from loitering or prohibited from establishing temporary or permanent residency.
- B. Definitions.
1. "Designated offender" means any person who has been convicted of a designated sexual offense, regardless of whether adjudication has been withheld, in which the victim of the offense was less than sixteen (16) years of age, or has been categorized as a Level III sex offender under Minnesota Statute, section 244.052 or successor statute.
 2. "Designated sexual offense" means a conviction, commitment under Minnesota Statute, section 253B, or admission of guilt under oath without adjudication involving any of the following offenses under Minnesota Statutes: 609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.246; 617.247; 617.293; successor statutes; or a similar offense from another jurisdiction.
 3. "Permanent resident" means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
 4. "Temporary residence" means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.
 5. "Loitering" means standing, sitting idly, whether or not the person is in a vehicle or remaining in or around an area.
 6. "Park or Playground" means one of the following:
 - a. Any land, including improvements to the land that is administered, operated or managed by the City for the use of the general public as a recreational area.
 - b. City recreational areas include, but are not limited to, conservation area, jogging trail, hiking trail, biking trail, recreational center, water park, swimming pool, soccer field or baseball field.

7. “Prohibited areas” or “Places where children regularly congregate” includes, but is not limited to, any public park, private and public schools, licensed day care facilities, designated public school bus stop, public library, place of worship which provides regular educational program, amusement parks and centers, recreation centers, youth athletic fields, public or commercial and semi-private swimming pools, and specialized schools for children, including but not limited to gymnastic and dance academies.

C. Designated offender residence and activity prohibited; penalties; exceptions

1. Prohibited location of residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence: (1) within 2,000 feet of any school, licensed day care center, park or playground; or (2) within 1,000 feet of any place where children regularly congregate.

2. Prohibited activity.

It is unlawful for any designated offender to knowingly loiter at a place where children regularly congregate.

Designated offenders shall not, on each October 30th and 31st (or any other date set by the City for trick-or-treaters) distribute candy or other items to children, leave an exterior porch light on or otherwise invite trick-or-treaters to solicit their residence.

3. Measurement of distance.

For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of the prohibited area or property.

The City Clerk shall maintain an official map showing prohibited areas as defined by this Ordinance. The Clerk shall update the map at least annually to reflect any changes in the location of prohibited areas.

4. Penalties. Any person violating any provision of this Section shall be guilty of a misdemeanor as defined by state law and Section 1.05(B) of this Code and subject to the penalties thereof. Each day a person maintains a residence in violation of this Section constitutes a separate violation.
5. Exceptions. A designated offender residing within a prohibited area does not commit a violation of this Section if any of the following apply:

- a. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota, Statutes 243.1 and 243.167 or successor statutes, prior to June 1, 2015.
- b. The person was a minor when he/she committed the offense and was not convicted as an adult.
- c. The person is a minor.
- d. The prohibited area was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes, sections 243.166 and 243.167.
- e. The residence is a property owned or leased by the Minnesota Department of Corrections.

D. Property Rental Prohibited; Penalties

1. It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to Section Three of this Ordinance, if such place, structure, or part thereof, is located within a prohibited area and not subject to an exception set forth in Paragraph C(5) above.
2. A property owner who violates this Section shall be guilty of a misdemeanor as defined by state law and Section 1.05(B) of this Code and shall be subject to the penalties thereof.

SEC. 8.02 STORAGE, DEPOSIT AND DISPOSAL OF REFUSE AND JUNK

A. Definitions.

The following terms, as used in this Section, shall have the meaning stated:

1. "Refuse" includes all organic material resulting from the manufacture, preparation or serving of food or food products, and spoiled, decayed or waste foods from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, tree or lawn clippings, leaves, weeds and other waste products, except human waste or waste resulting from building construction or demolition.
2. "Junk" includes all unregistered, unlicensed, or inoperable vehicles, bicycles, boats, motors, tractors, or parts thereof. It also includes inoperable agricultural implements, machines, mechanical equipment, or parts thereof, and by-products or waste from manufacturing operations, used lumber or waste resulting from

construction activities, and felled trees and branches that are not promptly processed for use.

3. “Residential Dwelling” means any single building consisting of one through four dwelling units with individual kitchen facilities for each.
4. “Multiple Dwelling” means any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each.
5. “Commercial Establishment” means any premises where a commercial or industrial enterprise of any kind is carried on, including but not limited to restaurants, clubs, churches, and schools where food is prepared or served.

B. Storage.

1. It is unlawful for any person to store refuse on residential dwelling premises for more than one week. All such storage shall be in five to thirty gallon metal or plastic containers with tight-fitting covers, which shall be maintained in a clean and sanitary condition.
2. It is unlawful for any person to store refuse on multiple dwelling premises for more than one week. Such storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted.
3. It is unlawful for any person to store refuse on commercial establishment premises for more than forty-eight hours. Such storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted.
4. It is unlawful to store junk on any premises unless it is housed within a completely enclosed building.

C. Deposit. It is unlawful for any person to deposit refuse any source, rubbish, offal, or the body of a dead animal, in any place than a sanitary landfill.

D. Fire Danger. It is unlawful for any person to store, deposit or dispose of any refuse which is in flames or heated to the point where it cause danger of fire in other refuse.

SEC. 8.03 DANGEROUS WEAPONS AND ARTICLES

A. Acts Prohibited. It is unlawful for any person to:

1. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another; or,

2. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or
 3. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or
 4. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or,
 5. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,
 6. Permit any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or,
 7. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Sheriff's Department.
- B. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.
- C. No person shall discharge any firearm of any kind within the City of Hanover except:
1. In a range area equipped for target practice which has been specifically approved by the City Council.
 2. Law enforcement officers in the line of duty
 3. When hunting in an RA agricultural district with a permit obtained from the City. However, no firearm may be discharged within 1200 feet of any residence.
- D. Penalty. Any persons discharging firearms of any kind within the City of Hanover, unless permitted by the foregoing Exceptions, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$700.00 or imprisonment for not more than 90 days.
- E. Possession and Sale of Fireworks. It is unlawful for any person to sell, possess or have in possession for the purpose of sale, any firecrackers, sky rockets or other fireworks that are not legal under State law.
- F. Exposure of Unused Container. It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other

container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges or latches.

8.04 ANIMAL LICENSING AND REGULATION

A. Definitions. As used in this Chapter, unless the context otherwise indicates, the following words shall be defined to mean:

1. “Animal” shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other members commonly accepted as part of the animal kingdom. Animals shall be classified as follows:
 - a. “Domestic Animals” shall mean those animals commonly accepted as domestic 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 and not usually 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 felidea) 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 cross breeds 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, or squirrel, 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, unless explicitly allowed under State law.
- 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.
2. “Cat” shall mean both the male and female of the felidae species, commonly accepted as household pets.
 3. “Dog” shall mean both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.
 4. “Owner” shall mean any person or persons, firm, Company, corporation, association or other entity owning, keeping, or harboring an animal.
 5. “At Large” shall be intended to mean off the premises (i.e. legal description of record) of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.
 6. “Release Permit” shall mean a permit issued by the Animal Warden for the release of any animal confined. A Release Permit may be obtained upon payment of a fee as established by Council resolution, payment of the license fee for the animal if unlicensed, as well as payment of all costs incurred by the City in capturing, impounding and harboring the animal. The release fee shall be established from time to time by resolution of the City Council.

B. Dogs and Cats.

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 guardians of any such person under 18 years of age, to run at large. Dogs or cats on a leash and accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the City has posted an area with signs reading “Dogs or Cats Prohibited”.
2. License Required.

- a. All dogs over the age of three months kept, harbored or maintained by their owners within the City, shall be licensed and registered with the City. Dog licenses shall be issued by the City Clerk upon payment of the license fee. The Owner shall state at the time of application is made for the license upon forms provided for such purpose, his or her name and address and the name, breed, color and sex of each dog owned or kept by him or her. No license shall be granted for a dog which has not been vaccinated against rabies, as provided in this provision. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the City shall complete a certificate of vaccination. One copy shall be issued to the dog owner for affixing to the license application.
 - b. It shall be the duty of each owner of a dog subject to this Section to pay to the Clerk-Treasurer the license fee as imposed by resolution of the City Council.
 - c. Upon payment of the license fee, the City Clerk shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, upon application and payment of the required fee a duplicate shall be issued by the City Clerk. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license or tag because of death of a dog or other reason.
 - d. The licensing provisions of this Subdivision shall not apply to dogs whose owners are non-residents temporarily within the City, nor to dogs brought into the City for the purpose of participating in any dog show, nor shall this provision apply to “seeing eye” dogs or helper dogs properly trained to assist disabled individuals.
 - e. The funds received by the City Clerk from all dog licenses, and metallic tag fees shall be first used to defray costs incidental to the enforcement of this Section.
3. Cats. Cats shall be included as within the controls established within this subsection of the Code in so far as running-at-large, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this Ordinance shall also apply to cats unless otherwise indicated.
 4. Vaccinations.

1. All dogs and cats kept harbored, maintained, or transported within the City shall be vaccinated at least once every three years by a licensed veterinarian for rabies (with a live modified vaccine).
2. A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the City Clerk or sheriff's deputy, the owner shall present for examination the required certificates of vaccination for the animals. In cases where certificates are not presented, the owner or keeper of the animals shall have seven days in which to present the certificates to the City Clerk or other designee or sheriff's deputy. Failure to do so shall be deemed to be a violation of this Ordinance.

C. Non-Domestic Animals Prohibited.

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 effective date of adoption of this ordinance shall have thirty days from that date in which to remove the animal from the City after which time the City may impound as provided for in this Ordinance. This Section does not prohibit 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.

D. Farm Animals.

Farm animals shall only be kept in zoning districts as allowed in the City Zoning Ordinance and pursuant to restrictions set forth in the Zoning Ordinance. This Section does not apply to farm animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

E. Impounding.

1. Running at Large. Any unlicensed animal running at large is hereby declared a public nuisance. Any sheriff's deputy or authorized police 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 the City Hall that if the dog or other animal is not claimed within the time period set forth in this Ordinance, it will be sold or otherwise disposed of. Except as otherwise provided in this Ordinance it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats, running at large.

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 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 payment of all costs by the owner. However, if the owner of animal shall elect immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of Wright County, and provide immediate proof of such confinement in such a manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

3. Reclaiming Animals. All animals conveyed to the City Pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days or any time period specifically set forth in this Ordinance. Any licensed or implanted animal shall be kept for at least fourteen (14) days. 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 ordinance, or established from time to time by resolution of the City Council:
 - a. Payment of a release fee as set in the City of Hanover Fee Schedule and receipt of a release permit from the City or designee.
 - b. Payment of any and all maintenance cost for the animal, per day or any part of a day while the 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 is required.

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 City's designee may let any person claim the animals by complying with all provisions of this Section, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains.

F. Dog Kennels and Cat Shelters.

1. Definition of Kennel and Cat Shelter. The keeping of three or more dogs and/or cats over six (6) months of age on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "dog kennel" or a "cat shelter".

2. Dog Kennel and Cat Shelter as Nuisance. Because the keeping of three or more cats or dogs on the same premises is subject to great abuse, causing discomfort to people in the area by way of smell, noise, hazard and general aesthetic depreciation, the keeping of three or more cats and/or dogs on the premises without obtaining a kennel license pursuant to applicable ordinances and the City Zoning Ordinance is hereby declared to be a nuisance and no person shall keep or maintain a dog kennel or cat shelter within the City without proper City authorization.

G. Nuisances: Animals.

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 or crying for repeated intervals of at least five minutes with less than one minute of interruption. Such barking or crying must also be audible off of the owner's or caretaker's premises. Repeated barking due to intentional provocation by an unrelated individual residing off the property of the Owner is not considered habitual barking for purposes of this ordinance, nor is barking related to a periodic external stimulus such as a non domestic animal, machinery or unusual activity within the vicinity of the premises.
2. Damage to Property. It shall be unlawful for any person's dog or other animal to substantially damage any lawn, garden or other property (including animals), whether or not the owner has knowledge of the damage. Any animal causing damage to property may be impounded as provided in this section, or a complaint may be issued by any party aggrieved by an animal under this Section, against the owner of the animal for prosecution under this Ordinance.
3. Cleaning up Letter. The owner of any animal or person having the custody or the control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on their own property, on the property of others or on public property.
4. Other. Any animals kept contrary to this Section are subject to impoundment.

H. Seizure of Animals.

Any sheriff's deputy, animal control officer or City designee may enter upon private property and seize any offending animal provided that any of the following exist:

1. There is an identified complainant other than the deputy, officer or designee making a contemporaneous complaint about the animal;
2. The deputy, officer or designee reasonable believes that the animal meets the criteria for a barking dog, cruelty, or for an animal at large as set forth in this ordinance;

3. The deputy, officer or designee can demonstrate that there has been at least one previous complaint of a barking dog, inhumane treatment of an animal, or that the animal was at large at this address on a prior date.
4. The deputy, officer or designee has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
5. 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 person authorized to have such key shall not be considered unauthorized entry;
6. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

I. Animals Presenting a Danger to Health and Safety of City.

If in the reasonable belief of a deputy, officer or designee, an animal presents an immediate danger to the health and safety of any person including a deputy, officer or designee, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may destroy the animal in a proper and humane manner. Otherwise, the deputy, officer, or designee may apprehend the animal and deliver it to the pound for confinement. If the animal is later determined to be no longer a danger to the health, safety and welfare of the City, it may be released to its owner.

J. Diseased Animals.

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 be properly licensed under this Section.
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 any deputy, officer or designee. The deputy, officer or designee 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 deputy, officer or designee 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 all costs related to the apprehension, maintenance and disposal of the animal, plus the costs of any veterinarian examinations.

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.

J. Dangerous Animals.

1. Attack by an Animal. It shall be unlawful for any person's 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.
2. Destruction of Dangerous Animal. A deputy, officer, or designee shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this ordinance.
3. Definitions.
 - a. A "dangerous animal" is an animal which has:
 - 1) Without provocation inflicts substantial bodily harm on a human being on public or private property; or
 - 2) Killed a domestic animal without provocation while off the owner's property; or
 - 3) Been found to be potentially dangerous and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
 - b. A potentially dangerous animal is an animal which has:
 - 1) When unprovoked, inflicts bites on a human or a domestic animal on public or private property; or
 - 2) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in a apparent attitude of attack; or
 - 3) Has a known propensity, tendency or disposition to attack unprovoked causing injury or otherwise threatening the safety of humans or domestic animals.

- c. 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:
- 1). Have a minimum overall floor size of thirty-two square feet.
 - 2) 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-inch or larger steel pipe buried in the ground eighteen (18) inches or more. The floor of the enclosure must be concrete, concrete block or asphalt. In the case of a dangerous dog the concrete block or asphalt must be at least four (4) inches thick.
 - 3) 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.
 - 4) 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.
 - 5) A kennel or enclosure shall be subject to inspection for compliance with this sub-section at least once yearly, and the owner shall pay any inspection fee at the rate then in effect for said inspections.
4. Designation as potentially dangerous animal. The deputy, officer, or designee shall designate any animal as a potentially dangerous animal upon receiving such evidence that such potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal. When an animal is declared potentially dangerous, the deputy, officer, or designee shall cause one (1) owner of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous.

5. Evidence Justifying Designation. The deputy, officer, or designee shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:
 - a. That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal.
 - b. 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.
6. Authority to Order Destruction. The deputy, officer, or designee, 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 (1) or more of the following findings of fact:
 - a. The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
 - b. 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.
7. Procedure. The deputy, officer, or designee, after having determined that an animal is dangerous, may proceed in the following manner:
 - a. The deputy, officer, or designee shall cause one (1) owner of the animal to be notified 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 shall 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.
 - 1) If no appeal is filed, the orders issued will stand or the deputy, officer, or designee may order the animal destroyed.
 - 2) 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, which shall set a date for hearing not more than three (3) weeks after demand for the hearing. The records of the deputy, officer, or designee or city clerk's office shall be admissible for consideration by the deputy, officer, or designee without further foundation. After considering all evidence pertaining to the temperament of the animal, the city council shall make an order as it deems proper. The city council may order that the deputy, officer, or designee 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 a City designee.

- 3) No person shall harbor an animal after it has been found to be dangerous and ordered into custody for destruction.
8. Stopping an Attack. If any deputy, officer, or designee is witness to an attack by an animal upon a person or another domestic or farm animal, the deputy, officer, or designee may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.
9. Notification of New Address. The owner of an animal which has been identified as dangerous or potentially dangerous must notify the deputy, officer, or designee 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.
10. City's Option to Use Alternative Enforcement. The City may, at its option, enforce the above Section through alternative means including enforcement of relevant State statutes by the City or County.

L. Dangerous Animal Requirements.

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:
 - a. That the owner provide and maintain a proper enclosure for the dangerous animal as defined herein.
 - b. 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;
 - c. Provide and show proof annually of public liability insurance or surety bond in the amount of at least fifty thousand dollars (\$50,000);
 - d. 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;

- e. 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;
 - f. All animals deemed dangerous by the deputy, officer, or designee shall be registered with the County in which this city is located within fourteen (14) days after the date the animal was so deemed and provide satisfactory proof thereof to the deputy, officer, or designee.
 - g. 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.
 - h. Comply with any and all additional conditions applying to dangerous dogs as set forth in Minnesota Statutes Section 347.51, and as amended.
2. A deputy, officer, or designee 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.
 3. Reclaiming Animals. A seized dangerous animal may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, applicable release permit fees, and presenting proof to animal control that each of the requirements of this Code Section is fulfilled. An animal not reclaimed under this section within fourteen (14) days may be disposed of as provided under herein, and the owner is liable to animal control for costs incurred in confining the animal.
 4. Subsequent Offenses. If an owner of an animal has subsequently violated the provisions under Subd.12 with the same animal, the animal shall be seized by a deputy, officer, or designee. The owner may request a hearing as provided herein. If the owner is found to have violated the provisions for which the animal was seized, the deputy, officer, or designee 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. 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 destroyed and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

M. 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.

N. 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.

O. Enforcing Officer.

The City Council is hereby authorized to appoint an officer or designee to enforce the provisions of this Section. The officer may be a deputy sheriff. 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.

P. Pound.

From time to time the City 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.

Q. Interference with Officers.

No person shall in any manner molest, hinder, or interfere with any person authorized by the City 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.

R. Violations and Penalties.

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.
2. Misdemeanor. Unless otherwise provided, violation of this Chapter shall constitute a misdemeanor punishable by a fine of up to \$1,000 or imprisonment for up to 90 days.

SEC. 8.05 CURFEWA. Unlawful Acts.

1. It is unlawful for any minor person 16 years old or younger to be or loiter upon the streets or public places between the hours of 10:30 o'clock P.M. and 5:00 o'clock A.M. of the day following.
2. It is unlawful for any minor person over 16 years of age to be or loiter upon the streets or public places between the hours of 12 o'clock midnight and 5 o'clock a.m. of the day following.
3. It is unlawful for any parent, guardian, or other person having the legal care or custody of any minor to allow or permit such minor person to be or loiter upon the streets or public places in violation of this Section unless such minor is accompanied by a parent or guardian or person of lawful age having such minor person in charge.
4. It is unlawful for any person operating, or in charge of, any place of amusement, entertainment or refreshment, or other place of business, to allow or permit any minor to be or loiter in such place in violation of this Section unless such minor is accompanied by a person of lawful age having such minor in charge. This Subparagraph shall not be construed to permit the presence, at any time, of any person under age in any place where his or her presence is otherwise prohibited by law.

- B. Exceptions. Such curfew shall not apply to any minor student who is lawfully attending, going to or returning from school, church or community sponsored athletic, musical or social activities or events or employment.

SEC. 8.06 DISORDERLY CONDUCT

It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following: (1) engage in brawling or fighting; or, (2) disturb an assembly or meeting, not unlawful in its character; or (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct ending reasonably to arouse alarm, anger or resentment in others; or, (4) willfully and lewdly expose his/her person or the private parts thereof, or procure another to so expose himself/herself; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or, (5) whether or not posted with signs so prohibiting, voluntarily enter the waters of any river or public swimming pool at any time when said waters are not properly supervised by trained life-saving personnel in attendance for that purpose, or enter such waters without being garbed in a bathing suit sufficient to cover his person and equal to the standards generally adopted and accepted by the public; or, (6) urinate or defecate in a place other than (a) if on public property then in a plumbing fixture provided for that purpose, or (b) if on the private property of another then in a plumbing fixture provided for

that purpose, or (c) if on private property not owned or controlled by another, then within a building; or, (7) cause the making or production of an unnecessary noise by shouting or by any other means or mechanism including the blowing of any automobile or other vehicle horn; or, (8) use of sound amplifier upon streets and public property without prior written permission from the City; or, (9) use a flash or spotlight in a manner so as to annoy or endanger others; or (10) cause defacement, destruction, or otherwise damage to any premises or any property located thereon; or, (11) strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose, or, (12) enter any motor vehicle of another without the consent of the owner or operator; or, (13) fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

SEC. 8.07 OPEN BURNING

A. Definitions.

1. “Camp Fire” shall mean a fire set for cooking, warming, or ceremonial purposes, which is not more than three (3) feet in diameter by three (3) feet high, and has had the ground five (5) feet from the base of the fire cleared of all combustible material.
2. “Open Fire” or “Open Burning” shall mean a fire burning in matter, whether concentrations or dispersed, which is not contained within a fully enclosed fire box, structure or vehicle, and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney.
3. “Running Fire” shall mean an attended fire that is allowed to spread through surface vegetative materials under controlled conditions. Its purpose is that of vegetative management, forest management, game habitat management or agricultural improvement.
4. “Recreational Fire” shall mean a camp fire which meets specifications as set forth in, Section 10.26, Subdivision 2.
5. “Wood” shall mean dry, clean fuel only such as twigs, branches, limbs, “presto logs”, charcoal, cordwood or untreated dimensional lumber. Wood does not include wood that is green, with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue, or preservatives. Clean pallets may be used for recreational fires when cut into no greater than three (3) foot lengths.

- B. Recreational Fires Permitted. Recreational fires are permitted within the city limits. They can take place at any time during the day and do not require an open burning permit. Recreational fires must meet the following requirements:
1. Site Requirements. An area of no more than a three (3) foot diameter circle (measured from the inside of the fire ring or border) completely surrounded by noncombustible and non-smoke or odor producing material either of natural rock, cement, brick, tile, block or ferrous metal only and which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor burning fire places. Recreation fire sites shall not be located closer than twenty (20) feet of a structure or fence.
 2. Burn Requirements. When a camp fire is used for recreational purposes, it must be ignited with an approved starter fluid using dry, clean Wood; producing little detectable smoke, odor, or soot beyond the property line; conducted with an adult tending the fire at all times; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisances, health or safety hazards will not be created. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices are not defined as camp or recreational fires, and are not covered under this section of the code.
- C. Prohibited Burning. No person shall be authorized to burn vegetative matter such as leaves and branches in residential lots. The use of Burners (Burning Barrels) is also prohibited. In addition, burning of the following materials is illegal at any time:
1. Oils, rubber, plastics, chemically treated materials, or other materials that produce excessive or noxious smoke or odors.
 2. Hazardous waste.
 3. Burnable building materials from demolition.
 4. Industrial solid waste generated from an industrial or manufacturing process, or from a service or commercial structure.
 5. Motor vehicles or conduit salvage operations by open burning.
 6. Garbage from the handling, procession, storage, preparation, serving or consumption of food.
 7. Painted or treated wood.

D. Special Open Burning Permits.

1. No person shall start or allow any open burning on any property in the city without first having obtained a Special Open Burn Permit, except that a permit is not required for recreational fires as defined herein.
2. Open Burn Permits shall be obtained from the Fire Chief or his designee.
3. Eligible Open Burning Permit situations include instances such as Clearing of land or the installation of a development, brush piles as created by the City Public Works or Golf departments or similar burns as determined by the Fire Chief or his designee or as included in the exceptions as specified in Subdivision 10.

E. Special Open Burning Permits Procedure.

1. Applications for a special burn must be accomplished on a state form.
2. The site must be reviewed to determine if a burn can be accomplished safely at the proposed burn site.
3. The length and any special conditions of the Special Burn Permit shall be determined by the Fire Chief or his designee. Any burn which occurs between 8:00 AM and 8:00 PM must be accomplished with a notification to the local Department of Natural Resources and the County Sheriff, along with the fire chief.
4. Special Open Burn Fee. To offset costs experienced in managing the Special Open Burn Permit a fee of \$25.00 shall be paid to the fire department

F. Revocation of Special Open Burn Permit. The Special Open Burning Permit shall be subject to revocation at the discretion of the Fire Chief or his designee. Reasons for revocation include, but are not limited to: a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, or pollution or nuisance conditions developing during the course of the burn.

G. Denial of a Special Open Burning Permit. If established criteria for the issuance of an open burning permit are not met, or during review of said application, it is determined that a practical alternative method of disposal of the material exists, or a pollution or nuisance condition would result, then the Fire Chief, or designee of the Fire Chief may deny the Special Open Burning Permit Application.

H. Burning Ban or Air Quality Alert. No camp or recreational fire or open burning will be permitted when the City or the Department of Natural Resources has officially declared a burning ban due to potential hazardous fire conditions or when the Minnesota Pollution Control Agency has declared an Air Quality Alert.

- I. Exceptions. Open burning of the types, and subject to the conditions as hereinafter stated shall be exempt from the prohibitions of this section of the code. Fires managed under supervision for which a burning permit has been obtained from the Fire Chief or his designee but limited to the following:
1. Fires purposely set for the instruction and training of public and industrial fire fighting personnel.
 2. Fires set for the elimination of a fire hazard which cannot be abated by any other practical means.
 3. Fires purposely set for forest and game management purposes.
 4. The burning of trees, brush, grass, and other vegetative matter in the clearing of land, the maintenance of street, road, and highway right-of-way, and in accepted agricultural land management practices.
- J. Liabilities. Permits to conduct fires under these provisions do not excuse a person from the consequences, damages, or injuries which may result therefrom, nor exempt any person from regulations promulgated by the Minnesota Pollution Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulations. (Sections 10.27 through 10.29, inclusive, reserved for future expansion)

SEC. 8.08 MINNESOTA UNIFORM FIRE CODE

- A. Adoption. The 1997 Edition of the Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. One copy of said Code shall be marked CITY OF HANOVER - OFFICIAL COPY and kept on file in the office of the Clerk and open to inspection and use by the public.
- B. Storage of Flammable and Explosives Material. Present installation for the purpose of storage of flammable liquid, liquefied petroleum gas and explosives and blasting agents may continue in the Agricultural District. Provided, however, that such installation shall not be expanded nor shall new installations for such purpose be permitted without a special permit from the Council. Prior to issuance of any such permit, an application therefore shall be investigated by the County Sheriff and the Chief of the Fire Department, and a hearing held thereon before the Council.

SEC. 8.09 RULES AND REGULATIONS GOVERNING PUBLIC PARKS

- A. Adoption. The Council may by resolution adopt, and from time to time amend, rules and regulations governing public parks. It is unlawful to violate such rules and regulations as are conspicuously sign-posted in such parks.
- B. Traffic Rules and Regulations. The Council may, by resolution, adopt additional

restrictions on traffic, together with rules and regulations for the use of public parks and sign-post the same upon such parks, playground, recreational areas or athletic fields as they apply, and it is unlawful for any person to violate the same when so sign-posted.

SEC. 8.10 CLIMBING PROHIBITED

- A. It is unlawful for any person to climb onto, or be in or upon, any tower, building or other structure on private property without the consent of the owner or person in charge of such property.
- B. It is unlawful for any person to climb upon any City-owned tower or other structure without the consent of the City.
- C. This Section shall not apply to the personnel of either the Fire or Police Department of the City.

SEC. 8.11 OBSTRUCTIONS ON PUBLIC PROPERTY

- A. Obstructions. It is unlawful for any person to place or deposit any fence, barrier or other obstructions upon, over, across or under any public property without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.
- B. Fires. It is unlawful for any person to build or maintain a fire upon public property.
- C. Dumping on Public Property. It is unlawful for any person to throw or deposit on public property any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemicals thereon. It is a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on public property without first having obtained a written permit from the Council.
- D. Snow or Ice on Public Property. It is unlawful for any person not acting under a contract with the City to dump snow or ice on public property.
- E. Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.
- F. Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for

safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

SEC. 8.12 CONSUMPTION AND POSSESSION OF BEER, WINE OR LIQUOR ON STREETS AND PUBLIC PROPERTY

It is unlawful for any person to consume, or possess in an unsealed container, beer, wine or liquor, as those terms are defined by this Code, street or other public property except that consumption and possession of or wine shall be permitted and licensed by Council resolution in parks in quantity (not exceeding eight gallons) for individual or group consumption only, and except other public property when and where permission has been specifically granted or licensed by the Council.

SEC. 8.13 CONSUMPTION AND POSSESSION OF BEER, WINE, OR LIQUOR ON PRIVATE PARKING LOTS

It is unlawful for any person to consume or possess in an unsealed container, beer, wine or liquor, as those terms are defined by the City Code, on any privately-owned parking lot, provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle on privately-owned parking lots when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

SEC. 8.14 ABANDONED MOTOR VEHICLES

- A. Impoundment and Sale. The County Sheriff's Department shall take into custody and impound any abandoned motor vehicle as defined by Minnesota Statutes, Section 1688.02, Subdivision 2. It shall give notice of the taking as provided by law and if the owner or any lien holder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks published notice.
- B. Summary Action in Certain Cases. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale under Subdivision 1 and shall not be subject to the notification, reclamation, or title provisions of Minnesota Statutes 1688.13.
- C. Disposition of Proceeds. The proceeds of the sale of any abandoned motor vehicle shall be placed in the general fund of the City. If the former owner or entitled lien holder makes application and furnishes satisfactory proof of ownership or lien interest within 90

days of the sale, he shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice and publication costs incurred in its handling. In the event a sale under this section of an abandoned motor vehicle results in proceeds insufficient to reimburse the City for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in disposing of the vehicle pursuant to this section, the City may commence an action in any court of competent jurisdiction against the owner of said abandoned motor vehicle or the person in actual possession of said vehicle for any such deficiency.

SEC. 8.15 OTHER ABANDONED PROPERTY

- A. Procedure. All other property lawfully coming into the possession of the City shall be disposed of as provided in this section.
- B. Storage. The department of the City acquiring possession of the property shall arrange for its storage. If City facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.
- C. Claim by Owner. The owner may claim the property by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.
- D. Sale. If the property remains unclaimed in the possession of the City for 60 days, the property shall be sold to the highest bidder at a public live or electronic auction conducted after two weeks published notice setting forth the time and place of the sale and the property to be sold.
- E. Disposition of Proceeds. The proceeds of the sale shall be placed in the general fund of the City. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, he or she shall be paid the proceeds of the sale of his property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

SEC. 8.16 NOISE

- A. General Prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restriction of the following subdivisions.
- B. Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, or

- snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
- C. Defective Vehicles or Loads. No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.
- D. Radios, Phonographs, Paging Systems, Etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
- E. Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering of people giving rise to noise, disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.
- F. Loudspeakers, Amplifiers for Advertising, Etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.
- G. Animals. No person shall keep any animal that disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise.
- H. Schools, Churches, Hospitals, Etc. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institutions.
- I. Exemptions and Special Permits. All agricultural activities deemed to be necessary for the operation of an agricultural process shall be exempt from the regulations of this Ordinance. Parades and special celebrations held within the City shall be permitted after obtaining a permit from the City Council, with regulations and stipulations set by Resolution, as the Council finds necessary to maintain the comfort, repose, health, peace, safety and welfare of the residents.

SEC. 8.17 RESTRICTIONS ON CERTAIN OPERATIONS

- A. Recreational Vehicles. No person shall, between the hours of 12:00 a.m. (midnight) and 7:00 a.m., drive or operate any mini-bike, snowmobile, or other recreational vehicle not licensed for travel on public highways.
- B. Domestic Power Equipment. No person shall operate lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. Snow removal equipment is exempt from this provision.
- C. Refuse Hauling. No person shall collect or remove garbage or refuse in any residential district except as set by Section 4.34 of this Code.
- D. Construction Activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m.

SEC. 8.18 CROW RIVER NO WAKE ZONE

The entire Crow River within the City limits of the City of Hanover is hereby designated a no wake zone. No watercraft shall be operated in a no wake zone in such a manner as to create a wake. For purposes of this paragraph, watercraft shall mean any contrivance used or designated for navigation on water.

SEC. 8.19 SHADE TREE DISEASE CONTROL AND PREVENTION

- A. Policy and Purpose. The City has determined that the health of oak and elm trees is threatened by fatal diseases known as Oak Wilt and Dutch Elm disease. It has also been determined that the health of many tree species may be threatened by diseases of an epidemic nature. It has further been determined that the loss of oak, elm and other trees threatened by epidemic diseases on public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases, and provide for the removal of dead or diseased trees, as nuisances.
- B. Definitions. The following terms, as used in this Section, shall have the meanings stated:
 - 1. “Shade Tree Disease” shall mean Dutch Elm disease, Oak Wilt disease, or any other tree disease or infestation of an epidemic nature as declared by the Council.

2. “City Forester” shall mean the Lead Maintenance Worker, or such other employee of the City as the Council may designate and who shall thereafter qualify.
3. “Nuisance”
 - a. any living or standing tree infected to any degree with a shade tree disease; or
 - b. any logs, branches, stumps or other parts of any dead or dying tree, so infected, unless such parts have been fully burned or treated under the direction of the City Forester.
- C. Scope and Adoption by Reference. Minnesota Statutes, Section 18.023, is hereby adopted by reference, together with the Rules and Regulations of the Minnesota Commissioner of Agriculture relating to shade tree diseases; provided that this Section shall enlarge such Statutes, Rules and Regulations in such circumstances where the Code is more restrictive.
- D. Unlawful Act. It is unlawful for any person to keep, maintain or permit, upon premises owned by him or upon public property where s/he has the duty of tree maintenance, any nuisance as herein defined.
- E. Inspection, Diagnosis and Abatement. It is the power and duty of the City Forester to enter upon public or private property at any reasonable time for the purpose of inspecting for, and diagnosing, and if necessary, abating shade tree disease. In the case of suspected shade tree disease, and in performance of his duties, the City Forester may remove such specimens or samples as may be necessary or desirable for diagnosis.
- F. Abatement of Nuisance. Abatement of a nuisance, defined herein, shall be by spraying, removing, burning, or otherwise effectively treating the infected tree or wood to prevent spread of shade tree disease. Such abatement procedures shall be carried out in accordance with current technical and expert methods and plans as may be designed by the Commissioner of Agriculture of the State of Minnesota. The City shall establish specifications for tree removal and disposal methods consistent therewith. Such standards shall be kept on file in the office of the City Forester and shall be revised from time to time based on current research.
- G. Procedure for Removal of Infected Trees and Wood.
 1. Whenever the City Forester finds, with reasonable certainty, that the infection or danger of infection, exists in any tree or wood on any public or private property, s/he shall proceed as follows:
 - a. If the City Forester finds that the danger of infection of other trees is not imminent because of dormancy of shade tree disease, s/he may choose to re-inspect said tree either later the same growing season or at the beginning of the following growing season. If at that time the tree has not

recovered, the City Forester shall proceed by abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429.

- b. If the City Forester finds that danger of infection of other trees is imminent, s/he shall notify the owner of the property by certified mail that the nuisance will be abated by a specific time, not more than twenty (20) days from the date of receipt of such notice. After the expiration of the notice the City Forester may abate the nuisance.
 - c. If the City Forester finds with reasonable certainty that immediate action is required to prevent the spread of shade tree disease, s/he may proceed to abate the nuisance forthwith. The City Forester shall upon the completion of the nuisance abatement, ascertain the cost attributable to each lot. The City Administrator or City Clerk shall certify to the County Auditor/Treasurer of Sherburne County a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.
 - d. The City Forester shall keep a record of the costs of abatements done under this Subdivision and shall report monthly to the City Administrator or City Clerk all work done for which assessments are to be made starting and certifying the description of the land, lots, parcels involved and the amount chargeable to each.
 - e. On or before September 1 of each year, the City Administrator or City Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the County Auditor/Treasurer and collection the following year along with current taxes.
2. No damage shall be awarded the owner for destruction of any tree, wood or part thereof pursuant to this Section.

H. Spraying Trees.

1. Whenever the City Forester determines that any tree or wood is infected or threatened with infection, s/he may spray or treat all nearby high value trees with an effective pesticide or fungicide or both. Activities authorized by this Subdivision shall be conducted in accordance with technical and expert specifications or, where appropriate, the plans of the Commissioner of Agriculture.

2. The notice and assessment provisions of Subdivision 7 apply to spraying and treatment operations conducted under this Subdivision.
- I. Transporting Wood Prohibited. It is unlawful for any person to transport any elm wood into or through the City unless the same is debarked, or, in the months of April, May or June, to transport any oak wood, without having obtained a permit from the City Forester. The City Forester shall grant such permits only when the purposes of this Section will be served thereby.
- J. Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the City Forester while s/he is engaged in the performance of duties imposed by this Section.
- K. Diseased Trees in Streets. The rights, duties and responsibilities of property owners set forth in this Section shall be equally applicable to, and binding upon, abutting property owners with tree maintenance responsibilities under the Section of the City Code entitled "Regulation of Grass, Weeds and Trees".
- L. Subsidies. The duty of any property owner to bear the cost of removing or maintaining trees, whether by private contract or assessment, may be subject to a subsidy policy, if any, established by the City for the treatment or removal of trees infected with shade tree disease.

SEC. 8.20 MAINTENANCE OF PRIVATE PROPERTY

- A. Purpose. It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain the property in such a manner so as not to constitute or create a public nuisance or degrade the value of the neighborhood.
- B. Definitions.
 1. "Woodland" means an area of coniferous or deciduous trees interspersed with shrubs, grasses, broad-leaf plants, and other vegetation, excluding noxious weeds, which are native or adaptive to the State of Minnesota.
 2. "Turfgrasses" means an area of land, which is occupied by a minimum of 90% of turfgrasses. Turfgrasses are commercially available cultured turfgrass varieties including blue grass, fescue, rye grass blends, commonly used in regularly cut lawn areas.
 3. "Regularly cut" means mowing or otherwise cutting vegetation so it does not exceed 12 inches in height.
 4. "Noxious Weeds" means those plants designated as such by Minnesota Statutes Section 18.171, subd.5 or as amended.

5. “Property” means all lots or parcels within the city.
 6. “Vegetation” means any non-woody plant.
- C. Lawn Maintenance. All disturbed or occupied areas, which are not covered by buildings, storage, landscape beds or other physical improvements, shall be covered by maintainable turfgrasses.
1. Prior to establishment of the turfgrass the lot shall be brought to grade by the installation of no less than 3 inches of topsoil. Topsoil shall be black dirt with no more than thirty five percent (35%) sand. It is the duty of all property owners to establish a lawn within eight (8) months of issuance of the Certificate of Occupancy or twelve (12) months of issuance of building permit, whichever is earlier. Turf Grasses which are drought resistant, such as Fescue varieties, are preferred. The property owner shall be responsible for supplemental watering of all areas established with turf grass to ensure sufficient establishment and root development. All areas shall have sufficient ground cover as to prevent erosion. At the discretion of the city a shorter time period may be imposed.
 2. Prior to issuance of a Building Permit for a single and two family residential structure, the Applicant shall provide an escrow of two thousand dollars (\$2,000.00) per lot to the city to be held in escrow until the sod is completed for the entire lot or seeding has taken and substantial growth has occurred to prevent erosion. Once substantial growth has occurred or sod is established, one thousand nine hundred dollars (\$1,900.00) shall be returned to the Applicant, applicant’s replacement or property owner with proper documentation.

SEC. 8.21 ABATEMENT OF NUISANCES

- A. Policy and Purpose. The City Council has determined that health, safety, good order, general welfare, and convenience of the public are threatened by certain public nuisances on property within the city limits. It is declared to be the intention of the Council to abate these nuisances, and this chapter is enacted for that purpose.
- B. Public Nuisances Enumerated. Whoever, by his act or failure to perform a legal duty, intentionally does any of the following, is guilty of maintaining a public nuisance and may be ordered to abate the nuisance as provided herein, charged with a misdemeanor, or both:
1. Dangerous Conditions. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public.

2. Obstructing Public Ways and Waterways. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way, or waters used by the public.
3. Interference with Health Officials. Willfully opposes or obstructs a health officer or physician charged with the enforcement of the health laws in performing any legal duties.
4. Deposits of Used Tires. Deposits or allows depositing of used or waste tires upon public or private property which is not a tire recycling, processing or receiving site approved by the city.
5. Accumulation of Debris. Maintains or permits the accumulation of discarded or unused machinery, household appliances, automobile bodies, lumber, wood trash, debris, or other material, or the rank growth of vegetation among the items so accumulated, in a manner conducive to the harboring of rats, mice, snakes, mosquitoes, vermin, or in any manner creating fire, health, or safety hazards.
6. Junk Motor Vehicles. Parks, keeps, stores or accumulates junk motor vehicles upon any private land or premises owned; occupied or controlled by any person or legal entity unless authorized by this code or other ordinance. No person shall park, keep or place any such vehicle upon land not owned by such person. For purposes of this section, a junk vehicle means any motor vehicle as defined in Minn. Stat. §169.011, subd. 42, part of a motor vehicle, or former motor vehicle stored in the open which is (1) unusable or inoperable because of a lack of or defects in component parts; (2) unusable or inoperable because of damage from collision, deterioration, or otherwise; (3) beyond repair, and, therefore, not intended for future use as a motor vehicle; (4) being retained on the property for possible use of salvageable part; or (5) is not properly and currently licensed for operation within the State of Minnesota.
7. Dilapidated Structures. Maintains or permits the existence of any structure or part of any structure which due to fire, wind, other natural disaster, physical deterioration, or any other cause, is no longer habitable as a dwelling or is no longer useful for any other purpose for which it may have been intended.
8. Integrity of Dwelling Unit. All exterior elements of residential dwelling units in the City shall be kept in a clean, sanitary and structurally safe condition and in sound repair, including:
 - a. Stairways, porches, balconies, or decks;
 - b. Windows and Doors;
 - c. Soffit and Facia;

- d. Roofs;
 - e. Siding, bricks, stone or stucco;
 - f. All other exterior elements not specifically listed.
9. Remodeling Projects. All residents undertaking remodeling projects must keep all materials being used in the remodeling project in a neat and orderly appearance and out of view from adjoining property for the duration of the project.
10. All garbage and refuse shall be kept in proper storage containers (bins or dumpsters) and regularly disposed of as set forth herein.
11. Other Conditions. Is guilty of any other act or omission declared by state law or city ordinance to be a public nuisance.

C. Inspections and Investigations.

1. Periodic Inspections; Investigations. The Zoning Administrator, Building Official, or other such officers, employees, or agents as the City Council or City Administrator may designate (“enforcement officers”), shall enforce the provisions of this ordinance. Such enforcement officers shall have the power to enter upon the land and inspect all public and private places within the city and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

D. Abatement Procedures.

1. General Abatement. Whenever an enforcement officer determines that a public nuisance is being maintained or exists on the premises in the city, the officer shall notify, in writing, the owner and occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by mail, and as to an absentee owner, addressed to the last know address of the owner. If the property is unoccupied and the owner is unknown, the notice may be served by posting of the notice on the premises upon which the nuisance is located. The notice shall describe the nuisance and the actions required to abate the nuisance and the time limit within which the nuisance must be abated. Such time limit shall be reasonable under the circumstances, but shall not be less than ten (10) days after service of the notice. If the notice is not complied with within the time specified, the enforcement officer shall report that fact forthwith to the City Council. Thereafter, the City Council, after notice and hearing, may cause or direct such action as is necessary to be taken to abate the nuisance including, but not limited to, authorizing the initiation of district court action to enforcement any abatement orders issued by the City Council.

2. Emergency Abatement. When the enforcement officer determines that a public nuisance constitutes a serious and imminent danger to the public safety or health, the officer may summarily abate the nuisance after a reasonable attempt to notify the owner or occupant of the property. The officer shall immediately thereafter notify, in writing, the owner and/or occupant of the premises of the action taken. The notice shall be served in person or by registered or certified mail.
 3. Costs of Abatement. The owner of the premises shall be liable for all costs of a general or emergency abatement by the city, including a twenty percent (20%) administrative cost. As soon as the abatement work is completed and the costs determined, the enforcement officer shall prepare a written notice to the owner, identifying all the work done and the costs and expenses involved, which shall be served upon the owner of the property in person or by registered or certified mail, addressed to the last known address of the owner. If the property is unoccupied and the owner is unknown, the notice may be served by posting of the notice on the premises. Such notice shall further provide that if the total amount is not paid to the city within sixty (60) days or within a later period of time as determined by the City upon the owner's request, the costs, expenses and maximum allowable interest shall be collected as an unpaid special assessment pursuant to Minn. Stat. § 429.101. The city may also seek to recover such costs in an action against the owners, occupants or other responsible parties. The sanctions and remedies herein are not exclusive and the city may also proceed by any legal remedy including injunction, declaratory action, criminal penalties or otherwise.
- E. Interference with Enforcement Officials Prohibited. No person shall prevent, delay or interfere with an enforcement officer while they are engaged in the performance of their duties as set forth in this chapter.
- F. Violation; Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor as defined by state law and subject to the penalties therefore. Each day in which such violation continues shall constitute a separate offense.