

ORDINANCE NO. 09-1

An Ordinance amending Ordinance A53 and Ordinance 96-1 and all previous Ordinances pertaining to PUBLIC NUISANCES, and replacing Ordinance A52, A45, 07-1 and all previous Ordinances pertaining to KEEPING DOGS AND CATS WITHIN THE CITY LIMITS OF GRASSTON.

AN ORDINANCE DEFINING AND PROHIBITING NUISANCES AND PROVIDING A PENALTY FOR VIOLATION

Section 1. PUBLIC NUISANCE DEFINED. Whoever by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (1) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, peace or repose of any members of the public, whether or not listed herein, or which shall be offensive to public decency; or
- (2) Interferes with, obstructs, or renders dangerous for passage any public highway, street, alley, or public park or right-of-way or waters used by the public; or
- (3) Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

Section 2. PUBLIC NUISANCES AFFECTING HEALTH. The following are hereby declared to be nuisances affecting health:

- (1) Accumulation of decayed or unwholesome food or vegetable matter and accumulations of manure, refuse, garbage, or other debris;
- (2) All diseased animals running at large and carcasses of animals not buried or destroyed within 24 hours after death;
- (3) Bodies of stagnant water in any commercial, residential or industrial areas, or vessels holding stagnant water in which mosquitoes can breed;
- (4) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul or disagreeable odors, and outdoor toilets;
- (5) Septic tanks, drain fields, and private sewage disposal facilities which malfunction, causing overflow and/or offensive odors;
- (6) The pollution of any public well or cistern, stream, or body of water by sewage, industrial waste, or other substance;

(7) All noxious weeds, grass, brush and other rank growth of vegetation upon public or private property within residential, commercial or industrial areas which have reached a height greater than 6 inches, or any weeds or grass that have gone to seed or are about to go to seed, or any accumulation of dead weeds or grass or growths of poison ivy, ragweed or other poisonous plants, or plants detrimental to health. It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove all such weeds, grass, brush or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this Ordinance.

(8) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

(9) Open or controlled burning in violation of state statutes, regulations and city ordinances;

(10) Any outside storage or accumulations in the open of rubbish, salvage materials, discarded or unused machinery, household appliances or furniture, junked or abandoned motor vehicles, parts or discards from vehicles, building or occupational materials or other material or junk or miscellaneous refuse when the same is construed by the City Council to be a menace or a nuisance to the public health, safety, or general welfare or in a manner which constitutes a public eyesore, devalues neighboring properties, promotes the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or which would be considered an "attractive nuisance";

a) A motor vehicle will be considered abandoned if it has remained illegally parked for a period of more than 48 hours on public property and/or it is lacking vital component parts (those parts that are essential to the mechanical functioning of the vehicle such as motor, drive train, wheels, etc.) or has remained for a period of more than 48 hours on private property without the consent of the occupant of such property;

b) A motor vehicle will be considered junked if it lacks vital component parts, or if it cannot be driven or propelled under its own powers in its existing condition, in a safe and legal manner, unless the owner is actively attempting to repair it, or if it does not have attached thereto a valid and current license plate issued by the state;

(11) All other acts, omission of acts, occupations and uses of property which are deemed by the Council to be a menace to the health of the inhabitants of the City.

Section 3. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY. The following are hereby declared to be nuisances affecting public morals and decency:

- (1) All gambling devices, slot machines, and punch boards, except as otherwise authorized by ordinance, and betting, bookmaking, and all apparatus used in such occupations;
- (2) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- (3) All places where intoxicating liquor or illegal drugs are manufactured, dispensed, grown, sold, stored, consumed or used in violation of law;
- (4) Any vehicle used for the transportation of intoxicating liquor or illegal drugs or for promiscuous sexual intercourse, or any other immoral or illegal purpose;
- (5) Constructing, maintaining, permitting or allowing upon one's property any billboard, sign, poster, or advertisement, or to post, publish, promulgate, broadcast, display, issue or circulate insulting, profane or abusive emblem, sign, or device, or blasphemous written or printed statement, calculated or such as is likely to cause a breach of the peace or displaying, circulating, issuing or publishing slanderous or obscene, immoral, or lewd pictures, posters, literature, writings, drawings or oral statement.
- (6) Any offensive trade or business as defined by statute or ordinance not operating under local license;

Section 4. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following are declared to be nuisances affecting public peace and safety:

- (1) All snow and ice not removed from public sidewalks 48 hours after the snow or other precipitation causing the condition has ceased to fall;
- (2) The allowing of rain water, ice build-ups or snow accumulations to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk or waste water cast upon or permitted to flow upon streets or other public property;
- (3) All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection or interfere with maintenance of right of way;
- (4) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles; and all hanging signs, awnings, or other similar structures over streets or sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- (5) Any use of a public street, sidewalk, park, building, or alley or property abutting on a public street, sidewalk, park, building or alley which obstructs traffic and the free and

ordinary use of the street, sidewalk, park, building or alley, including gatherings of large crowds of people and obstructions and excavations except as permitted by the City Council.

(6) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by law or in any manner that poses a danger;

(7) All dangerous machinery or equipment left unattended or unguarded in a manner which may attract the public;

(8) Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;

(9) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;

(10) The depositing of any residential, commercial or other garbage or refuse, construction debris, or other type of waste on a public right-of-way, or on adjacent private property, or in a public trash container;

(11) The existence of any building, garage, or shed that has been declared an unsafe structure by the building inspector or is dangerous to public safety or health or other property because of damage by fire, ceasing of construction before completion, dilapidated or decayed condition, defective chimneys, electric wiring, gas installation, heating apparatus, plumbing, sewage disposal system or any other defect.

(12) The starting or acceleration of any motor vehicle in a manner as to cause unreasonable noise, squealing or screeching sounds by tires and/or fishtailing of the motor vehicle, or throwing of sand or gravel by the tires of said vehicle, or erratic or irregular changing speeds so as to create a hazard for the driver or other persons or property or disturbance to the peace of the community;

(13) The making of or causing to be made any noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, or welfare of others or precludes their enjoyment of property or adversely affects the value of property. This general prohibition includes, but is not limited to, the following:

a) Motor vehicles. It is unlawful to operate a motor vehicle in the City in violation of the motor vehicle noise limits of the Minnesota pollution control

3. The animal noise can be heard from outside the building and premises where the animal is kept, and the animal has made noises for a period of at least five (5) minutes, with one (1) minutes or less lapse of time between noises during the five (5) minute interval.

(14) No owner shall have more than three (3) dogs or cats over the age of four (4) months of age. All dogs and cats must be healthy and housed in a manner that does not pose a health or safety risk to the public.

(15) Allowing any dog, horse, mule, cow, hog, goat, sheep, goat or other domestic animal to run at large, or the herding of the same on any public street, alley, or property.

(16) All other conditions, acts, omissions, occupations, and uses of property which are a menace to the public peace or safety or are likely to cause injury to the person or property of anyone.

Section 5. ABATEMENT. The Council shall enforce the provisions of this Ordinance, and may delegate to various officers or agencies powers to enforce particular provisions of the Ordinance. Such power includes the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Whenever the officer or agency charged with enforcement determines that a public nuisance is being maintained or exists within the City, the officer shall notify in writing the owner or occupant of the premises or the person committing or maintaining such public nuisance of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by U.S. mail or certified or registered mail in some cases. If the premises are not occupied and the owner is unknown, or the owner or occupant refuses to accept notice of violation, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, and the violator has not attempted to resolve the matter with the City Council, the enforcing officer shall report that fact to the Council. Thereafter, the Council may provide for abating or removing the nuisance by the City by contract with private parties. No party abating a public nuisance under direction of the City Council shall be charged by the owner with crimes such as trespassing, interfering with privacy, theft, or any other crime that the owner may perceive as a result of the lawful abating of a public nuisance.

Subd 1: Immediate Abatement. Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Section 6. RECOVERY OF COST.

(1) Personal Liability. The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. When the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk. Any unpaid charge for costs incurred by the City to eliminate the nuisance may be collected as a special assessment or the subject of appropriate legal proceedings.

(2) Assessment. On or before September 1 of each year, the clerk shall list the total unpaid charges for nuisance abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges against property benefited as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.

Section 7. PENALTY. Any person convicted of violating any provisions of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$700 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

Section 8. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and upon publication in the official city newspaper.

Amended Ordinance passed by the City Council of Grasston this 11th day of June, 2009.


Cheryl Tragethon, Mayor

Attest:


Marcetta Squiers, Clerk-Treasurer

ORDINANCE NO. A46

AN ORDINANCE PROHIBITING EXHIBITION DRIVING.

SECTION 1. EXHIBITION DRIVING PROHIBITED. No person shall turn, decelerate or otherwise operate a motor vehicle within the City in a manner which causes unnecessary engine noise, exhaust noise or backfire, squealing tires, skidding, sliding, swaying, throwing of sand or gravel, or in a manner simulating a race. Unreasonable squealing or screeching sounds emitted by vehicle tires, or the unreasonable throwing of sand or gravel by vehicle tires, or unreasonable loud sounds emitted by the engine or exhaust system of the motor vehicle, is prima facie evidence of a violation of this section.

SECTION 2. PENALTY. Any person convicted of a violation of this section is guilty of a petty misdemeanor and shall be punished by a fine of not to exceed \$100.00.

SECTION 3. EFFECTIVE DATE. This ordinance becomes effective from and after its passage and publication according to law. Passed by the Council this 14th day of October 1982.

Wilbert Strelow, Mayor

Attest: Violet E. Anderson, Clerk-treasurer

Published in the Kanabec County Times November 3, 1982.

https://www.moraminn.com/public_notices/city-of-grasston-ordinance-96-1/article_937064d2-764b-11ed-baf1-578891d807e0.html

City of Grasston Ordinance 96-1

Dec 7, 2022

City of Grasston

Ordinance 96-1

AN ORDINANCE DEFINING AND PROHIBITING NUISANCES AND PROVIDING A PENALTY FOR VIOLATION

The Grasston City Council hereby proposes to amend Ordinance 96-1 and add the following language in Section 2: Public Nuisances Affecting Health:

No person shall keep, harbor, feed or raise cows, horses, hogs or any other livestock, chicks or poultry, except in accordance with the provisions of Section 4 of the City of Grasston Zoning Ordinance.

A public meeting will be held at 7 p.m, Monday, December 12, 2022, at City of Grasston Town Hall.

Published in the Kanabec County Times Dec. 8, 2022

ORDINANCE NO. 96-1

An Ordinance amending Ordinance A53 and all previous Ordinances pertaining to PUBLIC NUISANCES.

AN ORDINANCE DEFINING AND PROHIBITING NUISANCES AND PROVIDING A PENALTY FOR VIOLATION

Section 1. PUBLIC NUISANCE DEFINED. Whoever by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (1) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, peace or repose of any members of the public, whether or not listed herein, or which shall be offensive to public decency; or
- (2) Interferes with, obstructs, or renders dangerous for passage any public highway, street, alley, or public park or right-of-way or waters used by the public; or
- (3) Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

Section 2. PUBLIC NUISANCES AFFECTING HEALTH. The following are hereby declared to be nuisances affecting health:

- (1) Accumulation of decayed or unwholesome food or vegetable matter and accumulations of manure, refuse, garbage, or other debris;
- (2) All diseased animals running at large and carcasses of animals not buried or destroyed within 24 hours after death;
- (3) Bodies of stagnant water in any commercial, residential or industrial areas, or vessels holding stagnant water in which mosquitoes can breed;
- (4) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul or disagreeable odors, and outdoor toilets;
- (5) Septic tanks, drain fields, and private sewage disposal facilities which malfunction, causing overflow and/or offensive odors;
- (6) The pollution of any public well or cistern, stream, or body of water by sewage, industrial waste, or other substance;

(7) All noxious weeds, grass, brush and other rank growth of vegetation upon public or private property within residential, commercial or industrial areas which have reached a height greater than 6 inches, or any weeds or grass that have gone to seed or are about to go to seed, or any accumulation of dead weeds or grass or growths of poison ivy, ragweed or other poisonous plants, or plants detrimental to health. It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove all such weeds, grass, brush or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this Ordinance.

(8) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

(9) Open or controlled burning in violation of state statutes, regulations and city ordinances;

(10) Any outside storage or accumulations in the open of rubbish, salvage materials, discarded or unused machinery, household appliances or furniture, junked or abandoned motor vehicles, parts or discards from vehicles, building or occupational materials or other material or junk or miscellaneous refuse when the same is construed by the City Council to be a menace or a nuisance to the public health, safety, or general welfare or in a manner which constitutes a public eyesore, devalues neighboring properties, promotes the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or which would be considered an "attractive nuisance";

a) A motor vehicle will be considered abandoned if it has remained illegally parked for a period of more than 48 hours on public property and/or it is lacking vital component parts (those parts that are essential to the mechanical functioning of the vehicle such as motor, drive train, wheels, etc.) or has remained for a period of more than 48 hours on private property without the consent of the occupant of such property;

b) A motor vehicle will be considered junked if it lacks vital component parts, or if it cannot be driven or propelled under its own powers in its existing condition, in a safe and legal manner, unless the owner is actively attempting to repair it, or if it does not have attached thereto a valid and current license plate issued by the state;

(11) All other acts, omission of acts, occupations and uses of property which are deemed by the Council to be a menace to the health of the inhabitants of the City.

Section 3. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY. The following are hereby declared to be nuisances affecting public morals and decency:

- (1) All gambling devices, slot machines, and punch boards, except as otherwise authorized by ordinance, and betting, bookmaking, and all apparatus used in such occupations;
- (2) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- (3) All places where intoxicating liquor or illegal drugs are manufactured, dispensed, grown, sold, stored, consumed or used in violation of law;
- (4) Any vehicle used for the transportation of intoxicating liquor or illegal drugs or for promiscuous sexual intercourse, or any other immoral or illegal purpose;
- (5) Constructing, maintaining, permitting or allowing upon one's property any billboard, sign, poster, or advertisement, or to post, publish, promulgate, broadcast, display, issue or circulate insulting, profane or abusive emblem, sign, or device, or blasphemous written or printed statement, calculated or such as is likely to cause a breach of the peace or displaying, circulating, issuing or publishing slanderous or obscene, immoral, or lewd pictures, posters, literature, writings, drawings or oral statement.
- (6) Any offensive trade or business as defined by statute or ordinance not operating under local license;

Section 4. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following are declared to be nuisances affecting public peace and safety:

- (1) All snow and ice not removed from public sidewalks 48 hours after the snow or other precipitation causing the condition has ceased to fall;
- (2) The allowing of rain water, ice build-ups or snow accumulations to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk or waste water cast upon or permitted to flow upon streets or other public property;
- (3) All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection or interfere with maintenance of right of way;
- (4) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles; and all hanging signs, awnings, or other

similar structures over streets or sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

(5) Any use of a public street, sidewalk, park, building, or alley or property abutting on a public street, sidewalk, park, building or alley which obstructs traffic and the free and ordinary use of the street, sidewalk, park, building or alley, including gatherings of large crowds of people and obstructions and excavations except as permitted by the City Council.

(6) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by law or in any manner that poses a danger;

(7) All dangerous machinery or equipment left unattended or unguarded in a manner which may attract the public;

(8) Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;

(9) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;

(10) The depositing of any residential, commercial or other garbage or refuse, construction debris, or other type of waste on a public right-of-way, or on adjacent private property, or in a public trash container;

(11) The existence of any building, garage, or shed that has been declared an unsafe structure by the building inspector or is dangerous to public safety or health or other property because of damage by fire, ceasing of construction before completion, dilapidated or decayed condition, defective chimneys, electric wiring, gas installation, heating apparatus, plumbing, sewage disposal system or any other defect.

(12) The starting or acceleration of any motor vehicle in a manner as to cause unreasonable noise, squealing or screeching sounds by tires and/or fishtailing of the motor vehicle, or throwing of sand or gravel by the tires of said vehicle, or erratic or irregular changing speeds so as to create a hazard for the driver or other persons or property or disturbance to the peace of the community;

(13) The making of or causing to be made any noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, or welfare of others or precludes their enjoyment of property or adversely affects the value of property. This general prohibition includes, but is not limited to, the following:

a) Motor vehicles. It is unlawful to operate a motor vehicle in the City in violation of the motor vehicle noise limits of the Minnesota pollution control agency or in violation of the provisions of this section, to sound any horn or signaling device except as a warning of danger, to operate any motor vehicle not equipped with a muffler in good working order or which produces a sharp popping or crackling sound.

b) Radio, stereo, CD, etc. It is unlawful to operate any radio receiving set, musical instrument, stereo, loud speakers, amplifiers for advertising, or other device for the production or reproduction of sound in such manner as to disturb the peace, quiet, and comfort of neighbors or others nearby at any time. Between the hours of 10:00 p.m. and 7:00 a.m., such sound must not be plainly audible at a property line or at 50 feet from a vehicle, structure or building in which it is located.

c) Restrictions on certain operations. It is unlawful to operate recreational vehicles, such as minibikes, snowmobiles or other recreational vehicles not licensed for travel on public highways, or to operate outdoor power equipment such as lawn mowers, power hedge clippers, chain saws, or other outdoor property maintenance equipment between the hours of 10:00 p.m. and 7:00 a.m.

d) It is unlawful to, between the hours of 10:00 p.m. and 7:00 a.m., congregate because of or participate in a party or gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area

(14) All other conditions, acts, omissions, occupations, and uses of property which are a menace to the public peace or safety or are likely to cause injury to the person or property of anyone.

Section 5. ABATEMENT. The Council shall enforce the provisions of this Ordinance, and may delegate to various officers or agencies powers to enforce particular provisions of the Ordinance.

Such power includes the power to inspect private premises and take all reasonable precautions to

prevent the commission and maintenance of public nuisances. Whenever the officer or agency charged with enforcement determines that a public nuisance is being maintained or exists within the City, the officer shall notify in writing the owner or occupant of the premises or the person committing or maintaining such public nuisance of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by U.S. mail or certified or registered mail in some cases. If the premises are not occupied and the owner is unknown, or the owner or occupant refuses to accept notice of violation, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, and the violator has not attempted to resolve the matter with the City Council, the enforcing officer shall report that fact to the Council. Thereafter, the Council may provide for abating or removing the nuisance by the City by contract with private parties. No party abating a public nuisance under direction of the City Council shall be charged by the owner with crimes such as trespassing, interfering with privacy, theft, or any other crime that the owner may perceive as a result of the lawful abating of a public nuisance.

Subd 1: Immediate Abatement. Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Section 6. RECOVERY OF COST.

(1) Personal Liability. The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. When the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk. Any unpaid charge for costs incurred by the City to eliminate the nuisance may be collected as a special assessment or the subject of appropriate legal proceedings.

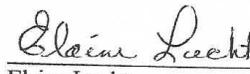
(2) Assessment. On or before September 1 of each year, the clerk shall list the total unpaid charges for nuisance abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges against property benefited as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the county auditor and collection along with

current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.

Section 7. PENALTY. Any person convicted of violating any provisions of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$700 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

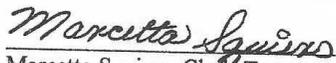
Section 8. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and upon publication in the official city newspaper.

Passed by the City Council of Grasston this 18th day of June, 1996.



Elaine Lucht
Mayor

Attest:


Marcetta Squiers, Clerk-Treasurer

ORDINANCE NO. 96-2

An Ordinance amending Ordinance A52, A45, and all previous Ordinances pertaining to KEEPING DOGS WITHIN THE CITY LIMITS OF GRASSTON.

AN ORDINANCE PROVIDING FOR KEEPING OF DOGS WITHIN THE CITY LIMITS OF GRASSTON AND PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF

The City Council of Grasston Ordains:

SECTION 1. DEFINITIONS:

- A. **OWNER.** The term "owner" as used shall mean any person, group of persons, or corporation owning, keeping, harboring, or having charge or control of, or permitting any dog to habitually be or remain or be lodged or fed within such person's house, yard or premises for a period of ten days or longer.
- B. **AT LARGE.** A dog is at large when it is off the property of his owner and not under restraint.
- C. **RESTRAINT.** A dog is under restraint within the meaning of this Ordinance if he is controlled by a leash, or is immediately obedient to the command of its owners, or within a vehicle being driven or parked on the streets, or within the property limits of its owner.
- D. **STRAY.** Any dog, the owner of which is unknown, which is at large.

SECTION 2. NUISANCE DOG. Any dog or other animal which habitually barks or cries for extended or unreasonable periods of time, and any such animal which damages plantings or structures, or deposits fecal matter on private property of others after the person owning or harboring the animal has been notified of such acts as herein provided is hereby declared a nuisance.

SECTION 3. RUNNING AT LARGE PROHIBITED. No dog shall be permitted to run at large within the limits of this City.

SECTION 4. DOGS ON LEASH. The restriction imposed by Section 3 shall not prohibit the appearance of any dog upon the streets or public property when such dog is on a leash or is kept under the restraint of the accompanying person.

SECTION 5. LICENSING. All dogs over six months of age are required to be licensed. In order for a dog owner to be granted a dog license he/she shall submit a current certificate of rabies vaccination for the dog.

SECTION 6. LIMIT ON NUMBER OF DOGS. No owner shall have more than two (2) dogs over the age of six months living on his/her premises at any given time. All dogs living in Grasston at the time of passage of this Ordinance may remain, but may not be replaced when the replacement would exceed the allowable limit.

SECTION 7. SANITATION. All kennels, dog runs, fenced areas and other areas where dogs are kept must be maintained in a manner which does not constitute a health hazard or cause foul or disagreeable odors or other disturbances to neighboring properties. The dogs themselves must be healthy and not pose a health or safety threat to the public.

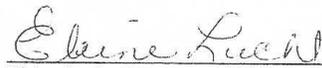
SECTION 8. ENFORCEMENT. The animal warden or any designated officer of the City may impound any animal running at large or in violation of any of the terms of this ordinance, and may enter upon private property in order to impound an animal who has been in violation of this ordinance. In order to redeem an impounded animal, the owner must pay the impoundment fee, boarding costs, and obtain a license for the animal.

SECTION 9. PENALTY. Dog owners who fail to comply with above sections shall be warned by the City Council. If the owner ignores the warning letters twice, the owner may be subject to a fine up to \$700 or jail for not more than 90 days, or both. The animal is also subject to being impounded.

SECTION 10. REPEAL. All prior ordinances regulating the Keeping of Dogs Within the Limits of the City of Grasston and Providing for a Penalty for Violation Thereof are hereby repealed.

SECTION 9. EFFECTIVE DATE. This ordinance becomes effective from and after its passage and publication according to law.

Passed by the Council this 8th day of July, 1996.


Elaine Lucht, Mayor

Attest:


Marcetta Squiers, Clerk-Treasurer

ORDINANCE NO. 95-1

AN ORDINANCE PROVIDING FOR RESTRICTION
ON PARKING OF CERTAIN VEHICLES IN THE CITY OF GRASSTON

THE CITY COUNCIL OF THE CITY OF GRASSTON DOES ORDAIN:

Section 1. Declaration of Nuisance. The outside parking on city streets and alleys or other property within the City of Grasston of certain motorized and non-motorized vehicles is found to create a nuisance and detrimental influence on the public health, safety, prosperity, good order and general welfare of the community, by obstructing the view or interfering with orderly passage of traffic on streets and on other public properties, bringing unhealthful and noisome odors and materials into the community, creating a cluttered and unsightly area, preventing the full use of streets for parking, and otherwise adversely affecting property values and neighborhood patterns.

Section 2. Parking Restrictions For Certain Vehicles. There shall be no parking of any commercial motor vehicle (carrying a commercial license) of 12,000 pounds gross weight or more; or any vehicle used for hauling hazardous materials, such as gasoline, fuel, chemicals or explosives; or any trailer exceeding twenty (20) feet in overall length on any city street, alley or boulevard located in the City of Grasston, except for the purpose of loading or unloading, and then only for a period no longer than is necessary for that purpose.

Section 3. Parking With Motor Running. No commercial vehicle shall be parked within the city with the motor running, to include any trailer mounted motor, for a period of more than one (1) hour within a four (4) hour period.

Section 4. Exceptions. This Ordinance shall not apply to:

- (a) any motor vehicle being used by a public utility, moving company or similar company while it is actually being used to service a residence or business or utility not belonging to or occupied by the operator of the vehicle; or
- (b) any motor vehicle used in conjunction with an authorized construction site during a period that construction is actually taking place including non-working hours and holidays.

Section 5. Violation-Petty Misdemeanor. Any violation of the provisions of this ordinance shall constitute a petty misdemeanor.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its date of passage, approval and publication according to law.

Passed and adopted by the City Council of the City of Graston this 13th day of March, 1995.

Elaine V. Lucht
Elaine V. Lucht
Mayor

ATTEST:

Marcetta Squiers
Marcetta Squiers
Clerk

KANABEC COUNTY ORDINANCE #15

AN ORDINANCE TO FACILITATE MAINTENANCE AND SNOW REMOVAL FROM THE COUNTY HIGHWAYS OF KANABEC COUNTY

The Kanabec County Board of Commissioners ordains:

1. No person shall leave a vehicle parked, standing or abandoned within the right-of-way on any County or County State Aid Highway within Kanabec County from the start of any snowfall and for a period 72 hours or until the road has been plowed full width.
2. Violation of this Ordinance shall be a petty misdemeanor punishable by a fine of \$15.00.
3. The presence of a vehicle in or upon a County maintained road of the County parked, standing or abandoned in violation of this section shall be prima facie evidence that the person in whose name such vehicle is registered as owner committed or authorized the commission of such violation.
4. Any vehicle left parked, standing or abandoned in violation of this Ordinance may be removed to a place for storage, without notice, by the County through its officers, agents and employees.
5. The vehicle may be released to the owner or its agent upon the following conditions:
 - a. The demonstration of ownership or right to possession.
 - b. Payment of all costs and expenses incident to the removal, towing and storage of the vehicle.

Costs and expenses include, but are not limited to, costs for the removal, towing and storage performed by someone for hire. Payment of this shall not be deemed a penalty or a fine.

6. The effective date of this Ordinance shall be February 1, 1992.

Adopted this 22nd day of January, 1992.

ORDINANCE NO. A24

AN ORDINANCE RELATING TO PARKING ON STREETS DURING DECLARED SNOW REMOVAL AND ALSO LIMITED PARKING TIME.

The Council of the City of Grasston does hereby ordain the following:

SECTION 1. "Snow Removal" No person shall park or leave on the streets of the City any truck, automobile or other motor vehicle for a period of 12 hours after a snow fall of one inch or more or during the period of any declared snow removal. The fine for a violation of this Section shall be \$10.00 and in addition the owner of said vehicle shall pay all towing charges.

SECTION 2. "Parking Time Limited" No car, truck or other motor vehicle shall be parked or allowed to remain on any city street for longer than 48 hours. The fine for a violation of this Section shall be \$10.00 and in addition the owner of said vehicle shall pay all towing charges.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and approved this 11th day of December 1975.

Wilbert Strelow, Mayor

Attest: Violet E. Anderson, Clerk-treasurer

Published in Kanabec County Times January 8, 1976, January 20, 1977

ORDINANCES, RULES, REGULATIONS AND BY-LAWS

the Village of Grasston, Kanabec
Ordinance No. A 48

County, Minn.

ORDINANCE NO. A48

AN ORDINANCE TO REPEAL
ORDINANCE NO. A37 ENTITLED "AN
ORDINANCE LICENSING AND
REGULATING THE SALE AND
CONSUMPTION OF NON-INTOXICATING
MALT LIQUORS, REPEAL, AND
PROVIDING A PENALTY FOR THE
VIOLATION THEREOF." AND
ORDINANCE NO. A38 ENTITLED "AN
ORDINANCE TO AMEND ORDINANCE
NO. A37 ENTITLED "AN ORDINANCE
LICENSING AND REGULATING THE
SALE AND CONSUMPTION OF NON-
INTOXICATING MALT LIQUORS,
REPEAL, AND PROVIDING A PENALTY
FOR THE VIOLATION THEREOF."

The Council of the City of Grasston
ordains:

SECTION 1. REPEAL ORDINANCE
NO. A37 ENTITLED "AN ORDINANCE
LICENSING AND REGULATING THE
SALE AND CONSUMPTION OF NON-
INTOXICATING MALT LIQUORS,
REPEAL, AND PROVIDING A PENALTY
FOR THE VIOLATION THEREOF" AND
ORDINANCE NO. A38 ENTITLED "AN
ORDINANCE TO AMEND ORDINANCE
NO. A37 ENTITLED "AN ORDINANCE
LICENSING AND REGULATING THE
SALE AND CONSUMPTION OF NON-
INTOXICATING MALT LIQUORS,
REPEAL, AND PROVIDING A PENALTY
FOR THE VIOLATION THEREOF"
PASSED BY THE CITY COUNCIL OF THE
CITY OF GRASSTON ON THE 13TH DAY
OF NOVEMBER 1978 AND THE 14TH
DAY OF MAY 1979 RESPECTIVELY ARE
HEREBY REPEALED IN THEIR
ENTIRETY.

Passed by the Grasston City Council
this 14th day of December 1987. This
ordinance becomes effective December
31, 1987.

Danny Norberg,
Mayor

ATTEST:
Violet E. Anderson
Clerk-Treasurer

Published in the Kanabec County Times
December 24, 1987.
abcdefghijklmnopqrstuvwxyz

Danny Norberg
MAYOR

Notices

ORDINANCE NO. 1994-2 AN ORDINANCE ESTABLISHING A CURFEW IN THE CITY OF GRASSTON

THE CITY OF GRASSTON DOES OR-
DAIN:

SECTION 1. DEFINITION OF LOITER.
To delay an activity, or to remain in a
public place without purpose.

**SECTION 2. MINORS UNDER 18
YEARS OF AGE.** It shall be unlawful for
any minor under the age of 18 years to
loiter or be in or upon the public streets,
highways, parks, playgrounds, or any
other unsupervised place within the City
limits of Grasston between the hours of
10:00 p.m. on any day and 5:00 a.m. the
following day unless said minor is on
their way home by the most direct route;
or be out in violation of a Court imposed
Curfew.

SECTION 3. DEFENSE. The restric-
tions of Section 2 do not apply under the
following circumstances:

- a) When the minor is accompanied by
their parent, guardian, or other adult
person having the minor's lawful care,
custody or control;
- b) When the minor is returning home
by a direct route from and within 30 min-
utes after a school, religious, or other
organized activity;
- c) When the minor is on an emergency
errand or other legitimate business di-
rected by the minor's parent, guardian,
or other adult person having lawful cus-
tody of the minor;
- d) When the minor is going directly
between their residence and a place of
employment for the purpose of work.

**SECTION 4. RESPONSIBILITY OF
PARENT, ETC.** No parent, guardian, or
other adult having custody and control
of a minor under 18 years of age shall
knowingly permit the minor to violate the
provisions of this Ordinance.

**SECTION 5. RESPONSIBILITY OF
PROPRIETOR.** No person operating or in
charge of a place of amusement, enter-
tainment, or refreshment, or other place
of business, shall permit a minor to be in
or on the place contrary to the provi-
sions of this Ordinance. The person
shall immediately order the minor violat-
ing this Ordinance to leave, and if the
minor refuses to leave, the person shall
immediately notify law enforcement of
the violation.

SECTION 6. CONSTRUCTION. This
Ordinance shall not be construed as
permitting the presence at any time of
any person under the age of 18 years in
any place where their presence is pro-
hibited by any other law or ordinance.

SECTION 7. PENALTY. A minor vio-
lating this Ordinance may be sent or
taken home or placed into custody by a
law enforcement official. Any person vi-
olating any provision of this Ordinance
shall be guilty of a misdemeanor, and
upon conviction thereof, shall be pun-
ished by a fine not to exceed \$700 or a
jail term not to exceed 30 days, or both.

**SECTION 8. REPEAL OF CONFLICT-
ING ORDINANCES.** All former Ord-
nances or parts thereof conflicting or in-
consistent with the provisions of this
Ordinance are hereby repealed to the
extent of such conflict or inconsistency.

SECTION 9. EFFECTIVE DATE. This
Ordinance becomes effective from and
after its passage and publication
according to law.

Passed by the City Council of
Grasston, Minnesota, this 15th day of
June, 1994.

Elaine Lucht
Mayor

ATTEST:
Marcetta Squiers
Clerk-Treasurer
Published in Kanabec County Times
July 14, 1994
abcdefghijklmnopqrstuvwxy

ORDINANCES, RULES, REGULATIONS AND BY-LAWS

the Village of Grasston, Kanabec County, Minn.
Ordinance No. A 48

ORDINANCE NO. A48

AN ORDINANCE TO REPEAL ORDINANCE NO. A37 ENTITLED "AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF NON-INTOXICATING MALT LIQUORS, REPEAL, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF." AND ORDINANCE NO. A38 ENTITLED "AN ORDINANCE TO AMEND ORDINANCE NO. A37 ENTITLED "AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF NON-INTOXICATING MALT LIQUORS, REPEAL, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF."

The Council of the City of Grasston ordains:

SECTION 1. REPEAL ORDINANCE NO. A37 ENTITLED "AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF NON-INTOXICATING MALT LIQUORS, REPEAL, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF" AND ORDINANCE NO. A38 ENTITLED "AN ORDINANCE TO AMEND ORDINANCE NO. A37 ENTITLED "AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF NON-INTOXICATING MALT LIQUORS, REPEAL, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF" PASSED BY THE CITY COUNCIL OF THE CITY OF GRASSTON ON THE 13TH DAY OF NOVEMBER 1978 AND THE 14TH DAY OF MAY 1979 RESPECTIVELY ARE HEREBY REPEALED IN THEIR ENTIRETY.

Passed by the Grasston City Council this 14th day of December 1987. This ordinance becomes effective December 31, 1987.

Danny Norberg, Mayor

ATTEST:
Violet E. Anderson
Clerk-Treasurer

Published in the Kanabec County Times
December 24, 1987.
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[Handwritten signature]

Notices

**ORDINANCE NO. 1994-2
AN ORDINANCE ESTABLISHING
A CURFEW IN THE CITY OF
GRASSTON**

THE CITY OF GRASSTON DOES OR-
DAIN:

SECTION 1. DEFINITION OF LOITER.
To delay an activity, or to remain in a
public place without purpose.

**SECTION 2. MINORS UNDER 18
YEARS OF AGE.** It shall be unlawful for
any minor under the age of 18 years to
loiter or be in or upon the public streets,
highways, parks, playgrounds, or any
other unsupervised place within the City
limits of Grasston between the hours of
10:00 p.m. on any day and 5:00 a.m. the
following day unless said minor is on
their way home by the most direct route;
or be out in violation of a Court imposed
Curfew.

SECTION 3. DEFENSE. The restric-
tions of Section 2 do not apply under the
following circumstances:

- a) When the minor is accompanied by
their parent, guardian, or other adult
person having the minor's lawful care,
custody or control;
- b) When the minor is returning home
by a direct route from and within 30 min-
utes after a school, religious, or other
organized activity;
- c) When the minor is on an emergency
errand or other legitimate business di-
rected by the minor's parent, guardian,
or other adult person having lawful cus-
tody of the minor;
- d) When the minor is going directly
between their residence and a place of
employment for the purpose of work.

**SECTION 4. RESPONSIBILITY OF
PARENT, ETC.** No parent, guardian, or
other adult having custody and control
of a minor under 18 years of age shall
knowingly permit the minor to violate the
provisions of this Ordinance.

**SECTION 5. RESPONSIBILITY OF
PROPRIETOR.** No person operating or in
charge of a place of amusement, enter-
tainment, or refreshment, or other place
of business, shall permit a minor to be in
or on the place contrary to the provi-
sions of this Ordinance. The person
shall immediately order the minor violat-
ing this Ordinance to leave, and if the
minor refuses to leave, the person shall
immediately notify law enforcement of
the violation.

SECTION 6. CONSTRUCTION. This
Ordinance shall not be construed as
permitting the presence at any time of
any person under the age of 18 years in
any place where their presence is pro-
hibited by any other law or ordinance.

SECTION 7. PENALTY. A minor vio-
lating this Ordinance may be sent or
taken home or placed into custody by a
law enforcement official. Any person vio-
lating any provision of this Ordinance
shall be guilty of a misdemeanor, and
upon conviction thereof, shall be pun-
ished by a fine not to exceed \$700 or a
jail term not to exceed 30 days, or both.

Printers Affidavit of Publication

STATE OF MINNESOTA SS.
County of Kanabec

Wade Weber being duly sworn, on oath says that h
the publisher or authorized agent and employee of the publisher of the newspaper known
KANABEC COUNTY TIMES, and has full knowledge of the facts which are stated below:
(A) The newspaper has complied with all of the requirements constituting qualification a
qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applica
laws, as amended.
(B) The printed Ordinance NO. 1994-2

which is attached was cut from the columns of said newspaper, and was printed and publi
once each week, for 1 successive weeks; It was fi
published on Thursday, the 14th day of July
1994, and was thereafter printed and published on every Thursday
to and including Thursday, the 14th
of July, 19 94; and printed below is a copy of the lo
case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size
kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: Wade Weber

TITLE: General Manager
MARY J. BREMER
NOTARY PUBLIC—MINNESOTA
KANABEC COUNTY
My Commission Expires Dec. 22, 1994
Subscribed and sworn to before me on
this 14th day of July 19 94
Mary J. Bremer
Notary Public
My commission expires December 22, 19 94 Notary Public, Kanabec County, I

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$4.75
(inch ra \$4.75)
- (2) Maximum rate allowed by law for the above matter \$4.75
(inch ra \$4.75)
- (3) Rate actually charged for the (inch ra

**SECTION 8. REPEAL OF CONFLICT-
ING ORDINANCES.** All former Ord-
nances or parts thereof conflicting or in-
consistent with the provisions of this
Ordinance are hereby repealed to the
extent of such conflict or inconsistency.

SECTION 9. EFFECTIVE DATE. This
Ordinance becomes effective from and
after its passage and publication
according to law.

Passed by the City Council of
Grasston, Minnesota, this 15th day of
June, 1994.

Elaine Lucht
Mayor

ATTEST:
Marcetta Squiers
Clerk-Treasurer
Published in Kanabec County Times
July 14, 1994
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RESOLUTION NO: _____

Resolution of the City Council of the City of Grasston, Minnesota
Approved October 13, 2008

WHEREAS, The City (then known as Village) of Grasston, Minnesota has previously acquired certain easements for the benefit of the public as represented and described in that certain Certificate of Village Attorney pertaining to Eminent Domain proceedings dated April 3, 1973, and recorded as Document #104871 with the Kanabec County Recorder, whereby said easements were duly established of record as therein set forth; and

WHEREAS, a re-survey of the real property subject to said easements done in connection with Title Registration proceedings as to the underlying title to said property has revealed that the actual location of said easements was erroneously described at the time of acquisition of said easements by the Village (now) City of Grasston; and

WHEREAS, the City Council of the City (formerly Village) of Grasston finds that it is appropriate and in the best interest of the public and of all concerned that it cooperate in the correction of the earlier mis-descriptions of said easements by exchanging corrective deeds with the current owners of the subject real property, to correct the legal description of said easements;

NOW, THEREFORE, it is hereby resolved that the Mayor and City Clerk/Administrator are hereby authorized and directed to sign and to deliver for recording said corrective deeds in the form attached hereto, said corrective deeds being made and delivered to rectify the earlier mis-descriptions in the acquisition by the City (formerly Village) of Grasston of these easements by its proceeding of Eminent Domain represented by the Certificate of the Village attorney dated April 3, 1973, and recorded as Document #104871 with the Kanabec County Recorder.

This resolution was approved by the City Council of the City (formerly Village) of Grasston, Minnesota on October 13, 2008.

Attest: By: _____
Its Mayor

By: _____
Its City Clerk/Administrator

I hereby certify that this is a true and correct copy of the Original resolution duly adopted at the regular meeting of the city council of the City (formerly Village) of Grasston, Minnesota.

City Clerk/Administrator, City of Grasston

Dated at Grasston, Minnesota
this ___ day of October, 2008.

Subd. 6. Minimum Lot Size.

- A. A lot area of not less than fifteen thousand (15,000) square feet is required. 100 x 150
- B. A lot width of not less than one hundred (100) feet is required.

Subd. 7. Front, Side and Rear Yard Requirements.

- A. Front Yard. A front yard of not less than thirty (30) feet is required.
- B. Side Yards. Two (2) side yards are required, each with a width of not less than ten (10) feet. Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than thirty (30) feet.
- C. Rear Yard. A rear yard with a depth of not less than twenty (20) feet is required.

Subd. 8. Maximum Building Heights. Building heights shall not exceed two and one-half (2 1/2) stories.

SECTION 6. (B-1) CENTRAL BUSINESS DISTRICT

Subd. 1. Purpose. The Central Business District is intended to provide for retail, service and office developments to serve the local market and traveling public.

Subd. 2. Special Requirements. All business operations shall be conducted within completely enclosed buildings, with the following exceptions: establishments of the "drive-through" type; display of merchandise for sale to the public during business hours; and off-street parking and loading.

Subd. 3. Permitted Uses. The following are permitted uses:

- A. Retail and wholesale establishments.
- B. Restaurants.
- C. Personal service establishments.
- D. Convenience stores.
- E. Professional and business offices.

NOTICE OF AMENDMENT TO THE CITY OF GRASSTON ZONING ORDINANCE

Subd. 5. c. **Architectural Requirements.** The following architectural requirements shall apply to all dwellings in the "B2" district:

1. Dwellings shall be at least twenty-four (24) feet in width.
2. Dwellings shall be placed on a permanent foundation forming a complete enclosure under exterior walls, have pitched roofs of tile or shingles and eaves of not less than six (6) inches.
3. Exterior walls shall have the appearance of wood or masonry regardless of their actual composition.

Subd. 6. **Accessory Structures, Uses and Equipment.**

- A. No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory except a private garage, which prior to construction of the residence can be used only for storage purposes pertaining to the construction of the principal structure.

No sanitary facilities are permitted within an accessory building prior to the construction of the principal building.

- B. **Location.** No accessory buildings shall be located in the front yard.

Adopted the _____ day of _____, 1995 by the Grassion City Council.

Elaine V. Lucht, Mayor

Attest:

Marcetta Squiers, Clerk

Ordinance No. 97-1

AN ORDINANCE LICENSING AND REGULATING THE RETAIL SALE OF TOBACCO, TOBACCO PRODUCTS, AND ALL TOBACCO RELATED DEVICES AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF

THE COUNCIL OF THE CITY OF GRASSTON HEREBY ORDAINS:

1. **License.**

A. **License Required.** No person shall keep for retail sale, sell at retail (including selling by use of a vending machine) or otherwise dispose of any tobacco product or tobacco related device at any place in the City of Grasston without first obtaining a license from the City. "Tobacco" is defined as and includes: cigarettes, cigars, cheroots, and other smoking tobacco; snuff and other chewing tobaccos, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing, sniffing, or smoking or smoking in tobacco-related devices.

B. **Application and Issuance.** Application for such license shall be made to the City Clerk-Treasurer on a form supplied by the City. Such application shall state the full name, address and phone number of the applicant, the name, location and phone number of the business at which tobacco products will be sold, the kind of business conducted at such location, and such other information as shall be required by the application form. Upon the filing of such application and upon payment of the required fee with the Clerk-Treasurer, it shall be presented to the City Council for its consideration, and if granted by the Council, a license shall be issued by the Clerk-Treasurer. If the license is denied the fee shall be refunded.

C. **Renewal of License.** Renewal of a license that has expired or is due to expire shall be handled with the same procedure as the original application.

D. **License Fee.** The annual license fee for a retail tobacco license shall be \$50.00 per year. All retail tobacco licenses shall be valid for one calendar year from the date that the license is issued. Licenses shall not be transferable from one person or location to another. After issuance of a license the fee shall not be refundable.

E. **Posting.** Every license shall be conspicuously posted at the place for which the license is issued and shall be exhibited to any person upon request.

2. **Sales Prohibited to Minors.** No person shall sell or offer to sell any tobacco or tobacco product or tobacco related device to any person under eighteen (18) years of age.

3. **Administrative Penalties.**

A. If a licensee or employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this ordinance, the licensee shall be charged an administrative penalty of \$75. An administrative penalty of \$200 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250 must be imposed, and the licensee's authority to sell tobacco at that location must be suspended for not less than seven days. No suspension or penalty may take effect until the licensee has received

- notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the City to conduct the hearing.
- B. An individual who sells tobacco to a person under the age of 18 years must be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the City to conduct the hearing.
- C. It is an affirmative defense to the charge of selling tobacco to a person under the age of 18 years in violation of this ordinance that the licensee or individual making the sale relied in good faith upon proof of age as follows:
1. A valid driver's license or identification card issued by the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person; or
 2. A valid military identification card issued by the United States Department of Defense; or
 3. In the case of a foreign national, from a nation other than Canada, by a valid passport.
4. **Self-Service Sales.**
- A. No licensee shall offer for sale tobacco, tobacco products or tobacco related devices in open displays which are accessible to the public without the intervention of a store employee.
- B. **Vending Machine Sales.** No licensee shall sell tobacco products from vending machines.
5. **Compliance Checks.** The City shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with Minnesota Statutes Section 609.685. Compliance checks shall utilize minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or an employee of the licensing authority.
6. **Licensee Responsibility.** Every licensee shall be responsible for the conduct of his place of business and the act of any employee on the licensed premises authorized to sell tobacco products shall be deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this Ordinance equally with the employee.
7. **Age Restriction of Clerk.** No person under the age of 16 shall be allowed to sell tobacco, tobacco products or tobacco related devices.
8. **Enforcement.** For the purpose of enforcement of this ordinance or any other ordinance of the City or laws of the state, any police officer of the City or anyone duly designated by the City Council shall be given admittance to any business licensed hereunder to discover or prevent any violation of the laws and shall be given full information upon request by any licensee.
9. **Revocation.** Every such license may be revoked by the Council for a violation of any provision of this Ordinance if the licensee has been given a reasonable notice and an opportunity to be heard.

10. **Penalty.** Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$700 or by imprisonment for not to exceed 90 days.
11. **Repeal.** All previous ordinances inconsistent with the provisions of this ordinance are hereby repealed.
12. **Effective Date.** this ordinance shall become effective upon its passage and publication according to law.

Passed by the Council this 10th day of November, 1997.

Elaine Lucht
Elaine Lucht, Mayor

Attest:

Marcetta Squiers
Marcetta Squiers, Clerk-Treasurer

MINNESOTA Department of Revenue

REPORT OF BUSINESS'S LICENSED TO SELL CIGARETTES AND/OR TOBACCO AT RETAIL CT-010

COUNTY, CITY OR MUNICIPALITY

Date

License to Sell Cigarettes/Tobacco Products at Retail

License or Permit Number Business Name Doing Business As: Minnesota Tax Identification Number

Address Phone Fax

Owner/Officer of Business Social Security Number E-Mail Address Contact at Store

Previous Retail Cigarette Licenses Held

License or Permit Number Business Name Address Minnesota Tax Identification Number

Previous Owner of Business

Owner/Officer of Business Social Security Number Address

MINNESOTA • REVENUE

MEMO

To: Cigarette and Tobacco Licensing Department

From: Wayne Lang, Supervisor-Cigarette & Tobacco Unit

Date: April 22, 2002

Last July and August we sent your local government branch, a notification of a law change enacted by the 2001 Minnesota Legislature regarding the tobacco license reporting requirement for counties and other local units of government:

Licensing Reporting Requirement. Minnesota Statute, § 461.12, was amended by adding a subdivision to require a county or other local unit of government to report the true identity of all retail tobacco license holders to the Department of Revenue. The reports must be made to the Department of Revenue within 30 days of the issuance or renewal or transfer of the license. The law is effective for licenses issued, renewed, transferred, canceled, suspended, or revoked on or after January 1, 2002.

Thank you all for your prompt responses to our request for licensing records. After months of data entry, we feel our list is complete. We show that Minnesota has approximately 11,000 retailers that currently hold a license to sell cigarettes at retail. As you can see this was an enormous data entry project. Therefore, we are requesting that all updates be sent in the following manner:

- Send only changes (new licensees, cancellations, new owner notifications). To reduce duplication of records, please DO NOT send the entire list again.
- Changes should be sent electronically, either via e-mail or on 3.5 floppy disk. Data should be on a spreadsheet, word document or in ASCII text file format.
- New licensee data may still be reported on form 010, but we would prefer electronic data.

If you have questions, you may contact our office at the number listed below. E-mail inquiries and retailer updates may be sent to:

sue.amundson@state.mn.us

wayne.lang@state.mn.us

Special Taxes Division
Mail Station 3331
St. Paul, MN 55146-3331

Tel: (651) 297-1882
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ORDINANCE NO. 493

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORA, MINNESOTA
ADOPTING A TEXT AMENDMENT TO CITY OF MORA CODE OF ORDINANCES, TITLE XIII
GENERAL OFFENSES, CREATING CHAPTER 132 CANNABIS AND CANNABIS DERIVED
PRODUCTS**

THE CITY COUNCIL OF THE CITY OF MORA, KANABEC COUNTY, MINNESOTA ORDAINS:

Section 1: TITLE XIII: General Offenses, of the City of Mora City Code is amended to include the following;

CHAPTER 132-CANNABIS AND CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES

Subsection 132.100 Definitions

The definitions in Minn. Stat. § 342.01 apply to this section. In this section the following definitions apply:

ADULT-USE CANNABIS FLOWER: A cannabis flower that is approved for sale by the Office of Cannabis Management or is substantially similar to a product approved by that office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.

ADULT-USE CANNABIS PRODUCTS: A cannabis product that is approved for sale by the Office of Cannabis Management or is substantially similar to a product approved by that office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

CANNABIS FLOWER: The harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

CANNABIS PRODUCT: Any of the following: (1) cannabis concentrate; (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or (3) any other product that contains cannabis concentrate. Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products.

CERTAIN CANNABINOID PRODUCTS: Any product legalized under Minn. Stat. §151.72.

LOWER-POTENCY HEMP EDIBLE: Any product that (1) is intended to be eaten or consumed as a beverage by humans; (2) contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients; (3) is not a drug; (4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts; (5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving; (6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol; (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and (8) is a type of product approved for sale by the Office of Cannabis Management or is substantially similar to a product approved by that Office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

HEMP-DERIVED CONSUMER PRODUCT: A product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and (1) contains or consists of hemp plant parts; or (2) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

PUBLIC PLACE: Property owned, leased, or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use but does not include: a person's dwelling house or premises, including the person's curtilage or yard; private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or the premises of an establishment or event licensed to permit on-site consumption.

PLACE OF PUBLIC ACCOMODATION: A business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

- (1) a private residence, including the individual's curtilage or yard.
- (2) private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
- (3) on the premises of an establishment or event licensed to permit on-site consumption.

SMOKING: inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

Subsection 132.200. Prohibited Acts

Subd. 1. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See Minn. Stat. §152.0263, subd. 5, or successor statute.

Subd. 2. No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. See State Legislation Set# 9, Minn. Stat. §342.09, subd. 1(7)(b)(9) or successor statute.

Subsection 132.300. Penalty

Criminal Penalty. A violation of this ordinance shall be a petty misdemeanor having a fine payable up to \$300.00. Nothing in this ordinance prohibits the County from seeking prosecution for an alleged violation.

SECTION 2. Effective Date. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED this _____ day of _____, 2024 by the City Council for the City of Mora.

CITY OF MORA

BY: _____
Jake Mathison, Mayor

ATTEST:

Natasha Segelstrom, City Clerk

**City of Graston
Ordinance, No.**

**AN ORDINANCE, PROVIDING FOR THE REGULATION OF RESIDENCY RESTRICTIONS AND
PROHIBITIONS FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS**

THE CITY COUNCIL OF THE CITY OF GRASSTON ORDAINS:

- §1.01 Findings and intent
- §1.02 Definitions
- §1.03 Sexual offender and sexual predator residence prohibition; penalties; exceptions
- §1.04 Property owners prohibited from renting real property of certain sexual offenders and sexual predators; penalties

§1.01 FINDINGS AND INTENT.

- (A) Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses. Most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (B) It is the intent of this chapter to serve the city's compelling interest to promote, protect, and improve the health, safety, and welfare of its citizens by creating a civil, non-punitive regulatory scheme, establishing areas around locations where children regularly congregate in concentrated numbers, wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

§1.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILDREN. Persons age 16 or younger.

DAY CARE CENTER. A facility licensed by the State of Minnesota in which care, supervision and training for children is provided for part of a 24-hour period.

DESIGNATED OFFENDER. 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 16 years of age, or has been categorized as a Level III sex offender under M.S. §244.052 or successor statute.

DESIGNATED SEXUAL OFFENSE. A conviction, adjudication of delinquency, commitment under M.S. Chapter 253B, or admission of guilt under oath without adjudication involving any of the following offenses: M.S. §§609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.23; 617.246; 617.247; 617.293; successor statutes; or a similar offense from another state.

PARK or PLAYGROUND. Any land, including improvements, operated by the city for the use by the general public as a recreational area.

PERMANENT RESIDENCE. A place where the person abides, lodges or resides for 14 or more consecutive days.

SCHOOL. Any public, private, or parochial educational institution that offers education instruction to individuals under the age of 18.

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

§1.03 SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS.

(A) **Prohibited location of residence.** It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, place of worship that provides regular educational programs, park, or playground.

(B) **Prohibited activity.** It is unlawful for any designated offender to participate in a holiday event involving children under 16 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this division.

(C) **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 nearest outer property line of a school, day care center, park, playground, place of worship, or other place where children regularly congregate. The City Clerk shall maintain an official map showing prohibited locations as defined by this chapter. The Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones.

(D) **Penalties.** A person who violates this section shall be punished by a fine not exceeding \$1,000, or by confinement for a term not exceeding 90 days, or by both such fine and confinement. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.

(E) **Exception.** A designated offender residing within a prohibited area as described in §1.03A 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 M.S. §243.166, §243.167, or successor statute, prior to October 12, 2015.
- b. The school, place of worship, park or day care center within 2,000 feet of the person's permanent residence was designated or opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to M.S. §243.166, §243.167.
- c. The residence is property owned by the Minnesota Department of Corrections.
- d. The person's conviction for the designated offense was reversed on appeal.

- e. Nothing in this provision shall require any person to sell or otherwise dispose of any real property acquired or owned prior to the conviction restricting residency under this chapter.

§1.04 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES.

- (A) 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 this chapter, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in §1.03(D).
- (B) A property owner's failure to comply with provisions of this section shall constitute a violation of this section, and shall subject the property owner to the ordinance enforcement provisions and procedures as provided in §1.02 of this ordinance.
- (C) If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager may evict the offender.

§1.05 Severability. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

§1.06 Effective date. This ordinance becomes effective from and after its passage and publication. Passed by the City Council of Grasston on October 12, 2015.

Approved:

Mayor, Jeremy Miller

Attested:

Roberta Folkestad, Deputy Clerk

Kanabec County
PROPOSED ORDINANCE #31
DANGEROUS DOG ORDINANCE

Subdivision 1, Purpose and Intent

Pursuant to authority granted by the State of Minnesota under Minnesota Statutes Chapter 347 (2001), this Dangerous Dog Ordinance (Ordinance) is enacted to regulate, restrict, or prohibit if necessary, dangerous dogs for the health, welfare, and safety of the residence of Kanabec County.

Subdivision 2, General Provisions

2.1 Minnesota Statute Chapter 347

Minnesota Statute Chapter 347 (2001) is hereby incorporated by reference and shall be made part of this Ordinance

2.2 Severability

If any portion of this ordinance should be declared unenforceable, it shall be severed from this ordinance, the remainder of which shall remain in full force and effect.

2.3 Definitions

- (a) Dangerous dog.** "Dangerous dog" means any dog that meets the definition set forth in Minnesota Statutes 347.50, Subd. 2 (2001), and any amendment or recodification thereto
- (b) Owner.** "Owner" means any individual that meets the definition set forth in Minnesota Statutes 347.50, Subd. 5 (2001), and any amendment or recodification thereto
- (c) Potentially dangerous dog.** "Potentially dangerous dog" means any dog that meets the definition set forth in Minnesota Statutes 347.50, Subd. 3 (2001), and any amendment or recodification thereto
- (d) Unprovoked/Without provocation.** "Unprovoked" and "Without provocation" means the condition in which the dog is not purposely excited, stimulated, agitated or disturbed.

Subdivision 3, Dangerous Dogs

- 3.1 Designation.** The Kanabec County Sheriff and his Designees shall have the authority to designate a dog as a dangerous dog as defined by this Ordinance. They may base this designation on their observations of the dog as well as written and oral reports from other law enforcement, dog control officers, and members of the community.
- 3.2 Designation Report.** Whenever the Kanabec County Sheriff or his Designee designates a dog as a dangerous dog he or she shall prepare a report that includes all evidence used in making that designation.
- 3.3 Designation Notice.** Whenever the Kanabec County Sheriff or his Designee designates a dog as a dangerous dog, he or she shall serve written notice of that designation on the owner of the dog, if known.
- (a) Content of Notice.** The notice shall inform the owner of the designation, state the basis for the designation, shall advise the owner of their ability to request a hearing before a hearing officer within 15 days of the designation under Section 3.1, and shall advise the owner of the consequences of their failure to contest the designation with the 15 day time period.
 - (b) Method of Service.** All notice under this subdivision shall be provided to the owner by personal service, except as provided in subsection (c)
 - (c) Owner Not Known.** If the owner of the designated dog is unknown, the Kanabec County Sheriff's Office shall seize and hold the dog pursuant to Section 3.10(a) for a period of 15 days. If the owner does not claim the dog and receive the designation notice within the 15-day holding period, no further notice is required and the designation under Section 3.1 is final.
- 3.4 Designation Hearing.** If the owner of a dog has received sufficient notice as described in Section 3.3(a), the owner may request a hearing be conducted to determine whether such a designation is justified.
- (a) Time to Request a Hearing.** A request for hearing under Section 3.4 must be made in writing and delivered to the Kanabec County Sheriff's Office within 15 days of receipt of the notice. If such request is not made within the 15 days, the designation of the dog as dangerous is final.
 - (b) Timing of Hearing.** If a hearing is requested, it must be scheduled within 10 days of the request.

(c) **Hearing Procedure.** The hearing will be conducted by a hearing officer appointed by the Kanabec County Board of Commissioners. The hearing officer must consider the report of the deputy making the designation as described in Section 3.1 as well as evidence offered by the owner of the dog. The hearing officer may consider any other relevant evidence. The hearing officer may set reasonable limits on the amount of evidence submitted and the length of any testimony offered. The hearing officer must issue a written decision within 7 days of the hearing.

(d) **Evidence.** Written reports by law enforcement and dog control officers may be offered into evidence without further foundation.

3.5 Designation Appeal. The decision of the hearing officer is final unless an appeal is made to the district court or court of appeals.

3.6 Designation Annual Review. After a dog is finally declared dangerous, the owner of the dog may request that a hearing officer appointed by the Kanabec County Board of Commissioners review the designation annually. At the review, the owner must provide evidence that the dog is no longer dangerous. If the hearing officer finds sufficient evidence that the dog is no longer dangerous, he or she may rescind the dangerous dog designation. The hearing procedure outlined in Section 3.4(c) applies to this hearing.

3.7 Registration. No person may own or house a dangerous dog in Kanabec County unless the dog is registered pursuant to Statutes 347.51 (2001), and any amendment or recodification thereto.

3.8 Requirements of Ownership. No person may own or house a dangerous dog in Kanabec County unless the owner complies with the requirements of Minnesota Statutes 347.52 (2001), and any amendment or recodification thereto.

3.9 Penalty. Any person who violates Section 3.7, Section 3.8 or the provisions of Minnesota Statutes 347.55(b) (2001), and any amendment or recodification thereto is guilty of a misdemeanor.

3.10 Seizure, impoundment. The Kanabec County Sheriff and all his designees may immediately seize and impound any dog which:

(a) Has been designated a dangerous dog under Section 3.1 pending a hearing

(b) Is found to be in violation of Minnesota Statutes 347.54 (2001), and any amendment or recodification thereto.

3.11 Release. A dog impounded under Section 3.10 may be reclaimed by its owner pursuant to Minnesota Statutes 347.54, Subd. 2. (2001), and any amendment or recodification thereto.

3.12 Disposition. The Kanabec County Sheriff may order the destruction of any dog which:

- (a) Is found to be in violation of Section 3.7 or 3.8 of this Ordinance, or
- (b) Has bitten one or more persons on two (2) or more occasions, or
- (c) Has caused serious bodily injury or disfigurement to any person without provocation
- (d) Has not been reclaimed after seven days after it has been impounded under Section 3.10

3.13 Disposition Notice. The owner of a dog to be disposed of under Section 3.12 must be given written notice of the order to dispose of the dog.

(a) **Content of Notice.** The notice shall inform the owner of the order to dispose of the dog under Section 3.12, state the basis for the order, shall advise the owner of their ability to request a hearing to review the order before a hearing officer within 3 days, and shall advise the owner of the consequences of their failure to contest the order within the 3-day time period.

(b) **Method of Service.** All notice under this subdivision shall be provided to the owner by personal service, except as provided in subsection (c)

(c) **Owner Not Known.** If the owner of the dog is unknown, the Kanabec County Sheriff's Office shall seize and hold the dog for 5 days. If the owner does not claim the dog and receive the disposition notice under Section 3.13 within the 5-day holding period, no further notice is required and the order to dispose of the dog is final.

3.14 Disposition Hearing. If the owner of a dog has received sufficient notice as described in Section 3.13(a), the owner may request a hearing be conducted to determine whether destruction of the dog is warranted under Section 3.12.

(a) **Time to Request a Hearing.** A request for hearing under Section 3.14 must be made in writing and delivered to the Kanabec County Sheriff's Office within 3 days of receipt of the notice. If such request is not made within the 3 days, the order of disposition under Section 3.12 is final and the dog may be destroyed.

(b) **Timing of Hearing.** If a hearing is requested, it must be scheduled within 10 days of the request.

(c) **Hearing Procedure.** The hearing will be conducted by a hearing officer appointed by the Kanabec County Board of Commissioners. The hearing officer may consider any relevant evidence in making his or her decision. The hearing officer may set reasonable limits on the amount of evidence submitted and the length of any testimony offered. After considering all evidence, the hearing officer shall make an appropriate order, including destruction of the dog, seizure and impoundment, or release of the dog to its owner.

(d) **Immediate availability.** If the dog has not already been seized under Section 3.10 must bring the dog to the Kanabec County Sheriff's Office at the time of the hearing. If the owner fails to do so, the order of disposition under 3.12 shall be final and the dog may be destroyed.

3.15 Destruction of dogs. The Kanabec County Sheriff's Office may destroy any dog order to be destroyed under Section 3.12 after that order becomes final. A dog must be destroyed according to the most humane and approved methods.

Subdivision 4, Potentially dangerous dogs.

4.1 Designation. The Kanabec County Sheriff and his Designees shall have the authority to designate a dog as a potentially dangerous dog as defined by this Ordinance. They may base this designation on their observations of the dog as well as written and oral reports from other law enforcement, dog control officers, and members of the community.

4.2 Designation Report. Whenever the Kanabec County Sheriff or his Designees designates an dog as a potentially dangerous dog he or she shall prepare a report that includes all evidence used in making that designation.

4.3 Designation Notice. Whenever the Kanabec County Sheriff or his Designees designates an dog as a potentially dangerous dog, he or she shall serve written notice of that designation on the owner of the dog, if known.

(a) **Content of Notice.** The notice shall inform the owner of the designation, state the basis for the designation, shall advise the owner of their ability to request a review by a review officer 7 days after a designation under Section 4.1, and shall advise the owner of the consequences of their failure to contest the designation within the 7-day time period.

(b) Method of Service. All notice under this subdivision shall be provided to the owner by personal service, except as provided in subsection (c)

(c) Owner Not Known. If the owner of the designated dog is unknown, the Kanabec County Sheriff's Office shall seize and hold the dog pursuant to Section 3.10(a) for a period of 15 days. If the owner does not claim the dog and receive the designation notice within the 15-day holding period, no further notice is required and the designation under Section 4.1 is final.

4.4 Designation Hearing. The owner of the dog may request a review of a designation under Section 4.1 by submitting a demand for such a hearing in writing along with written evidence that disputes a designation under Section 4.1 to the Kanabec County Sheriff's Office. A review officer appointed by the Kanabec County Board of Commissioners will review the designation based on the designation report and any written submissions filed under this Section. No other evidence may be considered by the review officer. The review officer must make a final decision on the designation within seven (7) days.

4.5 Designation Annual Review. After a dog is declared potentially dangerous, the owner of the dog may request that a hearing officer appointed by the Kanabec County Board of Commissioners review the designation annually. At the review, the owner must provide evidence that the dog is no longer potentially dangerous. If the hearing officer finds sufficient evidence that the dog is no longer potentially dangerous, he or she may rescind the potentially dangerous dog designation. The hearing procedure outlined in Section 3.4(c) applies to this hearing.

Subdivision 5. Fees and Costs

5.1 Hearing Scheduling Fees. Prior to the scheduling of any hearing under this Ordinance, the owner of a dog must pay the following fees. A hearing shall not be scheduled until the fee is paid.

- (a) Dangerous Dog Designation Review: \$100**
- (b) Potentially Dangerous Dog Designation Review: \$50**
- (c) Dangerous or Potentially Dangerous Dog Designation Annual Review: \$125**
- (d) Dangerous Dog Disposition Review: \$200**

5.2 Owner Liable. The owner of a dog seized and found to be a dangerous dog under this Ordinance is liable to the Kanabec County Sheriff's Office for all costs associated with the seizure, impoundment, confinement, and destruction of that dog.

5.3 Other Costs. All other costs not reimbursed pursuant to Section 5.1 shall be paid out of the Kanabec County General Fund.

WALTER HARTLAND

From: "Stangl, Alexis" <AStangl@lmc.org>
To: "WALTER HARTLAND" <WALTER_HARTLAND@msn.com>
Sent: Thursday, November 20, 2008 9:48 AM
Subject: RE: dangerous dog law

Hello Councilmember Hartland,

If I hear any new information, I will be sure to send it along to you. Also, if your city makes any decisions about how to handle the situation, I would be very interested in hearing about what was decided.

Alexis C. Stangl | Staff Attorney
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astangl@lmc.org | www.lmc.org
League of Minnesota Cities
145 University Ave. West | Saint Paul, MN 55103

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From: WALTER HARTLAND [mailto:WALTER_HARTLAND@msn.com]
Sent: Thursday, November 20, 2008 7:53 AM
To: Stangl, Alexis
Subject: Re: dangerous dog law

Thank you for your advice. If any new information turns up please send it to me.

Wally

----- Original Message -----

From: Stangl, Alexis
To: WALTER_HARTLAND@msn.com
Cc: Finn, Anne ; khofstad@ledinhofstad.com
Sent: Wednesday, November 19, 2008 2:16 PM
Subject: FW: dangerous dog law

Hello Councilmember Hartland,

Anne Finn asked me to respond to your question regarding the new changes to the dangerous dog laws. You explained that the council feels that it would not be possible to implement the requirements of the new law, as the city does not have money in the budget or the expertise available to enforce the significant responsibilities of "animal control authority." You asked for guidance or information on how other small cities are handling this situation.

Unfortunately, I do not have a lot of helpful information to offer you. Because the law is not entirely clear, I would strongly encourage the city to work with the city attorney in determining how to proceed. The city attorney will be able to provide specific legal advice on how the city should deal with "animal control authorities." Therefore, I have copied city attorney Kevin Hofstad on this email so that he has the same information I am sending to you.

As you are aware, under Minnesota Statute § 347.565, the dangerous and potentially dangerous dog laws must be enforced by animal control authorities or law enforcement agencies regardless of whether the city has adopted a local ordinance on the issue. An "animal control authority" is defined as "an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction." (See Minnesota Statute § 347.50, subd. 7.)

This law does not explain the city's role in enforcing the dangerous and potentially dangerous dog provisions. Of course, the city could be an animal control authority, but it is not clear on whether this is required. Still, it

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seems likely that if the city already regulates animals in some way, it would also have some responsibility to enforce the dangerous and potentially dangerous laws. However, as I said above, it is unclear what responsibility the city must assume; the city attorney will be able to give the city specific legal advice on how to proceed.

You mentioned that the city is hoping the county will accept the responsibility of being the animal control authority. Minnesota Statute § 347.51, subd. 9 allows an animal control authority to "contract with another political subdivision or other person to provide the services required under 347.50 to 347.565." Therefore, it sounds like if the county is willing to take on animal control authority responsibilities, the city may contract with the county for these services. Again, the city attorney will be able to provide you with specific legal advice.

I suspect that Grasston is not the only small city to be struggling with the implementation of the new dangerous dog laws, particularly in tight budgeting times. I also suspect there are a variety of responses, including contracting with other entities to provide animal control authority responsibilities. However, we have not heard from cities on how they are dealing with the new laws.

I am providing this information for general informational purposes. It is not intended to provide legal advice and should not be used as a substitute for competent legal guidance. Please consult the city attorney for advice concerning specific situations.

I am sorry I could not be more helpful. Please let me know if you have any other questions. Thank you for contacting the League of Minnesota Cities!

Alexis C. Stangl | Staff Attorney
Tel: (651) 281-1227 | Fax: (651) 215-4127
astangl@lmc.org | www.lmc.org
League of Minnesota Cities
145 University Ave. West | Saint Paul, MN 55103

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From: Finn, Anne
Sent: Wednesday, November 19, 2008 9:55 AM
To: WALTER HARTLAND
Cc: Stangl, Alexis
Subject: RE: dangerous dog law

Councilmember Hartland,

Thank you for your inquiry. I have forwarded your question to Lexi Stangl in the Research Department. She has done more analysis of the new law and will be better able to respond.

Anne

From: WALTER HARTLAND [mailto:]
Sent: Wednesday, November 19, 2008 9:47 AM
To: Finn, Anne
Subject: dangerous dog law

Greetings Ms. Finn,
I am on the Grasston City Council (pop. 140). I have been following the dangerous dog legislation for our council. As a council we feel it would not be possible to implement the requirements of the new law. We don't have budget or expertise available to enforce the significant responsibilities of "animal control authority". Do you have any guidance or information from other small cities? We hope that the county (Kanabec) accepts this responsibility but at this point I suspect they too are investigating what to do. We would appreciate any advice you have for us and thank you for being available to offer assistance.

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Sincerely,
Walter Hartland

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