

## **CHAPTER 3**

### **PUBLIC PROTECTION FROM CRIMES AND OFFENSES: NUISANCES**

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### SECTION 3.010 PUBLIC NUISANCES DEFINED

Whoever by his or her act or failure to perform a legally duty intentionally does any of the following is guilty of maintaining a public nuisance, which is hereby declared a misdemeanor:

- A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs, or renders dangerous for passage, any public highway, or right-of-way, or waters used by the public; or
- C. 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.

**Subd. 1. Public Nuisances Affecting Health.** The following are hereby declared to be nuisances affecting health:

- A. Exposed accumulation of decayed or unwholesome food or vegetable matter;
- B. All diseased animals running at large;
- C. All ponds or pools of stagnant water which are not City holding ponds;
- D. Carcasses of animals not buried or destroyed within 24 hours after death;
- E. Accumulation of manure, refuse, or other debris unless contained in a properly maintained compost heap;
- F. 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 and disagreeable odors;
- G. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substance;
- H. The allowing or maintaining the presence of privies in a manner that may constitute a health hazard or results in the emitting of foul and disagreeable odors;
- I. All noxious weeds and other rank growths of vegetation, as defined in Minnesota Rules 1505.730 to 1505.0750, upon public or private property which shall be controlled or eradicated as define in Minnesota Statues Sections 1876 to 18.88;
- J. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- K. The burning of fields without a valid burning permit and without prior notification of the Fire Chief;

- L. All public exposure of people having a contagious disease requiring quarantine;
- M. Any offensive trade or business as defined by Minnesota statutes not operating under local license;
- N. Any other acts, omissions of acts, occupations, and uses of property which are a menace to the health of any of the inhabitants of the City;

**Subd. 2. Public Nuisances Affecting Morals and Decency.** The following are hereby declared to be nuisances affecting public morals and decency:

- A. All gambling devices, slot machines, and punch boards, except as otherwise authorized by ordinance;
- B. Betting, bookmaking, and all apparatus used in such occupations;
- C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.
- D. All places where intoxicating liquor is manufactured or disposed of in violation of law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or disposition in violation of law, and all liquor and property used for maintaining such a place.

**Subd. 3. Public Nuisances Affecting Peace and Safety.** The following are declared to be nuisances affecting public peace and safety:

- A. The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation. (Adopted 04-03-2023)
- B. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle moving at a reasonable speed to a full stop before the intersection is reached.
- C. All wires and limbs of trees which are less than 15 feet above the surface of any public street or sidewalk.
- D. Haphazard planting of tree farms or any heavy concentration of coniferous plants or shrubbery causing possible fire hazards within 40 feet of any building, unless such planting meets generally acceptable landscaping standards.
- E. No person shall make or cause to be made any distinctly and loudly audible noise that

unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property.  
(Amended 05-01-17)

- F.** Obstructions and excavations affecting the ordinary public use of a public street, alley, sidewalk, or public grounds except under such conditions permitted by this code or other applicable law.
- G.** Radio aerials or television antennae erected or maintained in a dangerous manner.
- H.** All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance.
- I.** The use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of street or sidewalk.
- J.** The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- K.** Any barbed wire fence that is less than six feet above the ground, or is within three feet of a public sidewalk or way, or is within any area not zoned commercial or industrial in nature.
- L.** All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- M.** Waste water cast upon or permitted to flow upon streets or other public properties.
- N.** Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from such accumulation.
- O.** 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.
- P.** Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.
- Q.** 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.

- R. The depositing of garbage or refuse on public property or on adjacent private property.
- S. All other conditions or things which are likely to cause injury to the person or property of anyone.
- T. All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to an extent exceeding one-half (1/2) their original value, or which are so situated as to endanger the safety or health of the public.

**Subd. 4. Duties of City Officers.** The Police Department shall enforce the provisions of this ordinance relating to all public nuisances. Such officers have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

**Subd. 5. Abatement.**

- A. In the event the owner, proprietor, occupant, tenant, or agent of any premises shall cause or permit to exist any condition which is injurious to health, or indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. An action may be brought by the City to abate the nuisance. (07-07-2014)
  - 1. Written notice of violation shall be served by the officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail and U.S. regular mail and shall contain the following (07-07-2014).
    - a. The officer shall notify in writing the owner of record or occupant of the premises of such fact and order that such nuisance be terminated or abated. (07-07-2014)
    - b. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated.
    - c. If the premises are not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises. (07-07-2014)
    - d. If the nuisance is not corrected or abated in the manner and within the time specified in the written notice of the violation the City may issue a criminal citation, commence civil action to abate the nuisance or both.
  - 2. Except for those cases determined by the city to require summary enforcement, written notice of any city council order shall be made as provided in Minnesota Statutes Chapter 463.17 (Hazardous and Substandard Building Act).
  - 3. Written notice of any motion for summary enforcement shall be made as provided

for in Minnesota Statutes Chapter 463.17 (Hazardous and Substandard Building Act).

- B.** In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in paragraphs A and B above will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Administrator may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and the City's intention to seek summary enforcement.

The City Administrator shall determine whether or not the condition identified in the notice to the owner or occupant, poses a danger to public health, safety, or welfare by delay in abatement required to complete the procedure set forth in part A above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Administrator may order summary enforcement and abate the nuisance.

- C.** Nothing in Subdivision 5 of this chapter shall prevent the City, without notice or other process, from immediately abating any conditions which poses an imminent and serious hazard to human life or safety.

**Subd. 6. Recovery of Cost.**

- A.** 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. As soon as the work has been completed and the cost determined, the City Administrator or other official designated by the City 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 Administrator.
- B.** If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Administrator, shall, before December 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes Chapter 429.101 against each separate lot or parcel to which the charges are attributable.

The City Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding 10

years, as the City Council may determine in each case.

**Subd. 7. Penalty.** Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case. (07-07-2014)

## **SECTION 3.020 JUNKED MOTOR VEHICLES**

### **Subd. 1. Definitions**

**A. Motor Vehicle.** The term “motor vehicle” means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, campers and trailers.

**B. Junked Motor Vehicle.** The term “junked motor vehicle” means any motor vehicle, as defined in this section, which does not have lawfully affixed or attached thereto an unexpired state registration or license plate or plates, and/or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

**Private Property.** The term “private property” shall mean any real property within the City which is privately owned and which is not public property as defined in this section.

**C. Public Property.** The term “public property” means any street or highway and includes the entire width between the boundary lines of every way publicly maintained for the purpose of vehicular travel, and shall also mean any other publicly owned property or facility.

**Subd. 2. Storing or Parking of Junked Motor Vehicle Prohibited.** It is unlawful for any person to park, store, or leave any junked motor vehicle, whether attended or not, upon any public or private property within the City, or for any person, as an owner of or an occupant having control of private property within the City, to permit the parking, storing, or leaving of any junked motor vehicle upon such private property, unless such junked motor vehicle is within an enclosed building or structure lawfully situated upon private property or is so parked, stored or left upon private property lawfully zoned and operated as a junkyard.

**Subd. 3. Public Nuisance Declared.** The presence of a junked motor vehicle upon private or public property within the City, except as permitted by the provisions of subdivision 2 of this section, is hereby declared to be a hazard to the public health and safety and a public nuisance which may be abated by the City as such.

### **SECTION 3.030 UNLAWFUL DEPOSIT OF GARBAGE, LITTER OR LIKE**

It is unlawful for any person to deposit garbage, rubbish, offal, the body of a dead animal, or other litter in or upon any public street, public or private land, water or ice thereon.

### **SECTION 3.040 INTERFERENCE BY CITIZEN BAND RADIOS**

The City of Eagle Lake hereby defines as a nuisance any interference from citizen band radios with private television sets and radios. The purpose of this Ordinance is to prevent citizen band radios from interfering with the reasonable enjoyment of television viewing and radios by the citizens of Eagle Lake. Any such citizen band radio interference with such private viewing and listening is hereby declared to be a nuisance and may be abated as such.

### **SECTION 3.050 WEEDS, GRASS, BRUSH, AND OTHER RANK, POISONOUS, OR HARMFUL VEGETATION**

**Subd. 1. Removal of Vegetation.** It shall be unlawful of any owner, lessee, or occupant having control of any occupied or unoccupied parcel of land or any part thereof in the City of Eagle Lake to permit or maintain on any such parcel or along the sidewalk, street, or alley adjacent to the same any growth of weeds, grasses, brush or other rank vegetation to a height greater than six (6) inches on average or any accumulation of dead weeds, grasses, or brush.

Grass or vegetation (with the exception of noxious weeds) that is two hundred (200) feet or more from any constructed dwelling may be allowed to be above the six (6) inch limit. Grass or vegetation within ten (10) feet of a public sidewalk must not exceed six (6) inches. (Adopted by Council August 4, 2014)

**Subd. 2. Vegetation Elimination.** Any weeds or grasses whether noxious or not, as defined by State Law, growing to a height greater than six (6) inches, or which have gone, or are about to go to seed, regardless of height, are a nuisance. For the purpose of this section, "owner" shall refer to the person or corporation listed as such in the records of the Blue Earth County Taxpayer Services Department. Abatement of the nuisance shall cause the complete killing of the weeds or grasses, or controlling of the weeds or grasses above the surface of the earth by the use of cutting, chemicals, tillage, or cropping system.

**Subd. 3. Notice of Noncompliance.** In the event the owner of any property in the City of Eagle Lake permits weeds, grass, brush, or other rank, poisonous or harmful vegetation nuisance to exist, the City shall serve a Notice of Noncompliance upon the



owner of the property by both regular and certified mail. The notice shall order the owner or occupant abate the nuisance within ten (10) days from the date of the notice. If the owner or occupant does not comply with such order, the necessary work will be performed by the City at the expense of the owner. If the owner does not pay for such expense, the cost of the work will be assessed against the property benefited. The Notice of Noncompliance shall stay in effect for the entire growing season, meaning that if at any time after the issuance of the Notice of Noncompliance the nuisance reoccurs, the City shall abate the nuisance without further notice to the property owner.

**Subd. 4. Performance of work by the City of Eagle Lake-Billing Procedures.**

If the owner or occupant of any property within the City of Eagle Lake fails within ten (10) days from the date of the Notice of Noncompliance to comply with the order pursuant to Subdivision 3, the City shall maintain a record showing the cost of such work shall be determined by the City Fee Schedule at the time work was performed.

**Subd. 5. Violations.** Any person who shall neglect to cut and remove noxious weeds as directed in this Chapter, or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall violate any of the provisions of this Chapter or who shall resist or obstruct the city or its employees in the cutting and removal of weeds, grass, brush and other vegetation, shall be guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

**Subd. 6. Assessment.** Before December 1 of each year, the City of Eagle Lake shall list total unpaid charges for each type of such work against each separate lot or parcel to which such charges are attributable pursuant to this section. The City Council may then assess such charges against property benefited as a special assessment, pursuant to the provisions of Minnesota Statutes, Chapter 429, for certification to the County Auditor and collection together with current property taxes for the following year.

**Subd. 7. Effective Date.** This ordinance shall be in full force and effect from and after the date of publication.

## **SECTION 3.060 DOGS**

**Subd. 1. Licensing.**

- A.** No person, firm, or corporation shall harbor or keep any dog over ninety (90) days old within the City of Eagle Lake without first obtaining a license. Such license shall contain a date, a number and the name and address of the owner and keeper of the dog together with the name, description and registered number of the dog.
- B.** The license fee for each male, female, neutered or spayed dog shall be set by the resolution of the City Council. All licenses for the same shall be issued when the rabies vaccination is due. *(Adopted by City Council on December 2, 2013)*
- C.** A license may be a one, two, or three-year time period and is up to the applicant.

*(Adopted by City Council on December 2, 2013)*

- D.** Any owner acquiring a dog or any dog owner, upon first becoming a resident of the City, shall be allowed thirty (30) days to obtain a license for the dog.
- E.** Upon issuance of a license for a dog, the owner of said dog shall be issued a metal tag containing the license number and year issued and the words “Dog Tag” and “Eagle Lake” if a new tag is needed. Upon issuance, the tag shall be firmly attached to the dog’s collar and the dog shall wear a collar at all times while outside the home.
- F.** No license shall be granted for a dog which has not been vaccinated against rabies as provided in this section. Such vaccination must have been administered to said dog within a (3) three-year period prior to the expiration date of the license to be issued. The vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog was vaccinated.
- G.** All dogs not so vaccinated and tagged as described in this section may be impounded and destroyed as provided in this ordinance.

**Subd. 2. Keeping of Domestic Animals.**

- A.** It shall be considered a public nuisance for the owner of any animal to allow said animal to run at large. “Run at large”, for the purpose of this ordinance, shall be defined as any animal not restrained within the property limits of its owner. An animal shall be considered “not restrained” if it is not on a leash outside its owner’s property.
- B.** It shall be considered a public nuisance for any person to own, keep, or harbor any dog which is considered a barking dog. A dog shall be considered a barking dog if that dog barks, bays, cries, howls, or makes any other noise audible from a distance of fifty (50) feet continuously and/or incessantly for a period of ten (10) minutes or more or makes said noise intermittently for thirty (30) minutes or more at any time of the day or night. A dog shall not be considered a barking dog if, at the time the dog is making said noise, a person is trespassing or threatening to trespass upon the private property upon which the dog is situated or when the dog is being teased or provoked.
- C.** It shall be considered a public nuisance for any person to own, keep, keep for sale, possess, or harbor for more than thirty (30) days more than 3 dogs over the age of 90 days unless said person obtains a kennel license as provided in subdivision 3 of this section.
- D.** It shall be considered a public nuisance for any person to own, keep, or harbor, any vicious animal. For the purpose of this ordinance, “vicious animal” is defined as any animal or animals which constitute a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage,

physical injury, or attempted physical injury.

- E.** It shall be considered a public nuisance for any person to own, keep, or harbor any animal which:
  - 1. Is found repeatedly at large.
  - 2. Damages the property of any person other than its owner.
  - 3. Causes unsanitary conditions to enclosures or surroundings.
  - 4. Excessively barks, howls, growls or makes other disturbing noises.
  - 5. Molests passer(s) or passing vehicles.
  - 6. Attacks other animals.
  - 7. The Eagle Lake Police Department determines the animal to be offensive or dangerous to the public health, welfare, or safety in any other way is offensive or dangerous to the public health, welfare, or safety.
  
- F.** It shall be considered a public nuisance for any person having the custody or control of any domestic animal to permit, either willfully or through the failure to exercise due care or control, any domestic animal to defecate upon any public street, sidewalk, right-of-way, park, or other public property or upon any private property without the consent of the property owner unless said person immediately removes and disposes of such waste in a sanitary manner. The provisions of this paragraph do not apply to disabled or vision impaired persons in the control or custody of a seeing-eye dog.

### **Subd. 3. Kennels**

- A.** All persons residing in the City of Eagle Lake who own or maintain a kennel, or are engaged in the business of breeding, boarding, and/or training of dogs, or raising of dogs shall procure a kennel license. No person shall keep, keep for sale, board, possess, or harbor for more than thirty (30) days more than three (3) dogs over the age of ninety (90) days unless they shall have first secured a kennel license as provided for herein.
  
- B.** A kennel license fee shall be set by resolution of the City Council and included in the City Fee Schedule. The license shall be issued for one year beginning with the first day in January of each year. Application for permit shall be made to the City Clerk and shall be accompanied by the permit fee established by the City Council.
  
- C.** Animal housing facilities shall be structurally sound and maintained in good repair. Indoor housing facilities should be adequately ventilated and have ample light and heat, either natural or artificial.
  
- D.** Animals kept outside shall be provided with access to shelter to protect them from the sun, rain, and snow and shall be provided with adequate bedding when the temperature falls below fifty (50) degrees Fahrenheit.
  
- E.** Animal enclosures shall be of sufficient size to allow each dog to turn around fully

and stand, sit, and lie in a comfortable normal position. The floors of the enclosure shall be constructed to prevent injury to the dog's legs and feet.

- F.** Manure or waste shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies. At a minimum, manure shall be removed at least once every two (2) weeks by hauling beyond the City limits.
- G.** In the case that a licensee is convicted of violating any of the provisions of this ordinance, the City Council may, at their discretion, revoke the kennel permit. Such license shall be immediately revoked, and no such permit shall be again issued to such owner for a period of one year from and after the date of conviction. Revocation of said license shall be over and above any punishment prescribed for the violation.

#### **Subd. 4. Impounding**

- A.** The Chief of Police of the City of Eagle Lake or his/her designee shall be the Animal Control Authority in accordance with Minnesota Statutes.
- B.** Unlicensed dogs and any animals found running at large shall be taken by agents of the City and impounded in a shelter designated as the City Animal Shelter and there confined in a humane manner for a period of not less than five (5) working days and may therefore be disposed of as described in this section.
- C.** When an animal is found running at large, and the animal is currently licensed through the City, the City of Eagle Lake will make an effort to return the animal to its owner. If the owner of the animal or a person of suitable age is not present at the registered address to take custody of the animal, the agents of the City will impound the animal.

If the owner or a person at the owner's registered address is able to take custody of the animal, the owner will be issued a written warning for the first offense. On the second offense the owner will be issued a citation which includes a monetary fine. On the third offense and on any thereafter, the dog owner will be issued a citation with a monetary fine and the animal shall be taken by agents of the City to the designated shelter and impounded.

- D.** Immediately upon impounding the licensed animal, the agent of the City shall leave written notification at the address of said owner. The notification will include information to where the owner may regain custody of their dog.
- E.** Any animal may be redeemed by the owner after being impounded within five (5) working days after seizure of said animal upon payment of an impounding fee set by resolution of the City Council plus the amount being charged for room and daily board. A license shall be obtained for any unlicensed dog prior to releasing the dog from impoundment.

- F.** Any animal not claimed within five (5) working days after being impounded may be sold for not less than the amount of the impounding fee plus room and board to any person requesting the purchase of the animal. Under Minnesota Statutes 2004, Section 347.14, Subdivision 2, any animal which is not claimed by the owner or sold shall be disposed of in a proper and humane manner.

**Subd. 5. Violations.** Any person who shall violate the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$1,000 and/or 90 days in jail in accordance with Minnesota state law. Each day in which a violation exists shall constitute a separate offense.

**Subd. 6. Dangerous Animals.**

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

- B.** Destruction of dangerous animal. The Animal Control Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

- C.** Definitions. For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. Dangerous Animal. An animal which has:

- a. Without provocation, caused bodily injury or disfigurement to any person on public or private property;
- b. Engaged in any attack on any person under circumstances which would indicate danger to personal safety;
- c. Exhibited unusually aggressive behavior, such as an attack on another animal;
- d. Bitten one or more persons on two or more occasions; or
- e. Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

2. Potentially Dangerous Animal. An animal which has:

- a. When unprovoked, bitten a human or a domestic animal on public or private property;
- b. When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
- c. Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

3. Proper Enclosure. Securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:
  - a. Have a minimum overall floor size of 32 square feet.
  - b. Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be 1¼-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.
  - c. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.
  - d. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.
4. Unprovoked. The condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

**D.** Designation as potentially dangerous animal. The Animal Control Officer shall designate any animal as a potentially dangerous animal upon receiving evidence that the potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in division 3.060(C)(2). When an animal is declared potentially dangerous, the Animal Control Officer shall cause one owner of the potentially dangerous animal to be notified in writing that the animal is potentially dangerous.

- E.** Evidence justifying designation. The Animal Control Officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:
1. That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in division 3.060(C)(1).
  2. That the animal has been declared potentially dangerous and the animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in division 3.060(C)(1).

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

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

**G.** Procedure. The Animal Control Officer, after having determined that an animal is dangerous, may proceed in the following manner: The Animal Control Officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the City Council for a review of this determination. An animal not claimed within 14 days may be disposed of in a humane manor.

1. If no appeal is filed, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction, unless the animal is already in custody or the owner consents to the seizure and destruction of the animal.
2. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Clerk's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control Officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Animal Control Officer. If the owner does not immediately make the animal available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction.
3. No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

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

- I. Notification of new address. The owner of an animal which has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any. Penalty, see § 3.060 (9).

**Subd. 7. Dangerous Animal Requirements.**

- A. Requirements. If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:
  1. That the owner provides and maintains a proper enclosure for the dangerous animal as specified in § 3.060(6)(C)(3);
  2. Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. § 347.51 as may be amended from time to time;
  2. Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;
  3. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of a design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
  4. If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in M.S. § 347.51 as it may be amended from time to time, and shall have a microchip implant as provided by M.S. § 347.151, as it may be amended from time to time;
  5. All animals deemed dangerous by the Animal Control Officer shall be registered with the county in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the Animal Control Officer.



6. If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

**B. Seizure.** As authorized by M.S. § 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

**C. Reclaiming animals.** A dangerous animal seized under § 3.060(6)(G), may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under § 3.060(7), is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under § 3.060(6)(G), and the owner is liable to the city for costs incurred in confining and impounding the animal.

**D. Subsequent offenses.** If an owner of an animal has subsequently violated the provisions under §3.060(7) with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in § 3.060(6)(2) If the owner is found to have violated the provisions for which the animal was seized, the Animal Control Officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of § 3.060 (7)(C). If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under § 3.060(6)(G) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

#### **Subd. 8. Diseased Animals.**

**A. Running at Large.** No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, not permit to run at large in the city, any animal which is diseased to as to be a danger to the health and safety of the city, even though the animal be properly licensed under this section, and a warrant to search for and seize the animal is not required

**B. Confinement.** Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person, the Animal Control Officer or a police officer. The officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under

this section shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

**Subd. 9 Penalty.**

- A. Separate Offenses. Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.
- B. Misdemeanor. Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable as provided by law.

**SECTION 3.070 CURFEW**

**Subd. 1. Definitions.**

- A. “Juvenile” mean a person under the age of eighteen (18). The term does not include persons under eighteen (18) who are married or have become legally emancipated.
- B. “Parent” means birth parents, adoptive parents, and step-parents.
- C. “Guardian” means an adult appointed pursuant to MN Stat. §525.6155 or §525.6165 who has the power and responsibilities of a parent as defined by Minn. Stat. §525.619.
- D. “Responsible adult” means a person eighteen (18) years or older specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.
- E. “Public Place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- F. “Emergency” means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.
- G. “Serious bodily injury” means bodily injury that creates substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any body part or organ.
- H. “Establishment” means any privately-owned place of business to which the public is incited, including but not limited to any place of amusement, entertainment, or refreshment.

- I. “Proprietor” means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

**Subd. 2. Prohibited Acts.**

- A. It is unlawful for a juvenile age twelve (12) and under to be present in any public place or establishment within Eagle Lake, any time between 9:00 p.m. and 5:00 a.m.
- B. A law enforcement officer may not issue a citation, detain a child or take a child into custody based on a violation of Subdivision 2.A. unless the law enforcement officer, after speaking with the child and considering the facts and surrounding circumstances:
1. Reasonably believes that the child has violated Subdivision 2.A.; and
  2. Reasonably believes that none of the exceptions in Subdivision 3.A. apply.
- C. It is unlawful for a juvenile, age thirteen (13) through age seventeen (17), to be present in any public place or establishment within Eagle Lake, any time between 11:00 p.m. and 5:00 a.m.
- D. A law enforcement officer may not issue a citation, detain a child or take a child into custody based on a violation of Subdivision 2.C. unless the law enforcement officer, after speaking with the child and considering the facts and surrounding circumstances:
1. Reasonably believes that the child has violated Subdivision 2.C.; and
  2. Reasonably believes that none of the exceptions in Subdivision 3.A. apply.
- E. It is unlawful for a parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within Eagle Lake during the hours prohibited in paragraphs A through D of this subdivision.
- F. It is unlawful for a proprietor of an establishment within Eagle Lake to knowingly permit a juvenile to remain in the establishment or on the establishment’s property during the hours prohibited in paragraphs A through D of this subdivision.

If the proprietary is not present at the time of the curfew violation, the responding officer shall leave written notice of the violation with an employee of the establishment. A copy of the written notice shall be served upon the establishment’s proprietor personally or by certified mail.

**Subd. 3. Exceptions.**

- A.** It is an affirmative defense for a juvenile to prove that:
1. The juvenile was accompanied by his or her parent, guardian, or other responsible adult.
  2. The juvenile was engaged in a lawful employment activity or was going to or returning home from his or her place of employment.
  3. The juvenile was involved in an emergency situation.
  4. The juvenile was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization.
  5. The juvenile was on an errand at the direction of a parent or guardian
  6. The juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota.
  7. The juvenile was engaged in interstate travel.
  8. The juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure, or residence.
- B.** It is an affirmative defense for a proprietor of an establishment to prove that:
1. The proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minn. Stat. §340A.503, sub. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.
  2. The proprietor or employee promptly notified the responsible law enforcement authority that a juvenile was present on the premises of the establishment during curfew hours.

**Subd. 4. Penalty.**

- A.** Violation of Subdivision 2.A through D will be prosecuted pursuant to Minn. Stat. §260B.235 and will be subject to the penalties therein.
- B.** Violation of Subdivision 2.E through F is a misdemeanor and will be subject to the penalties set forth in Minn. Stat. §609.03.  
Section 3.070 approved by City Council October 3, 2016.

## SECTION 3.080 DISPLAY OF ADDRESS ON BUILDINGS

**Subd. 1. Requirement.** All buildings located in the City of Eagle Lake shall have the street address assigned to that building by the City clearly displayed thereon in a manner described in this section.

### **Subd. 2. Manner of Display**

- A. The number of the building shall be displayed on the side of the building facing the public street that is included in the address of the building.
- B. Numbers shall be at least three inches in height from top to bottom.
- C. Numbers shall be clearly visible from the street.
- D. Numbers shall be affixed with mechanical fasteners such as nails or screws as opposed to adhesives. No self-adhesive number appliques shall be used.

## SECTION 3.090 REFUSE STORAGE

**Subd. 1. Definitions.** The following terms, as used in this section, shall have the following meanings:

- A. Refuse: The term “refuse” means all solid waste products or waste products having the character of solids rather than liquids in that such products will not flow readily without additional liquid and which products are composed wholly or partly of such materials as garbage, sweepings, cleanings, trash, industrial solid wastes or domestic solid wastes. Refuse also includes organic wastes, animal excreta or the carcass of animals, tree or shrub trimmings and grass clippings. Refuse also includes brick, plaster or other waste matter resulting from the demolition, alteration or construction of any building or structure; or accumulated waste materials, cans, containers, and; (Approved March 2, 2015)
- B. Junk: The term “junk” means household appliances, bedding, bottles, boxes, broken glass, cardboard, cartons, furniture manufactured for indoor use only, lumber and building materials that are not neatly stacked, machine parts, motor vehicle parts, tires/rims, pallets, paper, plumbing fixtures, scrap metal, and water heaters. (Approved March 2, 2015)

**Subd. 2. Owner to Provide Container.** The owner of any premises within the City upon which premises refuse or junk is or may be present, shall provide and maintain on such premises sufficient containers for the storage of all refuse or junk accumulated or stored on such premises, which containers shall be constructed of noncombustible material and have a noncombustible cover.

**Subd. 3. Prohibitions.**

- A. Storage Out of Container.** It is unlawful for any person to place, retain or store, or for any person, as an owner or occupant having control of a premises within the City to permit the placement, retention or storage, upon such premises, of any refuse or junk unless placed, retained or stored completely within a container or containers as required by subdivision 2 of this section
- B. Storage in Container.** It is unlawful for any person to place, retain or store, or for any person, as an owner or occupant having control of a premises within the City, to permit the retention, placement or storage, upon such premises, of any refuse or junk retained or stored completely within a container or containers as required by subdivision 2 of this section for any period of time in excess of seven (7) days.

**Subd. 4. Public Nuisance Declared.** Any accumulation upon any premises within the City of any refuse, garbage, or junk not stored in a container or containers as required by subdivision 2 of this section, or stored in such a container or containers upon such premises for a period in excess of seven (7) days, is hereby declared to be a hazard to the public health and safety, and a public nuisance, which may be abated by the City as such.

**Subd. 5. Elimination of Nuisance.**

- A. Notice.** In the event any accumulation declared by subdivision 4 of this section to be a public nuisance is found by the City to exist, the City may cause to be served upon the owner of the property upon which such accumulation exists, by registered or certified mail, or by personal service, a notice ordering such owner to remove such accumulation within ten (10) days after the date of such notice, and stating that in the event the owner does not comply with such order, the necessary work may be performed or caused to be performed by the City at the expense of the owner, and that if the owner does not pay for such expense, the cost of the work will be assessed against the property benefited.

The notice shall also state that it is in effect for a period of twelve (12) months from the date of the notice and if the nuisance condition re-occurs within that twelve (12) month period, the City shall abate the nuisance without further notification to the property owner. If no owner of the property can be found, the notice shall be posted on the property for a period of ten (10) days, after which period the City may perform any necessary work.

- B. Performance of Work by City; Invoice.** If the owner of any property fails, within such ten (10) day period, to comply with the order set forth in any notice given pursuant to the provisions of this subdivision, the City may cause to be performed such work as is ordered by such notice. The City shall cause to be maintained a record showing the cost of such work attributable to each separate lot and parcel, shall cause to be prepared and mailed to such owner an invoice setting forth the

charge for such work, which shall be immediately due and payable at City Hall and shall forward the information contained in such record to the City Administrator. The fee will be determined by the City Fee Schedule.

- C. Assessment. Before December 1st of each year, the City shall cause to be listed the total unpaid charges for each type of work against each separate lot or parcel to which such charges are attributable pursuant to this subdivision. The Council may then assess such charges against the property benefited as a special assessment, pursuant to the provisions of Minnesota Statutes, Chapter 429, for certification to the County Auditor and collection together with current taxes payable in the following year.

#### **D. SECTION 3.100 CLEANUP OF CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES**

##### **Subd. 1. General Provisions.**

- A. Purpose and Intent. The purpose of this ordinance is to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals or residue from a suspected clandestine drug lab site or associated dump site may exist. Professional reports, based on assessments, testing and investigations, show that chemicals used in the production of illicit drugs can condense, penetrate, and contaminate surfaces, furnishings, and equipment of surrounding structures. The City Council finds that such sites, and the personal property within such sites, may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the site or using or being exposed to contaminated personal property.
- B. Interpretation and Application. In the interpretation and application of this ordinance, the provisions herein shall be construed to protect the public health, safety and welfare. Where the conditions imposed by any provision of this ordinance are either more or less restrictive to the public than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements on the public shall prevail. Should any court of competent jurisdiction declare any section or subpart of this ordinance to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the provision declared invalid.

##### **Subd. 2. Definitions.**

- A. Child. "Child" shall mean any person less than 18 years of age.
- B. Chemical dump site. "Chemical dump site" shall mean any place or area where chemicals or other waste materials used in a clandestine drug lab operation have been located.
- C. City. "City" shall mean the City of Eagle Lake.

- D. Clandestine drug lab operation. "Clandestine drug lab operation" shall mean the unlawful manufacture or attempt to manufacture a controlled substance.
- E. Clandestine drug lab site. "Clandestine drug lab site" shall mean any place or area where law enforcement has determined that conditions associated with an unlawful clandestine drug lab operation exist. A clandestine drug lab site may include dwellings, accessory buildings, structures or units, a chemical dump site, a vehicle, boat, trailer or other appliance or any other area or location.
- F. Controlled substance. "Controlled substance" shall mean any drug, substance or immediate precursor in Schedules I through V of Minnesota Statute §152.02 together with any amendments or modifications thereto. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.
- G. Household hazardous waste. "Household hazardous waste" shall mean waste generated from a clandestine drug lab operation.
- H. Manufacture. "Manufacture," in places other than a pharmacy, shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, and the packing, repacking, tableting, encapsulating, labeling, relabeling, or filling of drugs.
- I. Owner. "Owner" shall mean any person(s), firm(s), corporation(s) or other entity who or which owns, in whole or in part, the land, building, structure, vehicle, boat, trailer or other location associated with a clandestine drug lab site or chemical dump site.

**Subd. 3. Declaration of Site and Contents as a Public Health Nuisance.** All dwellings, accessory structures, buildings, vehicles, boats, trailers, personal property, adjacent property or other locations, associated with a clandestine drug lab site or chemical dump site are potentially unsafe due to health hazards and are hereby declared to be a public health nuisance.

**Subd. 4. Law Enforcement Action.** If law enforcement authorities determine the existence of a clandestine drug lab site or chemical dump site, the site, and all personal property therein, shall be declared a public health nuisance. Law enforcement authorities who identify conditions associated with a clandestine drug lab site or chemical dump site which may place neighbors, the visiting public, or present and future occupants of the site at risk for exposure to harmful contaminants and other associated conditions are authorized to take the following action:

- A. Promptly notify the City Council, public health authorities and the appropriate enforcement division of the Drug Enforcement Administration of the U.S. Justice Department of the location of the site, and the owner if known, of the conditions found;



- B. Treat, store, transport or dispose of all household hazardous waste found at the site in a manner consistent with Minnesota Department of Health, Minnesota Pollution Control, and Blue Earth County Health Department rules and regulations;
- C. Issue a temporary Declaration of Public Health Nuisance for the affected site and post a copy of the declaration on all doorway entrances to the site or, in the case of bare land, post the declaration in several conspicuous places on the property. This temporary Declaration of Public Health Nuisance issued by law enforcement shall expire after the City Administrator determines the appropriateness of issuing a permanent Declaration of Public Health Nuisance;
- D. Notify all persons occupying the site that a temporary Declaration of Public Health Nuisance has been issued;
- E. Require all persons occupying the site to immediately vacate the site, remove all pets from the site, and not return without written authorization from the City Administrator;
- F. Notify all occupants vacating the site that all personal property at the site may be contaminated with dangerous chemical residue; and
- G. Put locks on each doorway entrance to the site to prohibit people from entering the site without authorization after all occupants of the site have vacated.

The obligation to promptly notify the persons and organizations mentioned above may be delayed to accomplish appropriate law enforcement objectives, but only to the extent that public health and child protection responsibilities are not unnecessarily compromised.

**Subd. 5. Seizure of Property.** When the clandestine drug lab site or chemical dump site is inside a vehicle, boat, trailer or other form of moveable personal property, law enforcement authorities shall immediately seize it and not allow it to be transported except to a more secure location. In such circumstances, all other requirements of this ordinance shall be followed as closely as possible given the specific type of property in which the site is discovered.

**Subd. 6. Action by City Administrator.**

- A. Declaration of Nuisance. Within forty-eight (48) hours of notification that law enforcement authorities have determined the existence of a clandestine drug lab site or chemical dump site, the City Administrator shall determine the appropriate scope of a permanent Declaration of Public Health Nuisance. Based on the results of the determination, the City Administrator may then promptly issue a permanent Declaration of Public Health Nuisance and a Do Not Enter -Unsafe to Occupy Order for the affected site to replace the temporary declaration issued and posted by law enforcement. A copy of the permanent declaration and order shall be posted on all

doorway entrances to the site or, in the case of bare land, shall be posted in several conspicuous places on the property.

- B. Abatement Order. After the permanent Declaration of Public Health Nuisance has been issued and posted, the City Administrator shall send written notice to the site owner ordering abatement of the public health nuisance. The abatement order shall include the following information:
1. A copy of the Declaration of Public Health Nuisance and Do Not Enter -Unsafe to Occupy Order;
  2. Information about the potentially hazardous condition of the site;

A summary of the site owner's and occupant's responsibilities under this ordinance; and information that may help the owner locate appropriate services necessary to abate the public health nuisance.

- C. Notice to Concerned Parties. The City Administrator shall also mail a copy of the permanent Declaration of Public Health Nuisance, a copy of this ordinance, and a notification of the suspension of the site's rental licensees, if applicable, to the following concerned parties at their last known address:
1. Occupants or residents of the site if the identities of such persons are known;
  2. Neighbors in proximity to the site who may be reasonably affected by the conditions found;
  3. The Eagle Lake City Council;
  4. The City of Eagle Lake Police Department;
  5. Minnesota River Valley Drug Task Force;
  6. The appropriate enforcement division of the Drug Enforcement Administration of the U.S. Justice Department; and
  7. Other city, state and local authorities, such as the City Water Department, the Minnesota Pollution Control Agency, the Minnesota Department of Health, and the Department of Natural Resources which are known to have public and protection responsibilities that are applicable to the situation.

- D. Modification or Removal of Declaration. The City Administrator is authorized to modify or remove the Declaration of Public Health Nuisance after the City Administrator receives documentation from a City approved environmental hazard testing and cleaning firm stating that the suspected health and safety risks, including those to neighbors and potential dwelling occupants, either do not exist or have been sufficiently abated or corrected to justify amendment or removal of the declaration.

**Subd. 7. Site Owner's Responsibility to Act.** Within ten (10) business days of the date the abatement order is mailed to the owner of the site, the owner shall accomplish the following:

- A. Provide the City Administrator with written notification that the owner has confirmed

that all persons and their pets have vacated the site;

- B. Of the name(s) of all children who the owner believes were residing at the site during the time period the clandestine drug lab or chemical dump site is suspected to have been at the site; and
- C. That the site will remain vacated and secured until the public health nuisance is completely abated as required by this ordinance;
- D. Contract with one or more City approved environmental hazard testing and cleaning firms to conduct the following work in accordance with the most current Minnesota Department of Health guidelines:
- E. A detailed on-site assessment of the extent of contamination at the site and the contamination of the personal property therein;
- F. Soil testing of the site and testing of all property and soil in proximity to the site which the environmental hazard testing and cleaning firm determines may have been affected by the conditions found at the site;
- G. A complete clean up of the site (including but not limited to the clean up or removal of plumbing, ventilation systems, fixtures and contaminated soil) or a demolition of the site and a complete clean up of the demolished site;
- H. A complete clean up, or disposal at an approved dump site, of all personal property in the site;
- I. A complete clean up of all property and soil in proximity to the site which is found to have been affected by the conditions found at the site;
- J. Remediation testing and follow-up testing, including but not limited to testing of the ventilation system and plumbing, to determine that all health risks are sufficiently reduced, according to Minnesota Department of Health guidelines, to allow safe human occupancy and use of the site and use of the personal property therein and of all property and soil in proximity to the site;
- K. Provide the City Administrator with the identity of the testing and cleaning firm with which the owner has contracted for abatement of the public health nuisance as required above; and
- L. Sign an agreement with the City Administrator establishing a clean up schedule. The schedule shall establish reasonable deadlines for completing all actions required by this ordinance for abatement of the public health nuisance. In determining appropriate deadlines, the City Administrator shall consider practical limitations and the availability of contractors in approving the schedule for clean up.

The site owner must meet all deadlines established on the clean up schedule. Also, pursuant to the deadlines established by the clean up schedule, the site owner is required to provide the City Administrator with written documentation of the clean up process, including a signed statement from a City approved environmental hazard testing and cleaning firm that the site, all personal property therein and all property and soil in proximity to the site, is safe for human occupancy and use and that the clean up was conducted in accordance with the most current Minnesota Department of Health guidelines.

**Subd. 8. Site Owner's Responsibility for Costs.** The site owner shall be responsible for all costs, including those of the City, of dealing with and abating the public health nuisance, including contractor's fees and the City's costs for services performed in association with the clandestine drug lab site or chemical dump site clean up. The City's costs may also include, but shall not be limited to:

- A. Posting of the site;
- B. Notification of affected parties;
- C. Securing the site, providing limited access to the site, and prosecution of unauthorized persons found at the site;
- D. Expenses related to the recovery of costs, including the assessment process;
- E. Laboratory fees;
- F. Clean up services;
- G. Administrative fees;
- H. Legal fees; and
- I. Other associated costs.

**Subd. 9. City Action and Recovery of Costs.**

- A. If the building owner fails to comply with any of the requirements of this ordinance, the City Administrator is authorized to take all reasonable actions necessary to abate the public health nuisance including, but not limited to, contracting with a City approved environmental hazard testing and cleaning firm to conduct the work outlined in Subdivision 7 of this ordinance.
- B. The City Administrator is also authorized to provide a copy of the Declaration of Public Health Nuisance to the lien and/or mortgage holders of the affected site to help assure that persons with interest in the site have access to information about the Declaration of Public Health Nuisance.

- C. If the costs to clean the site or to clean the personal property at the site are prohibitively high in relation to the value of the site or the personal property, the City is authorized to remove or demolish the site, structure or building and/or dispose of the personal property therein. These actions shall be taken in accordance with the provisions of Minnesota Statutes Chapter 463 together with any amendments or modifications thereto.
- D. If the City abates the public health nuisance, in addition to any other legal remedy, the City shall be entitled to recover all of its out of pocket costs plus an additional 25% of such costs for administrative and legal expense. The City may recover costs by civil action against the owner of the site or by assessing such costs as a special charge against the site as taxes and special assessments are certified and collected pursuant to Minnesota Statute §429.101 or according to the provisions of Minnesota Statutes Chapter 463 together with any amendments or modifications thereto.

**Subd. 10. Recovery of Costs from Persons Causing Damage.** No provisions of this ordinance are intended to limit the site owner's, residents' or the City's right to recover costs incurred under this ordinance from either the persons contributing to the public health nuisance, such as the operators of the clandestine drug lab, and/or from other lawful sources.

**Subd. 11. Site Owner and Address.** When the site is real property and the owner or the address of the owner of the site is unknown, the owner and the owner's address is deemed to be that of the property's taxpayer's name and address as that information is maintained by the county auditor's office. When the site is a vehicle, boat or trailer and the owner or the address of the owner of the site is unknown, the owner and the owner's address is deemed to be that of the person on file as the owner on the current or most recent title to the vehicle, boat or trailer.

**Subd. 12. Unauthorized Removal of Postings.** It is unlawful for any person, except authorized City personnel, to remove a temporary or permanent Declaration of Public Health Nuisance and/or Do Not Enter - Unsafe to Occupy order from a chemical dump site or a clandestine drug lab site.

**Subd. 13. Entry Into or Onto Site.** While a Declaration of Public Health Nuisance for an affected site is in effect and has been posted at the site, no persons are permitted to be inside the site, or on the site property without prior written consent of the City Administrator or as otherwise authorized by this ordinance. To confirm compliance with this ordinance and to execute their duties under this ordinance, law enforcement officers, the City Administrator, and any persons designated by the Building Official, may enter onto the site property or enter into the site at any time while a Declaration of Public Health Nuisance is in effect for the site.

**Subd. 14. Removal of Personal Property from the Site.** While a Declaration of Public Health Nuisance for an affected site is in effect and has been posted at the site, no

personal property may be removed from the site without prior written consent from the Eagle Lake Building Official. Consent to remove personal property shall only be granted at the reasonable discretion of the Building Official, and only in cases of hardship after:

- A. A City approved environmental hazard testing and cleaning firm has advised the City, in writing, that the item(s) of personal property can be sufficiently cleaned to remove all harmful contamination; and
- B. The owner of the personal property agrees in writing:
- C. That the owner is aware of the danger of using the contaminated property;
- D. That the owner will thoroughly clean the property to remove all contamination before the property is used; and
- E. That the owner releases and agrees to indemnify the City, its staff, and the Eagle Lake City Council from all liability to the owner and/or third persons for injuries or damages caused, or alleged to have been caused, by the contaminated property.

**Subd. 15. Violations and Penalties.** Any person violating any provision of this ordinance is guilty of a misdemeanor. In addition, the City shall be entitled to seek any other remedy available at law or in equity in order to protect the health, safety and welfare of the community, including temporary and permanent injunctions.

### **SECTION 3.110 FARM ANIMAL(S) AND FOWL**

**Subd. 1. Definitions.** The term farm animal(s) shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules) bovine family (cows, bulls), sheep, poultry (turkeys), fowl (duck, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stables. (Amended May 1, 2023)

**Subd. 2. Keeping.** It is unlawful for any person to keep farm animal(s) or fowl, not in transit, as defined by Section 3.110 within the City limits/boundaries of the City of Eagle Lake.

**Subd. 3. Violations.** Any person who shall violate the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$1,000 and/or 90 days in jail in accordance with Minnesota State Law. Each day in which a violation exists shall constitute as a separate offense.

## SECTION 3.120 ADMINISTRATIVE CITATION AND ENFORCEMENT

### Subd. 1. Purpose and Intent.

- A. Administrative enforcement procedures established pursuant to this chapter are intended to provide the City of Eagle Lake with an informal, cost-effective and more efficient alternative to criminal prosecution or civil litigation for certain violations of the city ordinances.
- B. The City of Eagle Lake retains the right to enforce ordinance violations by bringing criminal charges or commencing civil litigation in any case where the city determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the city and finds that such a process is a legitimate and necessary alternative method of enforcement of ordinance violations.

**Subd. 2. Definitions.** For the purpose of this chapter, following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. **Administrative Compliance Officer.** The City Administrator, any officer of the Eagle Lake Police Department, the Animal Control Officer, or any employee or designee of the City of Eagle Lake who has received official authority by the Eagle Lake City Council to enforce the city ordinances including this ordinance.
- B. **Administrative Offense.** A violation of any section, division, sentence or provision of the Eagle Lake city ordinances and is subject to a civil penalty determined according to a schedule adopted by resolution of the City Council from time to time and payable directly to City Hall. Each day the violation exists constitutes a separate administrative offense.
- C. **Appeal Board.** The appeal board will consist of the Eagle Lake City Council.

**Subd. 3. Administrative Notice.** An Administrative Compliance Officer may issue, in a manner consistent with this Code, an administrative notice to any person suspected or known to have committed an administrative offense and/or to the owner of property upon which an administrative offense is being committed.

- A. An administrative notice shall be posted on property upon which an administrative offense is being committed if the person suspected or known to have committed an administrative offense and the owner of property upon which an administrative offense is being committed cannot be located and for whom there is no known address.

- B. The administrative notice shall identify the administrative offense, the location in which the administrative offense occurred or is occurring, and the recommended corrective action for the administrative offense.
- C. The administrative notice may also state that the alleged violator has, at the discretion of the administrative compliance officer, no less than seven (7) days, but not more than thirty (30) days or as regulated by City Code to correct or abate the administrative offense as related to property violation.
- D. If the alleged violator and/or owner of property upon which an administrative offense is being committed are unable to correct or abate the administrative offense within the prescribed time, he or she may request an extension from the Administrative Compliance Officer. Such a request must be made in writing, filed with the City Administrator in City Hall, and must specify the reason or basis for an extension. This request must be made within the time for correction or abatement as provided herein in division (D).
- E. Any extension granted by the Administrative Compliance Officer shall specifically state the date of expiration. If the administrative offense is not corrected or abated, as outlined in the administrative notice, within the prescribed time, the Administrative Compliance Officer may issue a citation, as provided below.
- F. Nothing in this provision shall require the administrative compliance officer to issue a notice prior to issuing a citation. The decision as to whether to issue a notice or a citation is at the sole discretion of the administrative compliance officer.

**Subd. 4. Citation.**

- A. An Administrative Compliance Officer is authorized to issue a citation upon a reasonable articulable suspicion that an administrative offense has occurred, and the person, or property owner, subject to the citation is responsible for the violation; whether or not an administrative notice has first been issued in regard to the administrative offense.
- B. The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the violation has occurred, either by personal service or by United States first class mail.
- C. The citation shall state the nature of the administrative offense, the time and date the administrative offense occurred, the civil penalty applicable to that administrative offense as set forth in a schedule of civil penalties which shall be adopted by



resolution of the City Council from time to time, and the manner for paying the civil penalty or requesting a hearing before a Hearing Officer to contest the citation.

- D. Citations issued pursuant to this section shall reference both this section and the corresponding Minnesota Statute violated, and shall clearly provide that the citation is administrative.

**Subd. 5. Responding to Citation; Payment.** Once a citation is issued, the alleged violator and/or the owner of the property upon which the violation has occurred shall, within 14 days of the time of issuance of the citation, either pay the civil penalty set forth in the citation or request a hearing in writing according to the procedure set forth in this section. The civil penalty may be paid either in person at City Hall, or by United States first class mail, postage prepaid and postmarked within the prescribed 14 days. Payment of the civil penalty shall be deemed to be an admission of the administrative offense.

**Subd. 6. Requesting a Hearing.**

- A. Any person contesting a citation, within 14 days of the time of issuance of the citation, may request a hearing before the Appeal Board/City Council, pursuant to these provisions.
- B. The hearing shall be held at City Hall at the first reasonable and convenient opportunity after the date the city received a timely written notice that a hearing has been requested.
- C. This section regarding the process for requesting a hearing is applicable to various other sections and provisions of this Code. In all circumstances, any request for hearing must clearly state the purpose for the hearing, any and all reasons supporting the request for the hearing, and any and all proof necessary to support the Council's granting of the relief requested. All requests for hearings must be made no less than fourteen (14) days before the date of the relief requested, and must also be made no less than five (5) business days before the next scheduled City Council meeting.

**Subd. 7. Decision and Order.** The Appeal Board/City Council may announce a decision at the conclusion of the hearing or may take matter under advisement. The Appeal Board/City Council shall issue a decision in the form of an order and shall serve a written copy of the order upon the parties no later than ten (10) days after the hearing. An administrative civil penalty that the Appeal Board/City Council imposes must be paid to the City within the timeframe established in the order. If no date is specified, it must be paid within thirty (30) days of the order. If the administrative civil penalty is not paid, the City may assess the civil penalty against the owner's property pursuant to Minnesota Statutes Chapter 429 and as regulated by City Code. If the Appeal Board/City Council

determines that no violation occurred, then the City may not proceed with criminal prosecution for the same conduct.

**Subd. 8. Owner Found in Violation.** If the violation is upheld, then the owner must pay a fee of \$100 toward the cost of the hearing.

**Subd. 9. Failure to Appear.** Failure to appear at the hearing shall result in a default judgment against the party who fails to appear. If the owner fails to appear, the administrative citation shall be sustained. If the City fails to appear, the administrative citation shall be dismissed.

**Subd. 10. Payment of Penalty and Correction of Violation.** If the owner pays the administrative civil penalty and corrects the City Code violation, no further action will be taken against the owner or the owner's real property for the same action.

**Subd. 11. Payment of Penalty without Correction of Violation.** If the owners pays the administrative civil penalty but fails to correct the City Code violation, the City may issue a subsequent administrative citation, initiate criminal proceeding or initiate any other proceedings or remedies available in order to enforce correction of the City Code violation.

**Subd. 12. No Payment of Penalty and No Correction of Violation.** If the owner fails to pay the administrative civil penalty and fails to correct the City Code violation, the City may do any of the following, or any combination thereof:

- A. Assess the administrative civil penalty against the property pursuant to Minnesota Statutes Chapter 429 and as regulated by City Code.
- B. Issue a subsequent administrative citation, thereby commencing a new administrative penalties process.
- C. Initiate other enforcement action authorized by law.

The City Council hereby establishes an administrative process for addressing violations of the City of Eagle Lake City Code and Zoning Ordinance, including, but not limited to property maintenance violations, nuisance violations, license violations, and animal violations. The process will include notice of violation; in most cases it will allow an opportunity for the owner to correct the violation without penalty, and the subsequent imposition of a monetary civil penalty for failure to correct the violation. If the civil penalty is not paid, it will be assessed against the property as a special assessment.

### **Section 3.130 Discharging Firearms**

- A. Discharge of firearms prohibited. It shall be unlawful to discharge any gun, rifle, pistol, revolver or other firearm, or any air rifle, B-B gun, paintball gun or other

device for the propulsion of an object by means of compressed gas or mechanical spring, or any other weapon capable of doing bodily harm and/or damage to private and/or public property within the corporate limits. *(Adopted by City Council on April 7, 2014)*

- B. Bow and arrow. No person shall fire or discharge any bow and arrow in any part of the corporate limits. *(Adopted by City Council on April 7, 2014)*
- C. Carrying of firearms prohibited. No person shall carry any gun, rifle, pistol, revolver or other firearm, or any air rifle, B-B gun, paintball gun or other device for the propulsion of an object by means of compressed gas or mechanical spring, or any other weapon capable of doing bodily harm and/or damage, unless such firearm is dismantled, broken apart or carried in a case in such a manner that it cannot be discharged. *(Adopted by City Council on April 7, 2014)*
- D. Exceptions. This section shall not prohibit the following:
  - 1. The firing of a military salute.
  - 2. The firing of weapons by persons of the nation's armed forces acting under military authority.
  - 3. Law enforcement officials in the proper enforcement of the law.
  - 4. Any person in the proper exercise of the right of self-defense.
  - 5. Any person otherwise lawfully permitted by proper federal, state or local authorities to discharge a firearm.
  - 6. The discharging of any bow and arrow, air rifle, B-B gun or paintball gun within an enclosed building. *(Adopted by City Council on April 7, 2014)*
- E. Severability. If any provision of this section is declared by any court of competent jurisdiction to be illegal and in conflict with any law, the validity of the remaining provisions and their application to other persons or circumstances shall not be affected. *(Adopted by City Council on April 7, 2014)*

### **SECTION 3.140 CHICKENS**

Chickens are allowed on any lot with a single-family residence that is issued a permit to do so by the City. The provisions of this ordinance are intended to regulate the keeping of chickens only. The keeping of any other types of poultry is prohibited.

#### **Subd. 1. General Requirements.**

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

**Chicken** means a female chicken or hen.

**At large** means a chicken out of its chicken run or not under the custody and control of

the owner.

**Chicken Coop** means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.

**Chicken Run** means an enclosed outside yard for keeping chickens.

**Person** means the resident, property owner, custodian, or keeper of any chickens.

**Premises** means any platted lot or group of contiguous lots, parcels, or tracts of land and is located within the city.

- A. No roosters are permitted. All chickens must be hens. If a permit holder inadvertently keeps a rooster, then that rooster must be removed within twenty-four (24) hours of the date of discovery.
- B. No more than eight (8) chickens may be kept at any one lot at any time.
- C. Chicken food is to be kept in containers designed to prohibit access by rodents and other pests.
- D. A run or exercise yard conforming to this section is required.
- E. Dead chickens must be disposed of according to applicable law and must be removed as soon as possible after death but no later than twenty-four (24) hours.
- F. Chicken manure is to be contained in a weather and pest proof container and removed weekly or composted or used as fertilizer and incorporated into the soil. Chicken manure must not be allowed to accumulate in such a way as to cause any unsanitary condition or odors detectible on another property.
- G. Chickens kept under this subdivision may not be slaughtered within the City and eggs are not allowed to be sold at the premises.
- H. Chickens must be always confined inside a coop, a fenced in run, or fenced in yard. Chickens may not be allowed to range freely and must have their feathers clipped.

**Subd. 2. Chicken Permits.**

- A. A permit issued by the City is required to keep chickens.
- B. The permit application fee shall be set by the City Council.
- C. A permit is valid for one year from the date of issuance. Upon three years of issued licenses, with no violations, a license may be issued for multiple years. The provisions of this ordinance apply to an approved application for the same time period, at which time a new permit must be secured.
- D. The application must specify the number of chickens anticipated.
- E. A permit may only allow between one (1) and eight (8) chickens.
- F. Only one permit per parcel. If a person wishes to keep chickens at multiple parcels, then that person must obtain a different permit for each parcel.
- G. A permit may only be issued if 75% of the owners of all adjacent property approve of the application by signing the application form. Adjoining property means all properties abutting up to the proposed location of the coop and run that the applicant is applying for a permit to keep chickens on. If an adjacent property owner is unavailable to be reached about providing a response of approval or

- rejections, the City shall mail a notice to said property owner. If no response is received within 15 days, the lack of response shall be considered consent.
- H. Permits can only be issued to residents of single-family dwellings. If the applicant is living in a rental property, then the registered property owner must also sign and approve the application.
  - I. Permits are non-transferable and do not remain with the property. If a permit holder moves, they forfeit their permit and must reapply for their new location with the approval of the adjacent property owners as described in this section.
  - J. A permit constitutes a limited license granted to the chicken keeper by the City and in no way creates a vested zoning right.
  - K. Site plans and coop designs are to be included with the permit application.

**Subd. 3. Condition of Permit Issuance.**

As a condition of permit issuance, the applicant is authorizing the City to inspect the chickens and facility during normal City Hall business hours.

**Subd. 4. Coop and run.**

Coops and runs must be constructed and maintained to meet the following minimum standards.

- A. A separate coop is required to house the chickens. The coop may not be attached to or inside any other structure such as a home or garage.
- B. Only one (1) coop is permitted per parcel.
- C. The coop and run must be located in the rear yard of the property.
- D. The coop and run must be setback at least fifteen (15) feet from any residential structure and five (5) feet from the rear or side property lines. It shall at no time be placed in a utility easement.
- E. The coop must be fully enclosed.
- F. The coop must have an attached run.
- G. The maximum coop height shall not exceed six (6) feet.
- H. The maximum total square area of the coop and run shall not exceed one hundred thirty (130) square feet. Chicken coops are not classified as an accessory structure under the requirements of the zoning ordinance.
- I. Maximum coop size shall not exceed thirty-two (32) square feet.
- J. The run size shall not exceed ninety-six (96) square feet and must have at least ten (10) square feet per chicken. The run must be fenced in on all sides and include a roof. The height of the run fence and roof must not exceed six (6) feet.
- K. The coop must be at least 24 inches off the ground or in the alternative the coop may be placed on a concrete pad.
- L. The coop must have sufficiently sized windows to permit natural light inside. Windows must be able to be opened for ventilation. Sufficient ventilation and insulation is required.
- M. Construction must be done in a workmanlike manner and with durable material. Coop building materials and exterior colors shall be similar to or compatible with the primary structure.
- N. There must be sufficient moisture drainage to keep the coop well drained.
- O. The coop must be rodent and predator proof. Any door or access point to the coop

- or run shall be able to be locked or otherwise secured.
- P. Coop designs must meet basic humane needs of chickens including heat, cooling, food, water, and protection from the elements.
  - Q. The coop must be removed within thirty (30) days if the permit is revoked or allowed to expire.
  - R. Chickens shall not be kept outside of the coop or run.
  - S. Chickens may not be housed in a residential structure.

**Subd. 5. Violations.**

- A. Any person who commits, causes, permits, or allows a violation of the provisions of this section shall be guilty of a misdemeanor.
- B. If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have custody of poultry shall be deemed automatically revoked and no new permit may be issued for a period of one year. Upon revocation all chickens must be removed from the property within forty-eight (48) hours. Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including but not limited to the pickup and impounding of poultry.