

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: MISCELLANEOUS REGULATIONS

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complied with, he or she shall serve a written order upon the owner or occupant or the person responsible for its existence to correct the condition found to be in violation of division (A) above. The order required herein shall be served pursuant to § 10.12 of this Code.

§ 90.01 TRIMMING AND CARE OF TREES.

(A) (1) Every owner or occupant of land in the city shall trim all trees standing or growing on the lands or in the boulevards in front thereof, so that no limbs or branches shall extend over the traveled portion of the street at a height less than 13 feet from the street or at a height of less than eight feet from the sidewalk or close enough to any electric light standard so as to interfere with the distribution of the light below and around the light standard, or so that no limbs or branches shall create a dangerous condition.

(2) The owner or occupant of any private property shall remove or cause to be removed any dead trees or dead or broken boughs or branches on a tree standing on the private property and overhanging any public street, road or alley.

(B) (1) The City Street Commission and the City Administrator of Madelia are hereby authorized and empowered to perform the duties required to enforce compliance with the provisions of division (A) above.

(2) When the City Street Commission or the City Administrator shall find it necessary to order the trimming or removal of trees situated upon private property in order that division (A) above may be

(C) If any such owner or occupant fails to correct the condition found to be in violation of division (A) above within ten days after receiving notice as provided by division (B) above, then the City Street Commission or City Administrator shall cause those trees to be trimmed, cut or removed. After the work has been completed the City Administrator shall serve a written notice of the expense incurred upon the owner or occupant of the premises involved directing him or her to pay the expense to the City Administrator within ten days after the service of the notice. If the account is not paid within ten days, the City Administrator shall certify the amount thereof to the County Auditor for collection in the same manner as other special assessments of the city, and the same shall be extended by the auditor on the tax rolls against the premises involved in the same manner as other taxes and collected by the County Treasurer and paid to the City Treasurer along with other taxes.

(D) Nothing in this chapter shall be interpreted to prohibit the issuance of an administrative fine or citation for any violation herein that may also violate any other provision of this Code.
(Ord. 4.60, passed 8-14-1967)

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§ 90.02 TREE DISEASES.

(A) The following are hereby declared to be public nuisances wherever they may be found within the City of Madelia:

(1) Any tree infected with the Dutch elm disease fungus (*Ophostoma ulmi*, formerly *Ceratocystis ulmi*), or which harbors any of the elm bark beetles (*scolytus multistratus* or *hylurgopinus rufipes*), or any other pest capable of producing an epidemic; and

(2) Any dead tree or part, including logs, branches, stumps, firewood or other material that contains bark; and

(3) Any other dangerous or infectious tree diseases, insects or pests as provided by Minnesota Statute or other applicable law.

(B) No person, firm or corporation shall permit any public nuisances as defined in division (A) above to remain on any premises owned or controlled by him or her within the City of Madelia.

(C) (1) The City Street Commission shall inspect, or cause to be inspected, all premises and places within the City of Madelia to determine whether any public nuisance as defined in division (A) above exists thereon, and shall also inspect any elm tree reported or suspected to be infected with Dutch elm disease or any tree reported or suspected to be infected with any nuisance as provided in division (A).

(2) The City Street Commission, City Administrator or any other authorized city employee shall have the authority to enter upon private premises at all reasonable times for carrying out the provisions of this section.

(D) (1) Whenever the City Street Commission, City Administrator or any other authorized city employee shall find with reasonable certainty any public nuisance as defined in this section, he or she shall cause it to be sprayed, removed, burned or

otherwise abated in such manner as to destroy or prevent, as fully as possible, the spread of any nuisance as provided in division (A). Once notified, the City Administrator shall serve a written order upon the owner or occupant of the premises where the public nuisance is found to cause the public nuisance to be sprayed, removed, burned or otherwise abated in such manner as the City Street Commission shall direct. The order shall be served pursuant to the provisions § 10.12 of this Code.

(2) If the owner or occupant fails to comply with the order within ten days after service of notice as provided for herein, then the Street Commission, City Administrator or any other authorized city employee shall forthwith cause the abatement of the public nuisance in accordance with the terms of the order.

(3) If the Street Commission shall find with reasonable certainty any public nuisance as defined in this order and determines that immediate action is necessary to prevent the spread of infection, they shall notify the City Administrator of his or her findings and the City Administrator shall forthwith advise the City Council of those findings by the Street Commission. The City Council shall have authority to authorize the City Administrator to immediately abate the nuisance and do whatever is necessary to prevent the spread of any nuisance defined in § 90.02(A).

(4) No damage shall be awarded the owner or occupant for destruction of any elm tree, elm wood or elm material or any part thereof pursuant to this section.

(E) Whenever the Street Commission, City Administrator or any other authorized city employee shall determine that any elm tree or material is infected with disease nuisance as defined in § 90.02(A), they may cause to be sprayed all high value elms within a 500-foot radius thereof with an effective insecticide. Before spraying on private property, the owner or occupant shall be notified as provided in § 10.12 of this Code.

(F) The entire cost of abating any public nuisance as defined in division (A) above or of spraying any elm tree in accordance with division (D)

above may be charged to or assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which the tree is located or the parcel or lot on which the tree stands. The cost of abating the nuisance which is located in or upon any park or public grounds shall be borne by the city.

(G) No person, firm or corporation shall transport within the City of Madelia any bark bearing elm wood without first securing the written permission of the Street Commissioner or City Administrator.

(H) Any person, firm or corporation which shall violate any of the provisions of this section shall upon conviction thereof, be guilty of a misdemeanor. (Ord. 4.61, passed 8-14-1967) Penalty, see § 10.99

§ 90.03 WEEDS AND GRASS.

(A) *Definition of term.* The word **WEEDS** as used in this section shall be construed to mean and include not only noxious weeds as are enumerated in the Statutes of Minnesota, but also useless and troublesome plants as are commonly known as weeds to the general public. The word **WEEDS** shall also be construed to mean all rank vegetable growth which exhales unpleasant and noxious odors and also high and rank vegetable growth that may conceal filthy deposits.

(B) *Weeds declared a nuisance.* Any weeds growing upon any lot or parcel of land in the City of Madelia to a greater height than eight inches or which have gone or are about to go to seed are hereby declared to be a nuisance and dangerous to the health, safety and good order of the city.

(C) *Notice to destroy.* When any conditions exist on any lot or parcel of land in the City of Madelia in violation of the provisions of this section, it shall be the duty of the City Council to serve a notice on the owner, occupant or agent of the lot or parcel of land ordering the owner, occupant or agent to have the weeds cut and removed within ten days after the service thereof, and stating that in case of non-compliance the same will be done by the City Council at the owners expense.

(D) *Failure to cut weeds.* Upon the failure of the owner, occupant or agent of the land to comply with the provisions of the notice and after the expiration of ten days, the City Council will proceed to cause the weeds to be cut and removed and the cost thereof shall be charged to the owner of the lot or parcel of land. The City Administrator shall send a statement of the cost to the owner of the lot or parcel of land and demand payment thereof within 30 days after mailing notice. The City Administrator shall, not later than November 1 of each year, certify to the County Auditor of Watonwan County, Minnesota, the amount so charged against any of the lots or parcels of land and remaining unpaid at the time, together with a description of the premises and the name of the owner, and the charge shall be collected as a special assessment against the lot or parcel of land in the same manner as other taxes against the premises. Where the owner, occupant or agent of any parcel of land cannot be found for mailing notice or when unknown, then the City Council may proceed hereunder without the service of the notice to cut and remove. (Ord. 21.50, passed 8-1-1955)

§ 90.04 APPARATUS INTERFERING WITH RADIO AND TELEVISION RECEPTION.

(A) *Prohibition.*

(1) No person shall maintain, use or operate any apparatus or device whether electrical, mechanical or of any other sort so as to cause electro-static or electro-magnetic waves of any frequency to radiate so as to interfere with radio or television reception within this municipality. The above prohibition shall be construed to apply to radio receiving equipment either of the regenerative or of any other type, vibrating battery chargers, sign changers, electric refrigeration machines, electrically-driven oil furnace equipment, high tension ignition systems, electric transmission lines, defective insulators, defective transformers, badly sparking motors, badly sparking generators, carbon filament lamps and fluorescent lamps and transformers, which interfere with radio or television reception, whether on account of the manner of construction or manner of operation of the apparatus.

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(2) It shall also be unlawful for any dealer in any of the apparatus or devices herein referred to, to sell, deliver or dispose of, and for any person to install any such apparatus or device, unless the apparatus or device is so equipped or installed that interference with radio or television reception is prevented.

(B) *Exceptions.* The above prohibition shall not apply to the following situations:

(1) It shall not be unlawful to operate X-ray machines, violet ray machines, diathermal machines, or any other electro-medical devices causing radio or television interference between 7:00 a.m. and 6:00 p.m., provided the interference is reduced as much as is reasonably possible in every available way, and by equipping the devices with filters, condensers, shields and grounds, and any other apparatus tending to reduce interference; and

(2) It shall not be unlawful to operate X-ray machines causing radio or television interference for photographic purposes whenever necessary in an emergency, provided the interference is reduced as much as is reasonably possible as explained in the preceding division.

(C) *Application.* This section shall be construed to apply not only to apparatus located within the city limits, but also to apparatus located beyond the city limits, if the apparatus interferes with radio or television reception within the city limits.

(Ord. 21.80, passed 8-1-1955) Penalty, see § 10.99

CHAPTER 91: PARKS AND RECREATION

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(E) No person shall damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. No person shall attach any rope, wire or other contrivance to any tree or plant. A person shall not dig or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(F) No person shall bring or possess any glass beverage container in any park or recreation property.

§ 91.01 GENERAL PROVISIONS.

(A) No person shall willfully mark, deface, disfigure or injure any building, tables, benches, fireplaces, public utilities, signs, notices, whether temporary or permanent, stakes, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenance whatsoever either real or personal.

(B) No person shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

(C) No person in a park shall take, remove or damage any earth or tree, shrubs, plants or make any excavation by tool, equipment, blasting or other means.

(D) No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public utility service into, upon, or across the lands, except on special written permission issued hereunder.

(G) No person shall possess alcoholic beverages in containers larger than one liter in any park or recreation area except that containers larger than one liter may be possessed in accordance with a permit therefor.

(H) No person shall cause any radio, stereo, musical instrument or device used to amplify sound or music to be used in a manner that will disturb or constitute a public nuisance.
(Ord. 21.42, passed 6-27-1983) Penalty, see § 10.99

§ 91.02 TRAFFIC.

(A) No person while on public park property shall fail to comply with all the applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with the regulations as are contained in this and other ordinances.

(B) No person shall fail to obey all traffic officers and park employees when carrying out their duties relative to the regulation and operation of the park facilities.

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(C) No person shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.

(D) No person shall ride or drive a vehicle at a rate of speed exceeding 15 mph unless the designated road is posted for a higher rate of speed.

(E) No person shall drive any vehicle on any area except the designated roads or parking areas, or other areas as may on occasion be specifically designated as temporary parking areas by the Park Board.

(F) All horseback riding and use of snowmobiles should be confined to the area or areas designated for that purpose. These activities should not be carried out in any manner that will in any way harm the vegetation of the park or golf course or in any way disturb picnickers, campers or golfers.
(Ord. 21.42, passed 6-27-1983) Penalty, see § 10.99

§ 91.03 CAMPING FACILITIES.

(A) Use of overnight camping facilities shall be confined to three consecutive nights except by obtaining a special permit from the City Administrator.

(B) The charge for overnight camping, if any, shall be established by Park Board and the charges for the use of camping facilities or utility hookup shall be posted prominently near the camping area.

(C) (1) Location of campsites will be confined to area designated and marked by the Park Board and will be in such areas so as to not interfere with the use of the park by other members of the public and picnickers.

(2) Any camping in an area not designated by the Park Board shall constitute a violation of this chapter.
(Ord. 21.42, passed 6-27-1983) Penalty, see § 10.99

§ 91.04 USE OF PICNIC SHELTERS AND FACILITIES.

(A) A charge as established by resolution shall be made for the use of the picnic shelters and facilities of the park, however, reservations must be made with the City Manager reserving the use of the shelters. The reservations shall be honored in the order they are made.

(B) There shall be a curfew as determined by the Park Board on the use of the picnic shelters and use of the park facilities other than overnight camping shall cease as of the hours determined.

(C) It shall be the duty of the picnicker to completely extinguish all fires and to dispose of all trash by placing the same in disposal receptacles provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the picnic area by the picnicker to be properly disposed of elsewhere.

(Ord. 21.42, passed 6-27-1983) Penalty, see § 10.99

§ 91.05 BASEBALL AND SOFTBALL FACILITIES.

(A) Anyone wishing to use the baseball or softball facilities for organized league play must arrange and clear their schedule with the City Administrator each season.

(B) Authority shall be vested in the City Administrator, the Chairperson of the Madelia Park Board or their designee to cancel any game or tournament scheduled if the weather is so inclement in nature as to make it likely that the grounds would be injured by the play.

(C) All parking for the games shall be in such manner and such places as shall be designated by the Park Board.

(D) The Park Board shall be authorized to charge reasonable fees for the use of the facilities should the Park Board in its discretion so determine.
(Ord. 21.42, passed 6-27-1983)

§ 91.06 SWIMMING POOL, GOLF COURSE AND THE LIKE.

(A) Anyone trespassing or guilty of unauthorized use of the above facilities shall be suspended from further use of the facilities for a period of two weeks for the first offense and for the balance of the particular calendar year for a second offense.

(B) Any act of vandalism to the above described facilities shall be subject to penalty as provided in § 10.99.

(C) Supervision and the establishment of hours and rules for the use of the above facilities shall be vested in the pool manager and golf course manager under the advisement of the City Administrator.

(D) Any scheduling of league activities of the horseshoe courts shall be arranged through the pool manager or a person as shall be designated by the Madelia Park Board.
(Ord. 21.42, passed 6-27-1983)

§ 91.07 ENFORCEMENT.

(A) The Madelia Police Department, park attendants and all authorized city personnel shall diligently enforce the provisions of this chapter and shall have the authority to eject from the park or the recreational facilities any person acting in violation of this chapter.

(B) Any of the personnel mentioned in the preceding division shall have the authority to seize and confiscate any property, thing or device in the park, used in violation of this chapter.

(C) Any violation of this chapter shall be punishable as a misdemeanor except whereas is otherwise specified in this chapter.
(Ord. 21.42, passed 6-27-1983) Penalty, see § 10.99

§ 91.08 PERMITS.

(A) Permits for special events and use of the park and recreation areas shall be obtained by application to the City Administrator or his or her designee in accordance with the following procedure.

(B) A person seeking issuance of a permit hereunder shall file a written application on the form supplied by the City Manager stating:

(1) The name and address of the applicant;

(2) The name and address of the person, persons, corporation or association sponsoring the activity, if any;

(3) The day and hours for which the permit is desired; and

(4) Any other information reasonably necessary to determine as to whether a permit should be issued hereunder.

(C) Variances required for park rules and regulations. Standards for issuance of a permit shall include the following findings:

(1) Proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park;

(2) The proposed activity and use will not unreasonably interfere with or detract from the promotion of the public health, welfare and safety;

(3) That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct; and

(4) That the proposed activity will not entail extraordinary or burdensome expense or problems for the police, or the city.

(D) The permit holder shall be required to make a cash deposit, the amount of which is to be determined from time to time by the City

Administrator, and must be present at the activity at all times. The permit holder shall have in possession at the event a written copy of the permit issued.

(E) Within ten days after receipt of the application, the City Administrator shall inform the applicant of his or her decision and in the event of a denial of a permit, set forth the reason for the denial. A copy of the decision shall be given to the City Council. Anyone aggrieved by the City Administrator's decision shall be entitled to appeal the City Administrator's decision to the City Council and must do so pursuant to the provisions of § 31.07 of this Code. The City Council shall decide whether to affirm, reverse or modify the City Administrator's decision.

(F) The City Council, the City Administrator or the Chief of Police is authorized to revoke a permit immediately upon a finding of a violation of any park rule, ordinance, state law or permit condition.

(G) The applicant shall be liable for any loss, damage or injury sustained by virtue of the activity conducted pursuant to the permit. The City Administrator, any city employee or police officer shall eject from the park or recreation area any person whose conduct is in violation of this chapter, the laws of the State of Minnesota or other ordinance.
(Ord. 21.42, passed 6-27-1983)

CHAPTER 92: ANIMALS

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GENERAL PROVISIONS; DOG REGULATIONS

§ 92.001 DEFINITIONS.

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

ANIMAL. Every non-human species of animal, both domestic and wild.

ANIMAL CONTROL OFFICER. A person employed by or under contract with the city who is responsible for animal control enforcement.

AT LARGE. A dog shall be at large when it is not under restraint as defined in this chapter.

CAT. A domesticated feline wholly of the species *felis domesticus*, male or female, intact or neutered.

CITY ANIMAL SHELTER. Any premises designated by the city for the purposes of impounding and caring for all animals found in violation of this chapter.

COMPENDIUM OF ANIMAL RABIES CONTROL. The Compendium of Animal Rabies Control prepared by the National Association of State Public Health Veterinarians and approved by the Minnesota Board of Animal Health.

CRUELTY. Every act, omission or neglect which causes or permits unnecessary or unjustifiable pain, suffering or death.

CUSTODIAN. A person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in or having care, custody, or control of a dog, excluding veterinarians or kennel operators provided that the dogs are kept only temporarily on the premises and are owned by others.

DANGEROUS DOG. Any dog that has:

(1) Without provocation, inflicted substantial bodily harm on a human being on public or private property;

(2) Killed a domestic animal without provocation while off the owner's property; or

(3) Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

DAYLIGHT HOURS. That period of the day front one-half hour before sunrise until one-half hour after sunset.

DOG. Any animal in whole or in part of the species *canis familiaris*.

DOG ENCLOSURE. An area less than 2,000 square feet constructed for sheltering or enclosing dogs.

FARM ANIMAL. A domesticated species of fowl, pigeons or hoofed mammal commonly kept for agricultural purposes such as a horse, cow, sheep, goat, pig or llama.

HEALTH OFFICER. A person designated by the city to enforce state and local health laws.

HEARING EXAMINER. A person designated by the city to conduct the hearings prescribed in this chapter.

ISSUING AUTHORITY. Madelia City Administrator.

KENNEL. Any lot or premises or portion thereof on which more than three dogs or a combination of more than three dogs, cats or other household domestic animals over six months old are kept or on which more than one such animal of boarded for compensation or kept for sale.

LARGE ANIMAL. Any horse, pony, donkey, cow, hull, sheep, goat or other similarly sized animal.

OTHER ANIMAL KEPT AS A PET. An animal other than a dog or cat for which a rabies vaccine is licensed for the species by the United States Department of Agriculture. An animal that is deemed a prohibited wild animal pursuant to §§ 92.080 through 92.085 below shall not be kept as a pet even though a rabies vaccine is licensed for the animal, and such an animal shall not be included in the definition of **OTHER ANIMAL KEPT AS A PET**.

OWN. To keep harbor or have control, charge or custody of an animal. This term shall not apply to animals owned by others which are temporarily maintained on the premises of a veterinarian or kennel operator.

OWNER. A person who is the legal owner of animal(s), or the owner's agent, or the person in possession of or caring for the animal(s).

PERSON. One or more natural persons: a partnership, including a limited partnership; a corporation; a trust; or any other business organization or association.

PICKET. To secure a dog by means of a chain or metallic cable to a fixed object, thereby confining the dog to a specified area.

POTENTIALLY DANGEROUS DOG. Any dog that:

(1) When unprovoked, inflicts bites on a human or domestic animal on public or private property;

(2) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

(3) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

PROPER ENCLOSURE. Securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the dog from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio or any part of a house, garage or other structure that would allow the dog 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 obstacles that prevent the dog from exiting.

RABID ANIMAL. An animal showing signs associated with rabies that are observed and reported by a veterinarian, or an animal diagnosed as positive for rabies by a recognized laboratory, or both. Any skunk, wolf, wolf hybrid, civet cat, raccoon, opossum, bat or fox that bites a dog or cat shall be deemed to be a rabid animal for the purposes of this chapter.

RABIES CONTROL AUTHORITY. A duly authorized person responsible for the enforcement of this chapter as directed by the City Council.

RABIES SUSPECT. Any animal which is considered as a potentially rabid animal under the guidelines of the United States Centers for Disease Control, and which has bitten any person and caused an abrasion of the skin in the person or has otherwise exposed that person to its saliva through an open wound or mucous membrane.

REGULAR BUSINESS DAY. A day during which the City Animal Shelter is open to the public for not less than four consecutive hours between the hours of 8:00 a.m. and 5:00 p.m.

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UNDER RESTRAINT. A dog is under restraint if:

- (1) The dog is within a secure vehicle;
- (2) The dog is within a secure fence or building within the owner's property limits;
- (3) The dog is picketed in accordance with this chapter;
- (4) The dog is controlled by a leash, provided that when persons or other animals are within 20 feet of the dog, the leash is shortened to six feet; or
- (5) The dog:
 - (a) Is within the owner's property limits, or is involved in a scheduled dog show or obedience demonstration or trial, or is legally involved in hunting or retrieving game animals; and
 - (b) Is controlled by a competent person and is immediately obedient to that person's command.

UNREASONABLY DISTURB THE PEACE AND QUIET. Includes, but is not limited to, the creation of any noise by any animal which can be heard by any person, including animal control officers, environmental health officers or licensed peace officers, from a location outside of the building or premises where the animal is being kept and which animal noise constitutes a public nuisance.

USE. To ride, lead, graze, tie up, direct or drive.

VACCINATION AGAINST RABIES. The inoculation of a dog, cat, farm animal or other animal kept as a pet with a rabies vaccine licensed for that species by the United States Department of Agriculture and administered in accordance with the recommendations listed in the current year's Compendium of Animal Rabies Control. The vaccination must be performed by or under the supervision of a veterinarian.

VETERINARIAN. A graduate of a veterinary college, who is accredited by the United States Department of Agriculture and licensed by the State of Minnesota or another state of the United States.

VETERINARY HOSPITAL. Any establishment maintained or operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

WILD ANIMAL. Every non-human species of the animal kingdom, including those born or raised in captivity except the following:

- (1) Domestic dogs (excluding hi-breds with wolves, coyotes or jackals) properly vaccinated against rabies pursuant to law;
- (2) Domestic cats (excluding hi-breds with ocelots or margays) properly vaccinated against rabies pursuant to law;
- (3) Farm animals, including bees, Vietnamese pot-bellied pigs and pigeons, provided that no more than one Vietnamese pot-bellied pig and no more than five pigeons can be kept on any one lot or premises;
- (4) Rodents, including banisters, mice, gerbils, white rats, guinea pigs, hedgehogs, capable of being maintained continuously in cages;
- (5) Rabbits;
- (6) Captive-bred species of common cage birds;
- (7) Small non-poisonous snakes;
- (8) Chinchillas, non-poisonous lizards and other similar small animals capable of being maintained continuously in cages;
- (9) Fish, unless prohibited by state or federal law; and

(10) Neutered male or spayed female domestic ferrets.
(Ord. 7.2004, passed 5-8-2000; Ord. 7.2005, passed 10-23-2006)

§ 92.002 PURPOSE.

The purpose of this subchapter is to prescribe dog licensing procedures; to enact regulations governing potentially dangerous dogs, dangerous dogs and dog enclosures, to prescribe city animal shelter procedures, to provide the dog enforcement procedures and to prohibit certain acts that are cruel to dogs.
(Ord. 7.2004, passed 5-8-2000)

§ 92.003 FINDINGS OF THE CITY COUNCIL.

The City Council of the City of Madelia makes the following findings of fact regarding the need to regulate and license dogs.

(A) The regulation of dogs is found by the City Council to be necessary in order to protect the health and safety of the community. Unrestrained and/or unlicensed dogs can expose human beings and other animals to danger; can cause damage to public and private property; can lead to overpopulation of dogs; can disrupt the quiet enjoyment of residential areas and parks; and can expose human beings and other animals to unsanitary and unhealthy conditions.

(B) The improper impoundment or enclosure of dogs can constitute a public health nuisance. Nuisances can be created by site, odor, noise and sanitation problems associated with improper dog enclosures and impound facilities.

(C) The regulation of potentially dangerous dogs and dangerous dogs is deemed necessary by the city in light of the threat the dogs pose to the safety of human beings and other animals in the community. Dogs deemed to be potentially dangerous or dangerous pose a serious risk to the health and safety of the community.

(D) Procedures for determining whether a dog is potentially dangerous or dangerous to the community are warranted. The procedures prescribed herein balance the interest in public protection from potentially dangerous and dangerous dogs with reasonable due process rights of dog owners.
(Ord. 7.2004, passed 5-8-2000)

§ 92.004 DOG LICENSE REQUIRED.

All persons who own a dog within the city that is three months or older shall have the dog licensed in accordance with this subchapter. Hospitals, clinics and other facilities operated by veterinarians that are used for the care and treatment of dogs are exempt from this section, as are dogs belonging to the City Police Department, or the Watonwan County Sheriff's Department or to a nonresident of the city provided that dogs are not kept within the city for more than 30 days.
(Ord. 7.2004, passed 5-8-2000)

§ 92.005 APPLICATION PROCESS.

(A) *Application.* The application for a dog license shall request: the full name, home address and phone number of the owner of the dog; the name, breed, color, age and sex of the dog to be licensed; a current certificate of rabies vaccination for the dog; and any other information deemed to be necessary by the Madelia City Administrator.

(B) *License fee.* The license fee shall be as set forth in a resolution of the City Council and made available to the general public. The fee shall be paid at the time the application for the license is submitted to the Madelia City Administrator.

(C) *License duration.* All licenses issued under this subchapter shall expire on the next succeeding January 1 after the date of the issuance of the current license.

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(D) *Penalty fees.* In addition to the prescribed license fee, a penalty as set forth in a resolution of the City Council and made available to the general public shall be assessed against a dog owner who did not obtain a license:

(1) More than 30 days after the dog reached three months of age;

(2) More than 30 days after the applicant moved into the city with a dog older than three months of age; or

(3) More than 30 days after the expiration of the prior license.

(E) *Individual dog licenses not required for kennel licensees.* Individual licenses for dogs kept in a kennel licensed under § 92.051 below need not be obtained by the kennel operator.

(F) *License tag.* Upon acceptance of the license application the Madelia City Administrator shall provide the dog owner with a metallic license tag, which shall be stamped with a number, owner's name and address, and the year for which the license was issued. If the metallic license tag issued for a dog is lost, the owner shall obtain a duplicate tag upon the payment of a fee as specified in a resolution of the City Council and made available to the general public.

(G) *Change in ownership.* If there is a change in ownership of a city licensed dog, the new owner must apply for a replacement license within 30 days and pay the fee charged for a replacement license. (Ord. 7.2004, passed 5-8-2000; Ord. 7.2006, passed 12-11-2006)

§ 92.006 GENERAL DOG REGULATIONS.

(A) *Restraint.* A custodian of any dog within the city shall keep the dog under restraint at all times.

(B) *Disposal of feces.* A custodian of any dog within the city shall clean from any sidewalk, street, park, school, public place or private property of

another any feces of the dog and shall dispose of the feces in a sanitary manner. Violation of this provision shall be a petty misdemeanor. See penalty, § 10.99.

(C) *Picketing.* A dog shall not be picketed so as to be within reach of any lot line or sidewalk. A dog shall not be picketed in any front yard of a residence or building.

(D) *License tag.* A valid metallic license tag must be securely fastened to the dog's choke chain, collar or harness, which must be worn by the dog at all times.

(E) *Running at large.* No dog or cat shall be allowed by its owner to run at large. Any dog, while being walked outside of the owners property, and within city limits, shall be leashed at all times unless otherwise restrained in a kennel or fenced in yard. The police or Animal Control Officers of the city shall take up and impound any dog or cat found at large in violation of this section.

(Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

§ 92.007 CRUELTY TO DOGS.

The provisions of Minn. Stat. §§ 343.20 to 343.37 ("Prevention of Cruelty to Animals") and Minn. Stat. § 346.57 ("Dog and Cats in Motor Vehicles"), as they may be amended from time to time, as those provisions apply to dogs are hereby incorporated herein by reference and adopted as part of this section.

(Ord. 7.2004, passed 5-8-2000)

§ 92.008 DOG ENCLOSURES.

(A) *Minimum requirements.* A custodian of any dog which is kept outdoors or in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in Minn. Stat. § 343.40, as it may be amended from time to time, and this section of this chapter as a minimum.

(B) *Sanitation requirements.* No person shall permit feces, urine or food scraps to remain in a dog enclosure for a period that is longer than what is reasonable and consistent with proper health and sanitation, or odor prevention.
(Ord. 7.2004, passed 5-8-2000)

§ 92.009 DOG ENFORCEMENT PROCEDURES.

(A) The city shall designate Animal Control Officers or licensed peace officers for the purpose of enforcing the provisions of this subchapter and state law. An Animal Control Officer or licensed peace officer shall:

- (1) Have the right to demand the exhibition of a dog and the dog license;
- (2) Be required to keep accurate records of the impoundment and disposition of all dogs in the custody of the city;
- (3) Be required to investigate reported injuries front dogs, and to keep accurate records of those cases;
- (4) Be required to keep accurate records of all money received and to comply with proper auditing and bookkeeping standards;
- (5) Carry out prevention of cruelty duties as prescribed in this subchapter, Minn. Stat. §§ 343.20 through 343.40, as they may be amended from time to time, and Minn. Stat. Chapter 346, as it may be amended from time to time; and
- (6) Perform enforcement duties as prescribed in Minn. Stat. §§ 609.226 and 609.227, as they may be amended from time to time, and Minn. Stat. Chapter 347, as it may be amended from time to time.

(B) (1) No person shall interfere with, hinder or molest a city Animal Control Officer or licensed peace officer enforcing this subchapter or state law.

(2) No person shall seek to release any dog in the custody of a city Animal Control Officer or licensed peace officer except as herein provided.
(Ord. 7.2004, passed 5-8-2000)

§ 92.010 IMPOUNDMENT PROCEDURES.

Impoundment of dogs shall be in accordance with this subchapter.
(Ord. 7.2004, passed 5-8-2000)

§ 92.011 POTENTIALLY DANGEROUS DOG.

(A) *Determination of potentially dangerous dog.* A city Animal Control Officer or other law enforcement official shall determine that a dog is a potentially dangerous dog if the officer believes, based upon the officer's professional judgment, that a dog:

- (1) When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- (3) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

(B) *Notice of potentially dangerous dog.* Upon a determination by a city Animal Control Officer or other law enforcement official that a dog is potentially dangerous pursuant to Minn. Stat. § 347.50, Subd. 3, as it may be amended from time to time, and division (A) above, the city shall provide a notice of potentially dangerous dog to the owner of the dog by personally serving the owner or a person of suitable age at the residence of the owner. The notice shall describe the dog deemed to be potentially dangerous and shall identify the officer who has made the determination.

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(C) *Notice by owner of dog bite.* The owner of any dog licensed or housed in the City of Madelia shall notify the Madelia Animal Control Officer or other Madelia law enforcement official of any incident where their dog has inflicted bites on a human or domestic animal on any public or private property, either within or without the City of Madelia. The owner shall also notify the Madelia Animal Control Officer or other Madelia law enforcement official of any incident involving their dog, that when unprovoked, has chased or approached a person including a person on a bicycle, upon the streets, sidewalks or any public or private property other than the dog owner's property in an apparent attitude of attack.

(Ord. 7.2004, passed 5-8-2000)

§ 92.012 DANGEROUS DOGS.

(A) *Determination of dangerous dog by city.* A city Animal Control Officer or other law enforcement official shall determine that a dog is a dangerous dog if the officer believes, based upon the officer's professional judgment, that a dog:

(1) Has, without provocation, inflicted substantial bodily harm on a human being on public or private property;

(2) Has killed a domestic animal without provocation while off the owner's property; or

(3) Has been determined to be a potentially dangerous dog, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

(B) *Exemption.* Dogs may not be declared dangerous if the threat, injury or damage was sustained by a person:

(1) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) Who was provoking, tormenting, abusing or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

(3) Who was committing or attempting to commit a crime.

(C) *Notice of dangerous dog.* Upon a determination by a city Animal Control Officer or other law enforcement official that a dog is dangerous pursuant to Minn. Stat. § 347.50, Subd. 2, as it may be amended from time to time, and division (A) above, the city shall provide a notice of dangerous dog to the owner of the dog by personally serving the owner or a person of suitable age at the residence of the owner. The notice shall describe the dog deemed to be dangerous and shall identify the officer who has made the determination. The notice shall also inform the owner of the right to appeal the officer's determination within 14 days after the receipt of the notice. The appeal must be made pursuant to § 31.07 of this Code. Immediately upon receipt of the notice the owner shall confine the dog in a proper enclosure as herein defined or shall muzzle the dog. If no timely appeal is received by the city the owner of the dangerous dog shall comply with the requirements set forth in Minnesota Statutes, including but not limited to the registration of the dangerous dog with the County Auditor.

(D) *Hearing before examiner.* If the owner timely appeals the officer's determination that the owner's dog is a dangerous dog, a hearing shall be held within 30 days after timely filing of the appeal by City Council. Pending the outcome of the appeal, the owner shall confine the dog in a proper enclosure as herein defined or shall muzzle the dog. The hearing shall be held before the City Council. The City Council shall hear from both the officer and the owner and shall make written findings of fact and conclusions as to whether the dog is dangerous. The findings and conclusions shall take into account the applicable provisions of Minn. Stat. Chapter 347, at it may be amended from time to time. The findings and conclusions shall be made within ten working

days after the hearing and shall be served pursuant to the provisions of § 10.12. The decision of the City Council will be final, but is appealable to a court of law.

(Ord. 7.2004, passed 5-8-2000)

§ 92.013 VIOLATION.

Violations of this chapter shall be subject to the penalty provisions provided in §10.99 of this Code.
(Ord. 7.2004, passed 5-8-2000)

RABIES CONTROL

§ 92.025 PURPOSE; APPLICABILITY.

The purpose of this subchapter is to control the spread of rabies in the community and to protect the general public from animals that pose a risk of rabies infection. Nothing in this subchapter shall authorize the ownership of an animal that is a prohibited wild animal under §§ 92.080 through 92.085 below.
(Ord. 7.2004, passed 5-8-2000)

§ 92.026 VACCINATION REQUIREMENTS.

(A) *Vaccination requirements for dogs.* Cats, and other animals kept as pets. Every dog, cat or other animal kept as a pet shall be vaccinated against rabies.

(B) *Timing of vaccinations.* Dogs, cats and other animals kept as pets that are too young to be vaccinated against rabies as indicated by the Compendium shall be vaccinated against rabies within 30 days after they reach the minimum age for vaccination as allowed by the Compendium.

(C) *Revaccination.* A vaccinated dog, cat or other animal kept as a pet shall be revaccinated at intervals not to exceed the effective duration of the vaccination as listed in the Compendium.

(D) *Newly acquired or imported animals.* Unvaccinated dogs, cats or other animals kept as pets that are acquired or moved into the city shall be vaccinated within 30 days of purchase or arrival, unless the animal is under the minimum age as specified in division (B) above.

(E) *Administration of vaccine by veterinarian required.* Because of techniques and tolerances, species limitations and public health implications, animal rabies vaccines shall be administered only by or under the supervision of a veterinarian.

(F) *Unvaccinated animals.* Any animal of a species for which no rabies vaccination is licensed for that species by the United States Department of Agriculture shall be considered unvaccinated for rabies, regardless of that animal's vaccination history.
(Ord. 7.2004, passed 5-8-2000)

§ 92.027 DISPOSITION OF RABIES SUSPECTS.

(A) *Unvaccinated dogs and cats and ferrets that are rabies suspects.* Any dog, cat or ferret that is a rabies suspect and is not vaccinated in accordance with § 92.026 above shall be seized, impounded and quarantined under the supervision of a veterinarian or in an animal-tight enclosure approved by the Rabies Control Authority, for a period of not less than ten days following the exposure. After expiration of the quarantine period, an examination by the Rabies Control Authority or by a veterinarian shall be conducted and if, after the examination, the animal has no clinical signs of rabies, it may be released to the owner after payment of impoundment fees, or in the case of a stray, it shall be humanely euthanized or placed in the custody of a suitable person for adoption and care.

(B) *Vaccinated dogs and cats and ferrets that are rabies suspects.* Any dog, cat or ferret that is a rabies suspect and is vaccinated in accordance with § 92.026 above shall be quarantined by the owner or other responsible person as required by the Rabies Control Authority, for a period of ten days. If the

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owner or the other responsible person is not confining the animal during the ten-day period, the Rabies Control Authority may confiscate the animal for proper confinement. After expiration of the quarantine period, an examination by the Rabies Control Authority or by a veterinarian shall be conducted and if, after the examination, the animal has no clinical signs of rabies, it may be released from quarantine after payment of impoundment fees.

(C) *Other animals that are rabies suspects.* Any animal, other than a dog or cat or ferret that is a rabies suspect may be seized and may, after notice to its owner, if known, and a hearing conducted by a Hearing Examiner, be humanely euthanized and submitted to the Veterinary Diagnostic Laboratory at the University of Minnesota for examination for rabies. An owner may waive his or her rights to a hearing under this division. If a hearing is conducted, a Hearing Examiner may consider evidence regarding the species of the animal, the circumstances of the bite, the epidemiology of rabies in the area, and the period of virus shedding for the species, if known. Prior vaccination of an animal does not preclude the necessity for euthanasia and testing if the period of virus shedding is unknown for that species.

(D) *Payment of fees.* The owner shall be responsible for the payment of all impound, disposal and boarding fees established pursuant to §§ 92.002 through 92.013 above.

(E) *Release requirements.* Animals quarantined pursuant to this section shall not be released until a written report is received by the Animal Control Officer and the Minnesota Board of Animal Health from a veterinarian stating the veterinarian has inspected the animal and no signs of rabies were observed.

(Ord. 7.2004, passed 5-8-2000)

§ 92.028 DISPOSITION OF ANIMALS BITTEN OR EXPOSED TO A RABID ANIMAL.

(A) *Unvaccinated dogs and cats bitten by a rabid animal.* Any dog or cat that is known to have been bitten by a rabid animal and that has not been

vaccinated in accordance with § 92.026 above shall be humanely euthanized with the owner's consent. If the owner is unwilling to consent to euthanizing the bitten dog or cat, the bitten dog or cat shall be quarantined in an animal-tight enclosure constructed so that the animal cannot escape and to prevent the animal from biting or coming into contact with persons or other animals. The quarantine shall take place under veterinary supervision for a minimum of six months. Before release of the dog or cat to its owner, it shall be vaccinated for rabies one month prior to its release and the owner must pay the impoundment fees. If the owner does not comply with the requirements of the quarantine, the bitten dog or cat may be humanely euthanized after notice to the owner and a hearing conducted by a Hearing Examiner. An owner may waive his or her right to a hearing under this division.

(B) *Vaccinated dogs or cats bitten by a rabid animal.* A dog or cat that is known to have been bitten by a rabid animal and that has been vaccinated in accordance with § 92.026 above shall be immediately revaccinated and kept under the owner's control and observed for 45 days.

(C) *Other animals bitten by a rabid animal.*

(1) Animals currently vaccinated with a vaccine approved by the United States Department of Agriculture for that species that have been exposed by a rabid animal shall be immediately revaccinated and placed for at least 90 days in an animal-tight enclosure constructed so that the animal cannot escape and to prevent the animal from biting or coming into contact with persons or other animals.

(2) Any unvaccinated animal, other than a dog or cat, that has been determined by a veterinarian to be bitten or otherwise exposed by a rabid animal shall be humanely euthanized or quarantined in an animal-tight enclosure constructed so that the animal cannot escape and to prevent the animal from biting or coming into contact with persons or other animals. The quarantine shall take place under veterinary supervision for a minimum of six months. If the owner does not comply with the requirements of the

quarantine, the animal may be humanely euthanized after notice to the owner and a hearing conducted by the a Hearing Examiner. An owner may waive his or her right to a hearing under this subsection.

(D) *Reports to State Board.* It shall be the duty of the Rabies Control Authority to report to the Minnesota Board of Animal Health any bite to an animal by a rabid animal.

(E) *Release requirements.* Animals quarantined pursuant to this section shall not be released until a written report is received by the Animal Control Officer and the Minnesota Board of Animal Health from a veterinarian stating the veterinarian has inspected the animal and no signs of rabies were observed.

(Ord. 7.2004, passed 5-8-2000)

§ 92.029 IMPOUNDMENT OF UNVACCINATED ANIMALS.

Impoundment of dogs, cats or other animals kept as pets found to be in violation of this subchapter shall be in accordance with §§ 92.002 through 92.013 above.

(Ord. 7.2004, passed 5-8-2000)

§ 92.030 RESPONSIBILITIES OF VETERINARIANS AND OWNERS.

(A) *Report of rabies suspects.* It shall be the duty of every veterinarian to report to the Rabies Control Authority the diagnosis of any animal within the City of Madelia observed by the veterinarian as a rabies suspect.

(B) *Preparation of a vaccination certificate.* A veterinarian shall, at the time of vaccinating an animal, complete in duplicate a valid National Association of State Public Health Veterinarians' Rabies Vaccination Certificate, or a comparable substitute, that includes the following information:

(1) The owner's name, address and telephone number;

(2) A description of the animal (predominant breed, sex, color, age, name and weight);

(3) The date of vaccination;

(4) The rabies vaccination tag number;

(5) The type of rabies vaccine administered;

(6) The manufacturer's serial number of the vaccine;

(7) The listed duration date of the vaccination; and

(8) The veterinarian's signature and code number.

(C) *Distribution of vaccination certificate.* The owner shall keep the original vaccination certificate issued by the veterinarian and present the certificate at the time of applying for a dog or cat license.

(D) *Issuance of vaccination identification tags.* The veterinarian shall issue a metal or durable plastic tag, serially numbered, at the time of vaccination, which indicates that the animal has been vaccinated.

(E) *Vaccination tag on animal required.* The owner of the animal shall ensure that the vaccination identification tag is securely attached to the collar or harness of the dog, cat or other animal kept as a pet. If the vaccinated animal is out-of-doors, either on the owner's premises but not confined or off the owner's premises, the collar or harness with the vaccination tag attached shall be worn.

(Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

§ 92.031 CAT LICENSES AND RABIES VACCINATION.

(A) *Cat licenses and rabies vaccination required.* All persons who own a cat within the city that is three months or older shall have the cat licensed and vaccinated against rabies in accordance with the subchapter.

(B) *Exceptions.* Hospitals, clinics and other facilities operated by veterinarians that are used for the care and treatment of cats are exempt from obtaining a cat license for each animal, as are cats belonging to a nonresident of the city provided the cats are not kept within the city for more than 30 days in one calendar year.

(C) *Application.* The application for a cat license shall request: the full name, home address and phone number of the owner of the cat; the name, color, age and sex of the cat to be licensed; a current certificate or rabies vaccination for the cat; and any other information deemed to be necessary by the Madelia City Administrator.

(D) *License fee.* The license fee shall be as set forth in a resolution of the City Council and made available to the general public. A fee shall be paid at the time the application for the license is submitted to the Madelia City Administrator.

(E) *License duration.* All licenses issued under this section shall expire on the next succeeding January 1 after the date of the issuance of the current license.

(F) *License tag.* A valid metallic or durable plastic license tag shall be securely fastened to the cat's collar. If the cat is out-of-doors, either on the owner's premises but not confined or off the owner's premises, the collar or harness with the vaccination tag attached shall be worn.
(Ord. 7.2004, passed 5-8-2000; Ord. 7.2006, passed 12-11-2006)

§ 92.032 FERRET RABIES VACCINATION REQUIRED.

All persons who own a domestic ferret within the city that is three months or older shall have the ferret vaccinated against rabies in accordance with this subchapter.

(Am. Ord. 7.2004, passed 5-8-2000)

§ 92.033 REPORTS OF PERSONS TREATED FOR ANIMAL BITES.

Every physician or other person shall report to the Rabies Control Authority the name and addresses of persons treated for bites inflicted by animals within the city.

(Am. Ord. 7.2004, passed 5-8-2000)

§ 92.034 VIOLATION; WARRANT.

(A) *Misdemeanor.* Except for § 92.030(A) through (D) and § 92.033 above, a violation of this subchapter shall be a misdemeanor under Minnesota Law.

(B) *Authority to petition for a warrant.* For the purposes of discharging the duties imposed by this subchapter and in order to further the investigation of rabies suspects, the Rabies Control Authority, city Animal Control Officers, and any licensed peace officer, upon demonstration of cause, may petition for issuance of a warrant to enter premises upon which an animal is kept or harbored.

(Am. Ord. 7.2004, passed 5-8-2000)

ANIMAL WELFARE

§ 92.045 PURPOSE.

The purpose of this subchapter is to prevent cruelty to animals. Pursuant to Minn. Stat. § 343.01, as it may be amended from time to time, city animal

control officers and licensed peace officers may coordinate their efforts with the state federation of county and district societies for the prevention of cruelty to animals.

(Ord. 7.2004, passed 5-8-2000)

§ 92.046 DUTIES OF OFFICERS IN INVESTIGATING CRUELTY COMPLAINTS.

(A) *Investigation authority.* Animal Control Officers or licensed peace officers are hereby empowered and authorized to make inspections and conduct investigations of alleged violations of this subchapter and state law regarding cruelty to animals.

(B) *Duty of Animal Control Officer regarding exposure of animals.*

(1) Pursuant to Minn. Stat. § 343.29, as it may be amended from time to time, the Animal Control Officer or licensed peace officer may remove, shelter and care for any animal which is not properly sheltered from the cold, hot or inclement weather, or any animal not properly fed or watered, or provided with suitable food and drink.

(2) When necessary, the Animal Control Officer or licensed peace officer may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink.

(3) In all cases, the owner, if known, shall be immediately notified pursuant to state law, and the person having possession of the animal shall have a lien thereon for its actual costs of care and keeping.

(4) If the owner or custodian is not known and cannot by reasonable effort be ascertained or does not, within ten days after notice, redeem the animal by paying the expenses authorized by state law, the animal may be treated as an estray under suite law.

(5) Upon a proper determination by a licensed doctor of veterinary medicine, any animal

taken into custody pursuant to state law and this section of the city ordinance may be immediately disposed of when the animal is suffering and beyond cure through reasonable care and treatment.

(6) The expenses of disposal shall be subject to the provisions of state law.
(Ord. 7.2004, passed 5-8-2000)

§ 92.047 PROHIBITION OF STEEL JAW LEG-HOLD TRAPS.

(A) No person shall set or use a steel jaw leg-hold or killer trap within the corporate limits of the city unless specifically authorized to do so by a governmental agency on that government's property.

(B) Nothing herein shall affect one's right, under Minn. Stat. § 97B.705, as it may be amended from time to time, to take certain animals on land owned or occupied by the person where the animal is causing damage.

(Ord. 7.2004, passed 5-8-2000)

§ 92.048 NOTIFICATION OF INJURED ANIMAL.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report the injury or death to the appropriate law enforcement official or the animal's owner.

(Ord. 7.2004, passed 5-8-2000)

§ 92.049 SANITATION.

No person shall permit feces, urine or food scraps to remain in any place where any animal is kept for a period that is longer than what is reasonable and consistent with proper health and sanitation or odor prevention.

(Ord. 7.2004, passed 5-8-2000)

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§ 92.050 INCORPORATION OF STATE CRUELTY STATUTES.

The Statutes of Minnesota prohibiting cruelty to animals are hereby incorporated by reference herein as if written out in full and adopted as part of this section. (See, among others, Minn. Stat. §§ 343.20 through 343.28; 343.30 through 343.34; 343.36 through 343.37; 346.37 through 346.42; and 346.57, as they may be amended from time to time). (Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

§ 92.051 LIMITATION ON NUMBER OF DOGS AND CATS; KENNEL LICENSE.

(A) *Limitation on number of dogs and cats.* No person shall keep in any one household unit, lot or premise or portion thereof more than three dogs or cats over three months old, or a combination thereof unless a person has a valid kennel license from the city.

(B) *Kennel license required.* No person may operate a kennel as defined herein in the city without first obtaining a kennel license under this section.

(C) *Kennel license application; fee.* Application for a kennel license shall be made to the Madelia City Administrator and shall be accompanied by the license fee as set forth in a resolution of the City Council and made available to the general public.

(D) *Consideration of license application.* The Madelia City Administrator shall initially review the kennel license application for compliance with this chapter and then refer the application to the Planning Division for consideration of all zoning requirements. If all licensing and zoning requirements are satisfied, the City Administrator may issue the kennel license to the applicant.

(E) *Appeal to the City Council.* If the application for a kennel license is denied by the Madelia City Administrator, the applicant may appeal the decision to the City Council within ten days of notification of the denial. The City Council may impose conditions upon the granting of any kennel license.

(F) *Revocation.* Kennel licenses may be revoked by the City Council for any violation of any condition placed on the license or for any violation of law or regulation, after notice and hearing is provided to the licensee.

(G) *Sanitation.* Kennels shall be maintained in a clean and healthful condition at all times. (Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

§ 92.052 VIOLATION.

Violations of this chapter shall be subject to the penalty provisions contained in § 10.99 of this Code. (Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

ANIMAL NOISE

§ 92.065 PURPOSE.

The purpose of this subchapter is to prevent unreasonable disturbances of the peace and quiet caused by noise from dogs and other animals. (Ord. 7.2004, passed 5-8-2000)

§ 92.066 NOISE MADE BY DOGS AND OTHER ANIMALS.

(A) No person owning, operating, having charge of, or occupying any building or premises shall keep or allow to be kept any dog or other animal which shall, by any noise, unreasonably disturb the peace and quiet as defined herein.

(B) All such instances shall constitute a public nuisance. (Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

§ 92.067 COMPLAINTS.

(A) Any person may call or deliver a complaint to the Animal Control Officer, or a licensed peace officer stating the facts and circumstances of an alleged violation of this subchapter. The Animal Control Officer or licensed peace officer may investigate the complaint. If a violation occurs in the presence of the Animal Control Officer or a licensed peace officer, a citation may be issued. If a violation did not occur in the presence of the Animal Control Officer or a licensed peace officer but probable cause of a violation exists, all reports, witness statements and evidence may be submitted to the Madelia City Attorney's office for a determination of whether a formal complaint should be issued.

(B) Nothing in this section shall prohibit the issuance of an administrative citation for a public nuisance for any violation of this chapter. (Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

§ 92.068 VIOLATION.

Violation of any of the provisions of this chapter shall be made pursuant to the penalty provisions contained in § 10.99 of this Code. (Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

WILD ANIMALS**§ 92.080 PURPOSE.**

(A) The purpose of this subchapter is to prohibit the keeping of wild animals as pets within the city in order to protect the health, safety and welfare of the general public.

(B) The City Council finds that wild animals kept as pets in an urban setting present a substantial risk of harm to the general public; can increase the likelihood of disease transmission; and can cause public disturbances and public health nuisances. (Ord. 7.2004, passed 5-8-2000)

§ 92.081 KEEPING OR SELLING OF WILD ANIMALS PROHIBITED.

(A) No person shall own, possess or have custody on his or her premises any wild animal for display, training or exhibition purposes, whether gratuitously or for a fee.

(B) No person shall keep or permit to be kept any wild animal as a pet.

(C) No person shall offer for sale any wild animal unless specifically authorized by federal or state law. (Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

§ 92.082 EXCEPTIONS; PERMITS; LICENSES.

(A) *Temporary events.* A traveling circus or show which keeps wild animals for a temporary exhibition may be issued a temporary conditional use permit allowing the animals within the city for a period not to exceed 30 days, provided the person, traveling circus, or show has obtained a state permit or is exempt from the requirement pursuant to Minn. Stat. § 97A.401, as it may be amended from time to time. The city temporary conditional use permit shall specify the conditions under which the permit is issued in order to protect the general public and to prevent cruelty or neglect to the animals.

(B) *Veterinary hospitals or clinics.* Any bona fide veterinary hospital or clinic is exempt from § 92.081 above and may hold the wild animals, provided protective devices adequate to prevent the animals from escaping or injuring the public are provided.

(C) *Wildlife rehabilitators.* Persons keeping wild animals as part of a bona fide institutional program to mourn the animals to the wild are exempt from § 92.081, provided the location of the premises complies with all zoning requirements of the City of Madelia. (Ord. 7.2004, passed 5-8-2000)

§ 92.083 IMPOUNDING WILD ANIMALS.

The impoundment of wild animals shall be in accordance with §§ 92.002 through 92.013 above. (Ord. 7.2004, passed 5-8-2000)

§ 92.084 CRUELTY TO WILD ANIMALS.

(A) No person shall sponsor, promote, train a wild animal to participate in, or contribute to the involvement of a wild animal in any activity or event in which any wild animal is a victim of cruelty as defined herein or is induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner that will cause or is likely to cause physical injury or suffering to the animal.

(B) All equipment used on a performing wild animal shall fit properly and be in good working condition. (Ord. 7.2004, passed 5-8-2000)

§ 92.085 VIOLATION.

Violation of any of the provisions of this chapter shall be made pursuant to the penalty provisions contained in § 10.99 of this Code. (Ord. 7.2004, passed 5-8-2000)

LARGE ANIMALS**§ 92.095 PURPOSE.**

The purpose of this subchapter is to regulate large animals in the city. The City Council finds that large animals in an urban setting can endanger the safety of the community and the health and well-being of citizens. (Ord. 7.2004, passed 5-8-2000)

§ 92.096 OWNER RESPONSIBILITIES.

The owner of any large animal shall be responsible for the conduct and control of any such large animal irrespective of whether the large animal has escaped from a barn, stable, pasture or other place of normal habitat. (Ord. 7.2004, passed 5-8-2000)

§ 92.097 PROHIBITED CONDUCT.

(A) No person shall keep any large animal in the city.

(B) No person shall use a large animal:

(1) Upon a public sidewalk or sidewalk easement;

(2) Upon the public streets or rights-of-way of the city except during daylight hours;

(3) In public places and places of public accommodation;

(4) Upon private property of another without the permission of the owner of the property; or

(5) In a careless manner or in disregard of the rights of others. (Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

§ 92.098 VIOLATION.

Violation of any of the provisions of this chapter shall be made pursuant to the penalty provisions contained in § 10.99 of this Code. (Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

ANIMAL FEEDING PROHIBITIONS**§ 92.110 PURPOSE.**

The purpose of this subchapter is to protect the community from the problems associated with the feeding of certain wild animals.
(Ord. 7.2004, passed 5-8-2000)

§ 92.111 FEEDING OF RACCOONS PROHIBITED; EXCEPTIONS.

(A) *Prohibition.* No person shall feed raccoons within the city.

(B) *Exceptions.* This prohibition shall not apply to veterinarians, city Animal Control Officers, or county, state or federal game officials who in the course of their duties have raccoons in their custody.

(C) *Penalty.* Violation of this section shall be a misdemeanor.
(Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

IMPOUNDMENT OF ANIMALS**§ 92.125 PURPOSE.**

The purpose of this subchapter is to prescribe uniform procedures relating to the impoundment of animals found to be in violation of state law and city ordinance.
(Ord. 7.2004, passed 5-8-2000)

§ 92.126 IMPOUNDMENT PROCEDURES.

(A) *Impoundment.* Every animal found by an Animal Control Officer or a licensed peace officer to be in violation of state law or city ordinance may be impounded in the city animal shelter. All animals impounded shall be confined in a humane manner.

(B) *Record keeping.* Animal Control Officers shall maintain records of animals in their custody, pursuant to Minn. Stat. § 35.71 Subd. 3, as it may be amended from time to time, and the records shall include the following:

(1) The description of the animal by species, breed, sex, approximate age and other distinguishing traits;

(2) The location at which the animal was seized;

(3) The date of seizure;

(4) The name and address of the person from whom the animal was received; and

(5) The name and address of the person to whom the animal was transferred.

(C) *Notification to owner.* Immediately upon impounding an animal, a city Animal Control Officer or licensed peace officer shall make every reasonable effort to locate and notify the owner of the impounded animal.
(Ord. 7.2004, passed 5-8-2000)

§ 92.127 REDEMPTION OF IMPOUNDED ANIMALS.

(A) *Injured animals.* If an injured animal is impounded, the Animal Control Officer or licensed peace officer shall immediately attempt to locate and notify the owner of the animal. If it is the opinion of a licensed veterinarian that a critically injured animal will unnecessarily suffer, the animal may be humanely euthanized even though attempts to locate or notify the owner have been unsuccessful. The owner shall be responsible for the cost of euthanization and/or the reasonable costs of care and treatment.

(B) *Abused animals.* Animals impounded pursuant to state and local cruelty laws shall be redeemed pursuant to Minn. Stat. § 343.235, as it may be amended from time to time.

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(C) *Unlicensed dogs and cats.* Dogs and cats impounded because they were found by an Animal Control Officer or licensed peace officer to be unlicensed or unregistered may be reclaimed by their owners or other person designated by the owners within seven regular business days after the animal has been impounded, provided that the owner or other designated person makes payment to the city of the impound fees and charges as set by the City Council. If an animal impounded is not claimed within seven regular business days, it shall become the property of the city and shall either be humanely euthanized or placed in the custody of a suitable person for adoption and care.

(D) *Wild animals.* Any wild animal kept in violation of this chapter may be impounded by the city. If such an animal is not reclaimed by its owner within seven regular business days after the impoundment of the animal, the animal may be destroyed in a humane manner or placed in the custody of a suitable person for care. Any person reclaiming the impounded animal shall pay the costs of impounding and keeping the animal and shall agree not to keep or sell the animal in violation of this chapter or state or federal law.

(E) *Dangerous dogs.* Dangerous dogs shall be confiscated and reclaimed pursuant to Minn. Stat. § 347.54, as it may be amended from time to time, and division (A) above.

(F) *Animals running loose.* An animal found at large or a dog not under restraint may be taken and impounded by licensed peace officers or Animal Control Officers. If after a period of seven regular business days an impounded animal is not claimed or redeemed by its owner, it shall become the property of the city and may be destroyed in a humane manner or placed in the custody of a suitable person for adoption and care. Immediately upon the impoundment of any animal, the Animal Control Officer shall make a reasonable effort to notify the owner of the impoundment and the procedure for regaining possession of the impounded animal. Any animal impounded under this section may be reclaimed by the

owner within seven regular business days upon payment of impound fees and charges as set by the City Council.

(G) *Animals with no current rabies vaccination tag.* Immediately upon impounding the animal, the Rabies Control Authority or other official shall make every reasonable effort to locate and notify the owner of the impounded animal. Any vaccinated dog or cat impounded because of lack of a current rabies vaccination tag may be reclaimed at any time by its owner by furnishing proof of rabies vaccination, paying all impound fees prior to release, and by obtaining a valid rabies vaccination tag.

(H) *Rabies suspect.* Redemption of rabies suspects shall be governed by § 92.027 above.

(I) *Animals bitten or exposed by a rabid animal.* Redemption of animals bitten or exposed by a rabid animal shall be governed by § 92.028 above. (Ord. 7.2004, passed 5-8-2000)

§ 92.128 DOGS AND CATS PURCHASED OR ADOPTED FROM THE ANIMAL CONTROL SHELTER; SPAYING OR NEUTERING REQUIRED.

(A) When a dog or cat not previously sterilized is sold or released for adoption by the City Animal Shelter, the buyer or adopting party must sign a written agreement to have the dog or cat sterilized. If the dog or cat is less than six months old, the buyer or adopting party shall agree to have the animal sterilized by the age of six months. If the dog or cat is more than six months old, the buyer or adopting party shall agree to have the animal sterilized within 30 days of purchase or adoption.

(B) No person, having agreed in writing to have an animal sterilized pursuant to this section, shall intentionally fail or refuse to have the sterilization performed within the time specified in the agreement. Violation of this division is a misdemeanor.

(C) Nothing in this section shall be construed to authorize the city to sterilize a dog or cat which has been reclaimed by its owner, or for which the period to reclaim as owner has not expired.

(Ord. 7.2004, passed 5-8-2000) Penalty, see § 10.99

**§ 92.129 FEES; LICENSES; IMPOUNDMENT
AND BOARDING FEES.**

Fees, licenses and impoundment and boarding fees shall be borne by the owner and shall be established in a resolution of the City Council and made available to the general public.

(Ord. 7.2004, passed 5-8-2000)

CHAPTER 93: PUBLIC NUISANCES

Section

- 93.01 Public nuisance defined
- 93.02 Public nuisances affecting health
- 93.03 Public nuisances affecting morals and decency
- 93.04 Public nuisances affecting peace and safety
- 93.05 Dismantling of vehicles and junk cars
- 93.06 Duties of city officers
- 93.07 Abatement
- 93.08 Recovery of cost

(A) Exposed accumulation of decayed or unwholesome food or vegetable matter;

(B) All diseased animals running at large;

(C) All ponds or pools of stagnated water;

(D) Carcasses of animals not buried or destroyed within 24 hours after death;

(E) Accumulations of manure, refuse or other debris;

(F) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul 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 substances;

(H) All noxious weeds and other rank growths of vegetation upon public or private property;

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

(J) All public exposure of people having a contagious disease;

(K) Any offensive trade or business as defined by statute not operating under local license.

(L) The storage of bags or receptacles containing decayed or unwholesome food or vegetable matter in a manner which allows access to the garbage or food

§ 93.01 PUBLIC NUISANCE DEFINED.

Whoever, by omission or commission does any of the following is guilty of maintaining a public nuisance:

(A) Allows 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;

(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 chapter to be a public nuisance and for which no sentence is specifically provided. (Ord. 21.22, passed 4-14-2003) Penalty, see § 10.99

§ 93.02 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

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matter by rodents, predators, dogs or cats. This section shall not apply to the placement of garbage bags curbside on the day of or the day preceding the scheduled curbside pickup.

(Ord. 21.22, passed 4-14-2003)

§ 93.03 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

The following are hereby declared to be nuisances affecting 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 the 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 or where, 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 other disposition in violation of law, and all liquor and other property used for maintaining such a place; and

(E) Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other unmoral or illegal purpose. (Ord. 21.22, passed 4-14-2003) Penalty, see § 10.99

§ 93.04 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace or safety:

(A) All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;

(B) All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;

(C) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(D) (1) Whoever does any of the following in a public or private place, including on a school bus, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace:

(a) Engages in brawling or fighting; or

(b) Disturbs an assembly or meeting, not unlawful in its character; or

(c) Engages in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others.

(2) A person does not violate this section if the person's disorderly conduct was caused by an epileptic seizure.

(E) All unnecessary noises and annoying vibrations, including but not limited to the following unlawful acts. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive:

(1) *Horns, signaling devices and the like.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle, except as a danger warning;

(2) *Radios, tape and disc players and the like.* The use, operation or playing any radio receiving set, tape or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such manner,

considering the time and place and the purpose for which the sound is produced, as to disturb the peace, quiet or repose of a person or persons of ordinary sensibilities:

(a) The play, use or operation of any radio, tape or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of 50 feet from the machine or device shall be prima facie evidence of a violation of this section;

(b) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation; provided, however, that if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation;

(c) This section shall not apply to sound produced by the following:

1. Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing the activities;

2. Church bells, chimes or carillons;

3. School bells;

4. Anti-theft devices activated for a short period of time lasting less than two minutes; or

5. Machines or devices for the production of sound on or in authorized emergency vehicles.

(d) With the exception of the machines or devices listed above, this section shall apply to all radios, tape and disc players, musical instruments,

phonographs and machine and devices for the production or reproduction of sound, whether on public or private property.

(3) *Loud speakers, amplifiers for advertising.* The use, operation or playing of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure;

(4) *Yelling, shouting and the like.* Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel or other place of residence, or of any person in the vicinity;

(5) *Animals, birds and the like.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity;

(6) *Whistles or sirens.* The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren whatsoever except to give notice of the time to begin or stop work as a warning of fire or danger, or by public emergency vehicles;

(7) *Exhausts.* The discharge into the open air of the exhaust of any vehicle, including but not limited to motor vehicles or any motorized conveyance, dirt bikes, ATV's and snowmobiles, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom; and

(8) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise which shall disturb the comfort or repose of any person in the vicinity.

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(F) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds except under such conditions as are permitted by this Code or other applicable law;

(G) Radio aerials or television antennae erected or maintained in a dangerous manner;

(H) Any 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 the street or sidewalk;

(I) 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;

(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 less than six feet above the ground and within three feet of a public sidewalk or way;

(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 or an open building of discarded or disused machinery, household appliances, household items not classified as appliances, furniture, automobile bodies, automobile parts, tires, car batteries, metals, waste material 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 the 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 the substance or to permit any gas, oil or petroleum product to flow on or be deposited upon any street, sidewalk, public right-of-way or public property;

(R) The depositing of garbage or refuse on a public right-of-way or on adjacent private property; and

(S) All other conditions or things which are likely to cause injury to the person or property of anyone.

(Ord. 21.22, passed 4-14-2003) Penalty, see § 10.99

§ 93.05 DISMANTLING OF VEHICLES AND JUNK CARS.

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

JUNK CAR. Any motor vehicle which is not in operable condition or which is partially dismantled, or which is used for sale of parts or as a source of repair or replacement parts for other vehicles or which is kept for scrapping, dismantling or salvage of any kind or which is not properly licensed for operation within the State of Minnesota.

PERSON. A natural person, firm, association, partnership or corporation and any agent of any of the aforesaid.

VEHICLE. Every device in, upon, or by which any person or property may be transported or drawn upon a roadway, except devices moved by human power.

(B) *Parking and storage of junk cars.* No person shall park, keep, place or store or permit the parking or storage of a junk car on any public street, public parking lot, alley or public land or on any private land or premises which he or she owns, occupies or controls within the City of Madelia, unless the junk car shall be within a building on the private premises or on a duly licensed junk yard lot as defined in the Zoning Ordinance of the City of Madelia.

(C) *Abandoned vehicles.*

(1) No person shall abandon any vehicle upon any public street, public parking lot, alley or public land within the City of Madelia, Minnesota.

(2) The following shall be prima facie evidence of abandonment, but shall not be the exclusive methods of proving abandonment:

(a) The presence of a vehicle upon a public street, alley or public land for a period of 48 hours after the owner has received notice of the vehicle's location;

(b) The presence of a vehicle upon a public street, public parking lot, alley or public land, for a period of 72 hours in a stationary condition and unattended; or

(c) The presence of a junk car upon a public street or alley or public land.

(3) Any abandoned vehicle may be removed by the Chief of Police or by any person designated by him or her and shall be stored in any parking lot or garage designated by the City Council. The vehicle so removed under the provisions of this section cannot be redeemed by the owner or operator-until the cost of removing, towing and storage of the same shall first be paid to any party having a claim for services in removing, towing and storing.

(D) *Repair, service or maintaining vehicles.* No person shall service, repair, replace parts, dismantle or do maintenance work on any vehicle on any public street or alley within the City of Madelia, unless the work is for emergency service to a disabled vehicle. (Ord. 20.23, passed - -) Penalty, see § 10.99

§ 93.06 DUTIES OF CITY OFFICERS.

The Police Department, City Administrator or any other authorized city employee shall enforce the provisions of this chapter relating to nuisances affecting public safety and provisions relating to other nuisances. The officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

(Ord. 21.22, passed 4-14-2003)

§ 93.07 ABATEMENT.

(A) *Procedure.*

(1) Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner of record or occupant of the premises of the fact and order that the nuisance be terminated or abated.

(2) The notice of violation shall specify the steps to be taken to abate the nuisance, and if deemed appropriate by the officer, the time within which the nuisance is to be abated.

(3) If the notice of violation is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council.

(4) Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed

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by the Council the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.

(B) *Emergency procedure; summary enforcement.*

(1) In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in division (A) above will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City Council may order summary enforcement and abate the nuisance.

(2) 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.

(3) The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the Council meeting to consider the question of summary enforcement.

(4) The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) above, and may order that the nuisance be immediately terminated or abated.

(5) If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

(C) *Immediate abatement.* Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

(D) *Administrative citation.* Nothing in this section shall prohibit any authorized employee or officer of the city from issuing an administrative citation for such nuisance as provided herein. (Ord. 21.22, passed 4-14-2003)

§ 93.08 RECOVERY OF COST.

(A) *Personal liability.* The owner of premises on which a nuisance has been abated by the city shall be personally liable for cost to the city of 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 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) *Assessment.* 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-infested trees, the City Administrator shall, on or before September 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 Minn. Stat. § 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The Council may then spread the charges against the 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 ten, as the Council may determine in each case.

(Ord. 21.22, passed 4-14-2003)

CHAPTER 94: STREETS AND SIDEWALKS

Section

- 94.01 Numbering of houses and buildings
- 94.02 Uniform system of street names
- 94.03 Construction of sidewalks, curbs and gutters
- 94.04 Removal of snow, ice and obstructions from sidewalks
- 94.05 Obstructions of the streets and deposits
- 94.06 Loading, unloading and transfer of freight and livestock

bases. Odd numbers shall be used on the west and the north sides of the streets and even numbers on the east and south sides respectively. Within any block the houses or buildings nearer the base street shall use the smaller numbers. In assigning numbers to houses and buildings between which one or more 25-foot lots lie unimproved, sufficient numbers shall be allowed for later assignment to the vacant lots.

(C) *Duty of City Administrator.*

(1) It shall be the duty of the City Administrator to assign numbers, as hereinbefore provided, to every house or other building in the City of Madelia, and to report the numbers assigned to the next regular meeting of the City Council.

(2) The City Council shall at once consider the report, and by motion approve the same with the revision and amendments as a Council may deem necessary. A copy of the report as approved shall be filed with a copy of the motion in the proceedings of the Council.

(3) A copy of the report and motion, properly certified, shall be attached to the plat of the city in the office of the Register of Deeds for Watonwan County, Minnesota, and to the plat of the city in the office of the City Administrator, and the numbers assigned shall be entered upon the appropriate blocks and lots indicated on the plats.

(4) It shall be the duty of the City Administrator to at once notify the owners, agents, lessors or occupants of the houses or buildings, either by mail, publication or telephone, of the numbers so assigned.

§ 94.01 NUMBERING OF HOUSES AND BUILDINGS.

(A) *Duty of owner.*

(1) It shall be the duty of the owner, agent, lessor or occupant of every house or other building except barns, garages and other buildings which are part of the same property with a numbered house or building, to place on every such building its property street number, either by painting or by affixing the numbers in metal, glass or other form, so that the same shall be clearly visible from the sidewalk.

(2) Numbers shall be placed on the houses and buildings within 30 days from the time the owners, agents, lessors or occupants are notified either by mail, publication or telephone of the assignment of numbers to the houses as hereinafter provided.

(B) *Assignment of numbers.* Numbers shall be assigned to houses and buildings in the City of Madelia from Main Street and Center Avenue as

(D) *Report of Administrator.* Whenever any house or other building is to be erected hereafter, a number shall be assigned at the time the building permit is granted therefor. On or before January 31 of each year hereafter it shall be the duty of the City Administrator to prepare certificates stating the new numbers assigned during the preceding calendar year, and send one to the Register of Deeds of Watonwan County, Minnesota, for attaching to the plat of the city as aforesaid and to attach another to the plat in the office of the City Administrator. The numbers may be entered upon the plats.

(Ord. 1.61, passed 4-28-1958) Penalty, see § 10.99

§ 94.02 UNIFORM SYSTEM OF STREET NAMES.

The names of streets in the City of Madelia shall, insofar as possible, conform to the following rules.

(A) All streets running east and west shall be designated "streets" and all streets running north and south shall be designated "avenues."

(B) The city shall be divided into four sections to be designated NE, NW, SE and SW with Main Street, the new designation of Buck Street, running east and west, to be one dividing line, and Center Avenue, the new designation of St. Paul Street, running north and south, to be the other dividing line.

(C) "Streets" shall have a numerical designation in numerical order from Main Street, new designation in each direction.

(D) "Avenues" shall have an alphabetical designation from the first letter of the avenue name in alphabetical order from Center Avenue, new designation, in each direction.

(E) Names of all future streets in the city and of streets in all territory annexed to the city shall conform to the rules established by this chapter.
(Ord. 1.60, passed 4-28-1958)

§ 94.03 CONSTRUCTION OF SIDEWALKS, CURBS AND GUTTERS.

(A) *Permit required.* No sidewalk, curb or gutter shall be constructed on any street, avenue or other public property in this city without first having obtained a permit from the City Council. Nor shall any sidewalk, curb or gutter be removed, torn up or covered over where the same is located on any street, avenue or other public property in the City of Madelia without first having obtained a permit from the City Council to do so. Application for the permit shall be made on forms to be approved by the Council and shall sufficiently describe the contemplated improvement or removal, the contemplated date of beginning work and the length of time for completion of the same. Provided, that no permit shall be required for any such improvement or removal ordered or to be installed by the city.

(B) *Specifications and regulations for construction.*

(1) All sidewalks, curbs and gutters constructed upon any street, avenue or other public property in this city shall be constructed according to plans and specifications on file with and approved by the Council of the city.

(2) Before any such construction is begun the city shall establish grades and assist in determining locations for the same. If the grade or location has not been established before the filing of an application for a permit to construct the improvement, the Council shall order the engineer, Street Commission or other proper officer or employee to proceed to establish the same, unless the permit is denied for cause, and the expense of the work shall be paid by the city.

(C) *Inspection and supervision.*

(1) The Council shall require the inspection of all work done hereunder as deemed necessary.

(2) Any work not done according to specifications shall be corrected or removed, at the expense of the permit holder and, if still being done when discovered, shall be stopped by the inspector. (Ord. 4.10, passed 8-1-1955; Ord. 4.11, passed 10-10-1972) Penalty, see § 10.99

§ 94.04 REMOVAL OF SNOW, ICE AND OBSTRUCTIONS FROM SIDEWALKS.

(A) *Snow, ice, dirt and rubbish removal.*

(1) All snow, ice, dirt and rubbish remaining on a public sidewalk more than 24 hours after its deposit thereon is a public nuisance. Every owner or occupant of any property, vacant or otherwise, adjacent to a public sidewalk shall use due diligence to keep the walk safe for pedestrians.

(2) It shall be the duty of every owner or occupant of any property, vacant or otherwise, adjacent to a public sidewalk to remove all snow, ice, dirt or rubbish from any public sidewalk within 24 hours after its deposit thereon, and failure of the owner or occupant to do so shall constitute a violation of this chapter.

(B) *Removal by city.*

(1) The Street Commission of the City of Madelia shall remove or cause to be removed from all public sidewalks all snow, ice, dirt and rubbish beginning 24 hours after any such matter has been deposited thereon and in the case of snow removal beginning 24 hours after the snow has ceased to fall.

(2) The Street Commission shall keep a record showing the cost of the removal adjacent to each separate lot or parcel of ground and shall deliver a statement of the cost to the City Administrator.

(C) *Collection of cost.* The City Administrator shall send a statement of the costs to the owner or occupant of the property charged with the cost under division (B) above. On failure of the owner or

occupant to pay the cost within 30 days after date of mailing the statement the City Administrator shall, upon direction of the Council, extend the cost of the removal of snow, ice, dirt and rubbish as a special tax against the lots or parcels of ground charged with the cost under division (B) above and the special tax shall be certified to the County Auditor of Watonwan County for collection as other special taxes. (Ord. 4.20, passed 8-1-1955) Penalty, see § 10.99

§ 94.05 OBSTRUCTIONS OF THE STREETS AND DEPOSITS.

(A) *Permanent obstructions.* It shall be unlawful for any person, firm or corporation to place any permanent obstructions in the public streets of the City of Madelia in such a manner as to limit the free use of the public street by the public.

(B) *Prohibiting sales.* No vehicle, implement or other property may be left on a public street for the purpose of exhibiting the same for sale.

(C) *Limits on use of street.* No vehicle, trailer, building, barricade, implement, machinery, box, barrel, container or other obstructions shall be placed or allowed to stand in any street longer than is necessary for loading, unloading or delivering the same where applicable, or in any event for a period longer than 12 hours.

(D) *Permit.* The provisions of division (C) above shall not apply to any person placing an obstruction on the street who shall first obtain from the City Council a permit to place the obstruction in the public street. Application for the permit shall be made to the City Administrator and shall give all of the information required by the City Administrator. The City Council may appoint an agent to pass on the applications for a permit and when approved by the City Council or the agent the City Administrator shall issue the permit, including therein any restrictions thereon and limits on time imposed by the City Council or its agent.

(E) *Deposits on streets prohibited.* No person shall place or deposit or cause to be placed or deposited upon any street, alley, park or public

rounds in the City of Madelia any lumber, branches, dirt, stones, bricks, manure, ashes, paper, hay, straw, offal or rubbish of any kind or nature, or permit the same to be deposited on any street, alley, park or public grounds by falling from a vehicle containing the matter.

(Ord. 4.30, passed 8-1-1955) Penalty, see § 10.99

§ 94.06 LOADING, UNLOADING AND TRANSFER OF FREIGHT AND LIVESTOCK.

(A) *Definition of terms.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FREIGHT. Any property or commodity being transported for hire or under contract in any conveyances, truck or trailer or other vehicle by any individual, partnership or corporation.

LIVESTOCK. Any domestic animal being transported for hire or under contract in any conveyances, truck, trailer or other vehicle by any individual, partnership or corporation.

(B) *Loading and unloading of freight prohibited.*

(1) The loading and unloading of any freight upon or from any vehicle, or the transfer of freight from one vehicle to another upon any street, alley or public way within the City of Madelia between the hours of 12:00 midnight and 8:00 a.m., and between the hours of 9:00 p.m. and 12:00 midnight of any day is declared to be a nuisance and is hereby declared unlawful and is hereby prohibited.

(2) Nothing herein shall prevent the loading or unloading of freight during the hours due to break down of any conveyances.

(3) The City Council may, by resolution, designate places for loading or unloading freight during the hours and the provisions of this section

shall not apply to loading and unloading of freight at the designated places. The Council shall refuse to designate any place for loading or unloading where the loading or unloading will create a disturbance or traffic hazard.

(C) *Loading or transfer of livestock.*

(1) The loading of any livestock upon any vehicle or the transfer of any livestock from one vehicle to another upon any street, alley or public way within the City of Madelia is declared to be a nuisance and is hereby prohibited.

(2) Nothing herein shall prevent the loading or reloading of the animals that may be upon the street, alley or public way due to escape from any premises or from a vehicle, or due to the break down of any conveyances.

(3) The City Council may, by resolution, designate places for loading, unloading or transferring livestock provided that the loading, unloading or transferring at the designated places will not create a disturbance or traffic hazard.

(Ord. 4.50, passed 8-1-1955) Penalty, see § 10.99

CHAPTER 95: CRIME FREE MULTI HOUSING

Section

- 95.01 Program
- 95.02 Certification
- 95.03 Decertification
- 95.04 Background checks

(1) Attendance at and successful completion of the management training component which shall be shown by demonstrating an understanding of each of the following subject matter:

(a) The Crime Free Multi-Housing Program and ordinance.

(b) Rental applications and housing discrimination.

(c) Screening and background checks.

(d) Lease and lease addendums.

(e) Unlawful detainer and eviction.

(f) Manager/owner policies and roles.

(g) Data privacy.

(h) Narcotics and gangs.

(i) Section 8 housing.

(j) Rental licensing.

(2) Compliance with environmental crime prevention requirements by owners for their rental properties which are located within the corporate limits of the City of Madelia or in the case of a property manager, for all rental properties located

§ 95.01 PROGRAM.

The Crime Free Multi-Housing Program is a three-phase certification program for rental properties of all sizes, including single-family rental homes. The program is available to owners and property managers of rental properties located within the corporate limits of the City of Madelia. Necessary training and support of the program is designed to provide for ease of participation. The program is known to be effective in reducing criminal activity in rental properties. It is the policy of the City of Madelia to encourage active participation in the program by all rental property owners and property managers.

(Ord. 8.60, passed 3-14-2005)

§ 95.02 CERTIFICATION.

To obtain and maintain certification from the Madelia Police Department, a member of the Crime Free Multi-Housing Program, a rental property owner or property manager must:

(A) Successfully complete and implement all of the components of the Crime Free Multi-Housing Program within two years from the date of application to the program. The components of the program are:

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within the corporate limits of the City of Madelia that are managed by that property manager. Compliance shall be indicated by completion of the following requirements:

- (a) Single-cylinder deadbolt locks installed in each entry door for each dwelling unit.
 - (b) High-security strike plate with three-inch screws installed on each entry door for each dwelling unit.
 - (c) Door viewer: 180-degree peephole installed in primary entry door for each dwelling unit.
 - (d) Anti-lift/slide device installed on all windows and sliding glass doors.
 - (e) Security lighting adequate to illuminate exterior grounds.
 - (f) Landscaping in a manner that provides for visual sight lines.
 - (g) Visible address numbering installed.
 - (h) Compliance with all Fire and Building Code requirements.
- (3) At least once every 12 months make available, in cooperation with the Madelia Police Department, training for tenants in respect to the following subject areas:
- (a) The Crime Free Multi-Housing Program together with the concept of partnerships and sharing responsibilities.
 - (b) Crime concerns and prevention awareness techniques.
 - (c) Application of Neighborhood Watch program/principles.

(4) Include, implement, and enforce, as part of all written leases, the lease addendum for Crime Free/Drug Free Housing provided by the Madelia Police Department.

(B) Following successful completion of the program components described in § 95.01 above, attend annual retraining sessions and maintain compliance with all program components.

(C) Rental property owners who acquire additional rental properties following the successful completion of the program described in § 95.01 above must bring those properties into compliance within one year from the date of acquisition. Rental property managers who add additional properties for which they are responsible following the successful completion of the program described in § 95.01 above must bring those properties into compliance within one year from assumption of management responsibilities. (Ord. 8.60, passed 3-14-2005)

§ 95.03 DECERTIFICATION.

Owners or property managers who do not maintain compliance with the certification requirements set forth in § 95.02 above will lose their certification.

(A) Before this decertification occurs, the owner or property manager will be notified by regular mail postmarked at least ten days prior to the proposed date of decertification. The owner or property manager may appeal the decision to decertify by providing written notice to the Madelia Police Department within 15 days of the mailing of the decertification notice.

(B) No decertification shall occur following an appeal until the owner or property manager has been afforded an opportunity for hearing before an independent hearing officer. If the independent hearing officer finds the owner or property manager has not maintained compliance with the certification requirements set forth in § 95.02 above, the

independent hearing officer shall give written notice to the owner or property manager by certified mail within ten days of the hearing date, excluding intervening weekends and holidays, of such findings and recommendation to the City Council that the owner or property manager be decertified.

(C) Unless the owner or property manager appeals the decision of the independent hearing officer to the City Council within five days of issuance of the independent hearing officer's findings and recommendation, excluding intervening weekends and holidays, the City Council, at its next meeting shall decertify. If the owner or property manager shall appeal the independent hearing officer's decision upon a form provided by the Madelia Police Department within the time period set forth herein, the owner or property manager shall be afforded an opportunity to have the City Council review the independent hearing officer's findings and recommendation and either affirm the independent hearing officer's findings and recommendations that the owner or property manager should be decertified or to substitute its own findings that the owner or property manager is in compliance with the certification requirements.

(D) An owner or property manager who is decertified shall not be eligible to reapply for Crime Free Multi-Housing certification for a period of two years following the date of decertification.
(Ord. 8.60, passed 3-14-2005)

§ 95.04 BACKGROUND CHECKS.

(A) *Purpose.* The Madelia City Council has determined that the preservation of city neighborhoods is essential to the public health, safety and welfare of its citizens. Rental properties provide housing for a substantial percentage of the citizens of Madelia. Rental housing is the most densely populated of the city's neighborhoods. Consequently, persons residing in rental properties and engaging in criminal activity and disorderly conduct create a hostile environment for law abiding residents of rental properties and adjacent neighborhoods. Therefore, it is the declared purpose and intent of this section to protect the health

and safety of our citizens by providing a system at the local level for criminal history/background checks for prospective residents of rental property.

(B) *Prospective residents.* The Madelia Police Department may conduct local Minnesota and/or out of state criminal history/background checks on prospective residents in rental property in the City of Madelia upon request by the owner or manager of the rental property. Such request shall be on a form approved and provided by the Madelia Police Department. The applicant shall pay a fee established pursuant to appropriate resolution of the Madelia City Council. No such background check using the State Criminal Justice Information Systems Network and no information obtained from the CJIS shall be disseminated unless the landlord presents and informed consent/waiver form signed by the prospective residents. The informed consent/waiver form must meet the requirements of Minn. Stat. § 13.05, Subd. 4(d), as it may be amended from time to time.

(Ord. 8.60, passed 3-14-2005; Ord. 8.601, passed 9-12-2005)

