

CHAPTER IX

PUBLIC SAFETY

SECTION 900 – ANIMAL CONTROL

900.01. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. “Owner” means a person, group of persons, association, firm or corporation owning, harboring or keeping an animal.

Subd. 3. “At large” means off of lands owned or possessed by the owner and upon the public streets, sidewalks or other public or private property.

Subd. 4. “Vicious/dangerous animal” means an animal that has killed or severely injured a domestic animal without provocation while off the owner’s property, or an animal that has bitten or attacked a person without provocation.

900.02. Dogs and cats. Subdivision 1. License required.

- a) All dogs over the age of six months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog licenses shall be issued by the city upon payment of the license fee. The owner shall state, at the time application is made for the license and upon forms provided for such purpose, owner’s name and address and the name, breed, color, and sex of each dog owned or kept by owner. No license shall be granted for a dog which has not been vaccinated against distemper and rabies, as provided in this section. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the city shall complete a certificate of vaccination. One copy shall be issued to the dog owner for affixing to the license application.
- b) It shall be the duty of each owner of a dog subject to this section to pay to the city the license fee as imposed by the council by resolution.

- c) Upon payment of the license fee, the city shall issue to the owner a license certificate and metallic tag for each dog issued. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the city. A charge shall be made for each duplicate tag as imposed by the council by resolution. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period.
- d) The licensing provisions of this subdivision shall not apply to dogs whose owners are non-residents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor shall this provision apply to "seeing eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place. (Added, Ord. No. 28, Third Series)

Subd. 2. Cats. Cats shall be included as controlled by this subsection insofar as running-at-large, pick up, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this section shall also apply to cats unless otherwise provided. (Added, Ord. No. 28, Third Series)

900.03. Rabies vaccination required. It is unlawful to keep a dog or cat over six months in age within the city limits unless the owner has obtained a certificate from a qualified veterinarian showing the dog or cat has a current rabies vaccination. The owner must affix a permanent tag to the collar of a dog or cat, the tag must show the expiration date of the rabies vaccination.

900.05. Identification tag required for dogs and cats. The owner must affix a permanent identification tag to the collar of a dog or cat that contains the owner's name, address or telephone number, legibly printed. The tag must be worn at all times by the dog or cat.

900.07. Animals exempt. Sections 900.01 to 900.05 do not apply to small caged birds, caged rodents or aquatic or amphibian animals kept solely as pets.

900.09. Running at large. It is unlawful to permit an animal to run at large. An animal will not be considered to be running at large if the animal is under the control of a person, authorized by the owner, by means of a leash, chain, cord, or rope of not more than ten feet in length to an extent as not to annoy other persons or trespass or commit a nuisance upon public or private property.

900.11. Unlawful acts. Subdivision 1. Dangerous animals. It is unlawful for an owner to own or harbor an animal that:

- a) trespasses in a damaging way, or commits a nuisance on the property of persons other than the owner;

- b) runs or barks at pedestrians, bicyclists, vehicles, or other animals;
- c) is kept on the premises of the owner under such unsanitary conditions that the maintenance of keeping the animal creates odors to the annoyance of the public in the vicinity or in such a manner as to be conducive to the harboring of rats, mice, snakes, vermin or disease; or
- d) barks, cries, whimpers or creates a sound or noise to an extent to unreasonably annoy or injure the safety, health, comfort, or repose of members of the public.

Subd. 2. Number of animals. It is unlawful to keep in a residential unit or residential site more than three animals over six months of age without securing a permit from the city.

Subd. 3. It is unlawful to keep, maintain or harbor any of the following animals:

- a) An animal prohibited by Minnesota or federal law.
- b) A non-domesticated animal or species, including but not limited to the following:
 - (i) A skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.
 - (ii) A large cat of the family felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, or any hybrid including any of the abovementioned breeds, except commonly accepted domesticated house cats.
 - (iii) A member of the family canidae, such as wolves, foxes, coyotes, dingos and jackals, or any hybrid including any of the aforementioned breeds, except commonly accepted domesticated dogs.
 - (iv) A crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves.
 - (v) Any poisonous pit viper such as a rattlesnake, coral snake, water moccasin or cobra.
 - (vi) A raccoon.
 - (vii) A ferret.

- (viii) Bears and badgers and other non-domesticated animals not listed above.
- (ix) A vicious or dangerous animal.
- c) This subsection does not apply to animals that are temporarily brought into the city for purposes of participating in a circus or show and which are secured against contact with unauthorized persons or other animals.
- d) This section does not apply to animals which are to be used for educational purposes in association with a public or private school system.

900.13. Clean up. When any animal is walked on public property or on the private property of another, other than the owner, the owner must have in possession and must use a device to remove all fecal material from the animal and dispose of the material in a sanitary manner.

900.15. Raccoons. It is unlawful to feed raccoons. Residents must maintain animal-proof garbage containers and keep lids on containers at all times.

900.17. Animal in heat. A female dog or cat in heat must be confined by its owner in a building or secure enclosure in a manner that the female dog or cat cannot come into contact with another animal except for planned breeding.

900.19. Sales of chickens and ducks. A pet shop or other business may not sell chickens or ducklings younger than eight weeks of age in quantities of less than 25 to any individual. It is unlawful to keep chickens or ducklings younger than eight weeks of age in quantities of less than ten within the municipal limits.

900.21. Poundmaster. The council may designate the city law enforcement agency as poundmaster. The agency may designate an officer or some other person to serve as poundmaster. The agency must present to the council a financial statement of animal control expenses not less than once each year. A veterinarian or persons authorized by the council must maintain the pound or animals therein. The city administrator may use general funds to pay the veterinarian for the treatment of injured animals, if the owner cannot be found. The owner of an injured animal at the pound is liable for treatment costs.

900.23. Animal control warden. The council may designate the city law enforcement agency as animal control warden. The agency may designate an officer or some other person to serve as animal control warden.

900.25. Impounding. An animal found running at large in violation of this section may be picked up by any city employee. If a dog or cat has a tag showing a date of an expired rabies vaccination or no identification tag, the person picking up the animal must impound it. If the dog or cat has an identification tag and the tag shows the animal has a current rabies vaccination, the person picking up the animal must try to return the animal to the address on the tag if within the city limits. If it is not possible to return the animal to the owner, the animal may be impounded. An animal that has been impounded who has been critically injured may be destroyed by the poundmaster after reasonable attempts have been made to locate the animal's owner. An animal in the city that has been critically injured may be destroyed by a law enforcement officer or by a veterinarian.

900.27. Redemption. Upon picking up and impounding an animal, the enforcing officer or other authorized person must notify the owner thereof within 24 hours, if known. Any animal may be redeemed from the pound by the owner within five business days by payment to the city administrator of the board charge and control fee as set by council resolution. If a dog or cat does not have a current vaccination, the owner must have the animal vaccinated, at the owner's expense, before it is released from the pound. If an animal is unclaimed by the owner or if the owner fails to pay the costs specified above, after the five-day period, the animal may be humanely destroyed or claimed by persons other than the owner without payment of the costs specified above. The owner is liable for pound costs and board charges even though the animal may be destroyed or given to a person other than the owner after the five-day period.

900.29. Release. Upon the presentation of a receipt from the city administrator for full payment of the control fee and board charge, the poundmaster or the poundmaster's agent will release the animal to the owner during regular designated hours.

900.31. Quarantine for biting animals. Animal bites must be reported to the law enforcement agency. An animal that has bitten a person must be confined at the owner's home if current rabies vaccination proof exists. Such animal must be securely confined within a building so that it cannot come in contact with persons or other animals. The animal may not be removed from the city without permission of the animal warden. If any appearance of sickness, or if death of the animal occurs during the quarantine, the owner must notify the police department immediately. An animal kept at home must be checked by a veterinarian before it is released. The city may inspect the animal to see if the animal is being quarantined. If no proof of current rabies vaccination exists, the animal may be impounded at an approved facility at the owner's expense. If a vaccinated animal that is confined at home or impounded show signs of rabies on the tenth day of quarantine, the quarantine period may be extended an additional period of time as determined by the animal control warden or person making the inspection.

900.33. Animal abuse. In any case where animal abuse is brought to the courts, state law in this area governs.

900.35. Penalty. Violation of this section is a petty misdemeanor and violators may be fined an amount set by the council from time to time, unless the offense carries a heavier penalty under the law, in which case state law governs.

900.37. Fees. Fees for tags and permits under this section are set by appendix I.

SECTION 905 – OPEN BURNING

905.01. Burning prohibited except by special permit. Open burning is hereby prohibited within the city limits except that the city may allow open burning by special permit in accordance with conditions set forth in this section. A person desiring a special permit must apply for the same to the city council on a form as prescribed by the city administrator, and pay the fee set by appendix I.

905.03. Limits and conditions. Burning is permitted during daylight hours only. Burning is not permitted in streets or on other public property.

905.05. Supervision. Fires must be attended by a person of suitable age and discretion.

905.07. Alerts. Burning may not take place during an air pollution alert, warning or emergency declared by the pollution control agency. Burning may not take place during a fire danger alert declared by the fire chief for the city of Kenyon or by the commissioner of the Minnesota department of natural resources.

905.09. Containment. It is unlawful to ignite or maintain a fire permitted by this section or authorize a fire to be ignited or maintained on any private land unless the fire is contained in an approved waste burner located safely not less than 15 feet from any structure.

SECTION 910 - CURFEW

910.01. Policy. Subdivision 1. The city council has determined that there has been an increase in juvenile crime by persons under the age of 17 in the city.

Subd. 2. Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crimes.

Subd. 3. The city has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

Subd. 4. A curfew for those under the age of 17 will be in the interest of the public health, safety and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the city.

910.03. Curfew. Subdivision 1. Definitions. For the purposes of this section, the terms defined have the meanings given them:

Subd. 2. Curfew hours. 11:00 p.m. to 6:00 a.m. every day of the week.

Subd. 3. Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Subd. 4. Establishment. Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Subd. 5. Guardian.

- a) A person who, under court order, is the guardian of the person of a minor; or
- b) A public or private agency with whom a minor has been placed by a court.

Subd. 6. Minor. A person under 17 years of age.

Subd. 7. Operator. A person operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Subd. 8. Parent. A person who is:

- a) A natural parent, adoptive parent, or step-parent of another person; or
- b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

Subd. 9. Public place. A place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, sidewalks, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Subd. 10. Remain.

- a) To linger or stay; or
- b) To fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

910.05. Restrictions. Subdivision 1. It is unlawful for a minor to remain in a public place or on the premises of any establishment within the city during curfew hours.

Subd. 2. It is unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control, allow the minor to remain in a public place or on the premises of an establishment within the city during curfew hours. The term “knowingly” includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of that parent or guardian.

Subd. 3. It is unlawful for an owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours unless the owner, operator or employee promptly notified the police of the presence of the minor and the minor refused to leave.

910.07. Exceptions. Subdivision 1. The following are exceptions to the operation of the curfew.

Subd. 2. The minor was accompanied by the minor’s parent or guardian.

Subd. 3. The minor was on an errand at the direction of the minor’s parent or guardian, without any detour or stop.

Subd. 4. The minor was in a motor vehicle involved in interstate travel.

Subd. 5. The minor was engaged in an employment activity, or going or returning home from an employment activity, without any detour or stop.

Subd. 6. The minor was involved in an emergency.

Subd. 7. The minor was on the sidewalk abutting the minor’s residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor’s presence.

Subd. 8. The minor was attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor.

Subd. 9. The minor is married or had been married in a ceremony recognized as legal by the state of Minnesota.

910.09. Enforcement. Before taking any enforcement action under this section, a police officer must ask the apparent offender's age and reason for being in the public place. The officer will not issue a citation or make an arrest under this section unless the officer has probable cause to believe that an offense has occurred and that, based on any response and other circumstances, the exceptions listed in subsection 910.07 do not apply.

SECTION 915 – CIVIL DEFENSE

915.01. Model ordinance adopted. The model municipal civil defense ordinance set forth as appendix no. 6 to municipal prototype plan of the Minnesota survival plan prepared and published by the state of Minnesota, Department of Civil Defense, three copies of which model ordinance are on file in the office of the city administrator, is adopted as the civil defense ordinance of the city. Every provision contained in the model ordinance is hereby adopted and made a part of this code as fully as if set forth herein.

SECTION 920 – REPEAT NUISANCE SERVICE CALLS

(Added, Ord. No. 71, Third Series)

920.01. Purpose. The purpose of this section is to protect the public safety, health, and welfare and to prevent and abate repeat response calls by the city to the same property or location for nuisance service calls, as defined herein, which prevent or hinder responses by the city to others requiring police or public safety services.

It is the intent of the city by the adoption of this section to impose and collect repeat nuisance service call fees from the owner or occupant, or both, of property to which city officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the city. The repeat nuisance service call fee is intended to cover that cost over and above the cost of providing normal law or code enforcement services and police protection city-wide.

This section shall apply to all owners and occupants of private property which are the subject or location of a repeat nuisance service call response by the city. This section shall apply to any repeat nuisance service calls made by a Kenyon police officer, firefighter, or code enforcement officer.

920.03. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "Nuisance service call" means any activity, conduct, or condition occurring upon private property within the city which the city is required to respond that:

- a) Unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any member of the public; or
- b) Will, or will tend to, alarm, anger, or disturb others or provoke breach of the peace, including, but not limited to, the following:
 - 1) Any activity, conduct, or condition deemed as a public nuisance under any provision of the city code;
 - 2) Any activity, conduct, or condition in violation of any provision of the city code;
 - 3) Any activity, conduct, or condition constituting a violation of Minnesota state laws prohibiting or regulating prostitution, gambling, controlled substances, or use of firearms; and
 - 4) Any activity, conduct, or condition constituting disorderly conduct under Chapter 609 of the Minnesota Statutes.

920.05. Service call fee. The city may impose a repeat nuisance service call fee upon the owner or occupant of private property if there have been three or more nuisance service calls within a period of 365 days. The repeat nuisance service call fee to be charged shall be an amount set forth by city council resolution.

920.07. Delinquent payment of repeat nuisance service call fees. All repeat nuisance service call fees imposed and charged against the owner or occupant under this section shall be deemed delinquent 30 days after the date of the city notice. Delinquent payments are subject to a 10 percent late penalty of the amount due. Failure to pay repeat nuisance service call fees will result in the service fee plus late penalties being charged to the property owner's property taxes as authorized pursuant to Minnesota Statutes Sections 429.101, 415.01, 366.011, and 366.012. In cases where the city issues a license that is related to the property, failure to pay service call fees shall result in the city not issuing a license until the fees are paid in full.

920.09. Written notice of imposition of repeat nuisance service call fee. No repeat nuisance service call fee may be imposed against an owner or occupant of property without first providing the owner or occupant with written notice of the city's intent to impose a repeat nuisance service call fee. The written notice shall:

- a) State the nuisance conduct, activities, or conditions that have occurred or are being maintained or permitted on the property and the dates of the nuisance conduct, activities, or conditions;
- b) Be personally delivered or delivered by U.S. Mail to occupant and the owner of the property;
- c) State that the owner or occupant has the right to request a hearing before the city council on the repeat nuisance service calls and that a hearing may be requested by filing a written request for hearing with the city administrator within seven business days of the date of the notice.

920.11. Hearing. If a hearing is requested, the city administrator shall schedule a hearing before the city council and notify the requester of the hearing date and time. At the hearing, the requester shall be given the opportunity to address the city council and present any evidence or witnesses that he or she deems necessary. The city council shall make a decision as to whether or not the repeat nuisance service call is warranted. A copy of the city council's decision shall be provided to the requester of the hearing. An owner or occupant's right to a hearing shall be deemed waived if he or she fails to file a written request for hearing as required herein or fails to appear at the scheduled hearing. Upon waiver of the right to hearing, or upon receipt of the city council's decision that the repeat nuisance service call fee is warranted hereunder, the owner or occupant shall immediately pay the fee imposed.

920.13. No limitation. Nothing in this section shall be construed to limit the city's other available civil, criminal, injunctive, or other legal remedies for any violation of the law, which may constitute a nuisance service call hereunder.