

## CHAPTER V: MUNICIPAL REGULATION AND LICENSING

### PART I. GENERAL LICENSING AND PERMIT PROVISIONS

501.01. LICENSES AND PERMITS: Subdivision 1. GENERAL RULE: Except as otherwise provided in this code, all licenses and permits granted by the city shall be governed by the provisions of this part.

Subd. 2. ACTS PROHIBITED: No person shall conduct any activity or use any property for which a license or permit is required by law or this code without a currently valid license or permit for such activity or use.

Subd. 3. APPLICATION: Every application for a license shall be made to the clerk on a form(s) provided. It shall be accompanied by payment to the clerk or the prescribed fee. If, after investigation, the clerk is satisfied that all requirements of law and this code have been met, he shall be present the application to the council for action or, if the license or permit does not require council approval, he shall issue the license or permit.

Subd. 4. BOND: Where a bond is required for any license or permit, the bond shall be a corporate bond executed on a form approved by the city attorney and shall be filed with the clerk before the license or permit is issued. Except where otherwise provided, a bond shall be determined by the council on a case by case basis, and shall be conditioned that the license or permittee shall comply with the applicable ordinance and laws pertaining to the licensed or permitted activity and that the licensee or permittee will indemnify the city and save it harmless from all loss or damage by reason or accident caused by the negligence of the licensee or permittee, his agents or employees.

Subd. 5. INSURANCE:

A. When a licensee or permittee is required to have in force a policy of insurance, the policy shall be approved as to substance and form by the city attorney. The policy shall provide that it is non-cancelable without 15 days' notice to the city, and the coverage shall be for the term of the license or permit.

Satisfactory evidence of coverage by insurance shall be filed with the clerk before the license or permit is issued. Each license or permit shall terminate upon termination of the required insurance coverage.

B. Insurance requirements as follows:

1. The minimum amount of insurance required for injury to any one person shall be \$200,000.
2. The minimum amount of insurance required for injury to two or more persons shall be \$500,000.
3. The minimum amount of insurance required for property damage shall be \$100,000.
4. The Council shall decide on a case by case basis if insurance above the minimum amounts is required. If so decided, the licensee or permittee must comply with this requirement.

501.02. FEES: Subdivision 1. FEES ESTABLISHED: License fees are in the amounts established in the governing sections of this chapter or as otherwise provided in this code. The license and permit fees as set forth in various sections of this code are the official and controlling provisions.

Subd. 2. PRORATED FEES: License fees shall be prorated as follows: if the initial license is to run for less than a full year, the applicant shall pay a pro rata fee, with any unexpired fraction of a month being counted as one month.

Subd. 3. REFUNDS: License fees shall not be refunded in whole or in part unless otherwise specified by this code or law.

501.03. DURATION OF LICENSE: Unless otherwise specified, a license shall be valid for a calendar year or the part of the year for which it is issued and shall expire on December 31.

501.04. TRANSFER: No license issued under this code may be transferred to any other person. Where a license relates to specific premises, the license shall not be changed to another location without approval of the council or other licensing authority.

5. INSPECTION: Subdivision 1. AUTHORIZED PERSONNEL: Any city official or employee having a duty to perform with reference to a license under this code and any police officer may inspect and examine any licensee, his/her business, or premises to enforce compliance with applicable provisions of this code. Subject to the provisions of Subd. 2., he/she may, at any reasonable time, enter any licensed premises or premises for which a license is required in order to enforce compliance with this code.

501.06. DUTIES OF LICENSEE: Subdivision 1. COMPLIANCE REQUIRED: Every licensee and permittee shall have the duties set forth in this section.

Subd. 2. COMPLIANCE WITH LAW: He/she shall comply with laws, ordinances, and regulations applicable to the licensed business, activity, or property.

Subd. 3. DISPLAY OF LICENSE: He/she shall display the license or other insignia given him/her as evidence of the license in a conspicuous place on the premises, vehicle, or device to which the license relates. If the license is not so related, the license shall be carried on the licensee's person whenever he/she is carrying on the licensed activity.

Subd. 4. UNLAWFUL DISPOSITION: The licensee shall not lend or give to any other person his license or license insignia.

501.07. SUSPENSION OR REVOCATION: No person shall have a vested right in any license or permit, and the license or permit may be suspended or revoked by the council at any time upon a showing that (M.S. 507.07, p. 103) 1) any misrepresentation has been made in the application or in any report required of the licensee or permittee; 2) the licensee or permittee has violated or caused to be violated any provision of this ordinance or the applicable State law.

Subd. 2. HEARING: Except where State statutes provide for mandatory revocation without notice and hearing, and except where State statutes provide for suspension without notice and hearing, the holder of a license or permit shall be granted a hearing as provided by the State of Minnesota Administrative Procedure Act.

## PART II. REFUSE/RECYCLING COLLECTION AND DISPOSAL.

502.01. DEFINITIONS: Subdivision 1. WORDS AND PHRASES: For the purpose of this chapter, the following words have the meanings given them in this section.

Subd. 2. GARBAGE: Garbage means organic waste resulting from the preparation of food and decayed and spoiled food from any source.

Subd. 3. RECYCLABLES: Recyclables shall mean the types of materials included on the collection list, which would normally be discarded, but with proper separation and preparation can be processed for reuse.

Subd. 4. REFUSE: Refuse shall mean waste, garbage, and rubbish of all kinds that accumulate in the ordinary operation of a household, commercial, or industrial establishment.

Subd. 5. PLACE OR PREMISES: Place or premises shall mean any dwelling houses; dwelling unit; apartment house or mobile home; retail store; restaurant; rooming house; department store; manufacturing, processing or assembling shop or plant; warehouse; and every other place or premises where any person resides or any business is carried on or conducted in the City of Henderson.

Subd. 6. RESIDENTIAL UNITS:

- A. Family residential units: Family residential unit shall mean any residential unit in which two (2) or more persons reside.
- B. Single residential unit: Single residential unit shall mean any residential unit in which one (1) person, and only one (1) person, resides.
- C. Senior Residential Unit: Senior Residential Unit shall mean any residential unit in which the head of the household or their spouse is sixty-two (62) years of age or older, and wherein a total of not more than three (3) persons reside.

Subd. 7. SITE: Site shall mean an approved sanitary land fill waste disposal site and systems, established according to standards adopted by the State of Minnesota, to which refuse shall be transported and disposed of.

Subd. 8. PERSON: Person shall mean and include any natural person, corporation, firm, or association.

Subd. 9. COMPULSORY DISPOSAL LIST: The Compulsory Disposal List shall mean the list of persons within the City of Henderson, who, by the provisions of this ordinance, are required to pay a monthly unit service fee for the collection, transportation, and disposal of refuse.

Subd. 10. UNIT SERVICE FEE: Unit service fee shall mean that monthly charge made to owners and occupants of residential property.

Subd. 11. MULTIPLE RESIDENCES: Multiple Residences shall mean any single structure containing any two (2) or more dwelling units.

Subd. 12. CONTRACTOR: Contractor shall mean the City of Henderson or any person, firm, or corporation with whom the city shall contract for the collection, transportation, and disposal of refuse and/or recyclables.

Subd. 13. FACILITY: Facility shall mean the recycling processing facility operated by Waste Management, Inc. which is provided by virtue of a contract between Waste Management, Inc. and the Tri-County Joint Powers Solid Waste Board.

Subd. 14. HOUSEHOLD: Household shall mean any residential unit within the city limits without distinction as to the age or number of persons residing.

Subd. 15. Toter: Toter shall mean the container in which the recyclables are stored and placed at the curb for collection.

Subd. 16. YARD WASTE: Yard waste shall mean all plant material generated from homeowners' lawn, trees, and brush.

502.02. GENERAL REGULATIONS: Subdivision 1. UNAUTHORIZED ACCUMULATION: Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

Subd.2. REFUSE IN STREETS, ECT: No person shall place any refuse in any street, alley, or public place or upon any private property except in proper containers for collection. No person shall throw or deposit refuse in any stream or other body of water.

Subd. 3. SCATTERING OF REFUSE: No person shall deposit anywhere within the city any refuse in such manner that it may be carried or deposited by the elements upon any public or private premises within the city.

Subd. 4. BURYING OF REFUSE – COMPOSING: No person shall bury and refuse in the city except in an approved sanitary landfill, but leaves, grass clippings, and easily biodegradable, non-poisonous garbage may be composted on the premises where such refuse has been accumulated. Garbage may be composted only in a rodent-proof structure and in an otherwise sanitary manner and after the council (health officer) gives its approval to such composting after it (he) finds that the composting will be done in accordance with these standards.

Subd. 5. BURNING: Except as herein otherwise provided, it shall be unlawful for any person within the City of Henderson to cause, allow, or permit open burning. Open burning shall be defined in

accordance with the Minnesota Pollution Control Agency rules and regulations restricting open burning. At present the definition is "the burning of any matter whereby the resultant combustion products are directly emitted to the atmosphere without passing through an adequate stack, duct, or chimney.

A. A permit issued by the fire chief of the city or the Minnesota Pollution Control Agency pursuant to PCA regulations 7005.0700 to 7005.0820 shall be required for any person, business, or corporation needing an exception to this ordinance.

502.03. DISPOSAL REQUIRED: Every person shall dispose of refuse that may accumulate upon property owned or occupied by him, in a sanitary manner. Garbage shall be collected, or otherwise lawfully disposed of, at least once each week during the year.

502.04. CONTAINERS: Subdivision 1. GENERAL REQUIREMENTS: Every household, occupant, or owner of any residence and any restaurant, industrial establishment, or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections. All normal accumulations of refuse shall be deposited in such containers.

Subd. 2. CONTAINERS REQUIREMENTS: Each container shall be water-tight, shall be impervious to insects and rodents, shall be fireproof, and shall not exceed 90 gallons in capacity, except that any commercial or business establishment or club shall provide bulk or box-type refuse storage containers. Containers shall be maintained in good and sanitary conditions. Any containers not conforming to the requirements of this chapter or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city.

Subd. 3. PLACEMENT: Where any alley open to traffic is available, each container for premises abutting the alley shall be placed at the rear of the property next to the alley, where no alley exists, the container shall be placed near the rear door of the building to which it relates. In that case, the container shall be placed at the front line for collection but it shall not be so placed before 6:00 P.M. the night before collection and shall be removed by 9:00 P.M. the day of collection.

Owners and occupants of residential property shall keep their premises free from undue accumulation of snow so as not to interfere with collection. Wherever such accumulation exists, collections will not be made.

Subd. 4. USE OF CONTAINERS: Refuse shall be drained of liquid and household garbage shall be wrapped before being deposited in a container.

502.05. CONTRACT FOR REFUSE/RECYCLING COLLECTION: Subdivision 1. COUNCIL TO LET CONTRACT: Subject to the provisions of this part, the council shall grant by contract in accordance with the law the authority to collect and dispose of all refuse originating within the city. The City Administrator shall prepare specifications for advertising for proposals for such contract and he shall see that when let, the contract is executed in accordance with its terms and this part. If the council deems it advisable, it may divide the city into districts and let a separate contract for the collection of refuse in each district. It may also let a contract for the pickup of certain recyclables.

Subd. 2. LIABILITY INSURANCE: It shall be a condition of the contract that the applicant files with the city administrator a current policy of public liability insurance.

Subd. 3. CONTRACT COLLECTOR: No person shall collect refuse within the City of Henderson unless said person holds a contract with the city. No person shall permit refuse to be picked up from to be picked up from his premises except by such contractor.

502.06. RATES AND CHARGES: Subdivision 1. SCHEDULE: The council shall, by resolution, establish a system of service charges for refuse and recycling collection. In such resolution it shall fix the maximum charges, including any special charges for hauling or collecting from an excessive number of containers and classify users of the service according to the type of occupancy and number of collections per week. The owner or occupant of any premises served by a city refuse or recycling collection contractor shall pay to the city a service charge assessed in accordance with the following schedule:

A. There is hereby established within the City of Henderson a compulsory residential list that shall include every residential dwelling wherein there would normally accumulate refuse, as defined herein, in the operation of a household.

B. All persons whose names are included in the compulsory residential list shall be charged a monthly unit service fee for the collection, transportation, and disposal of refuse and recyclables.

Any person desiring additional service shall be charged costs added by the hauler for such service as a unit service fee. The unit service fee, plus additional charge, if any, shall be established, from time to time, by resolution of the City Council. The recycling fee is based on once per week pickup on the toter.

Subd. 2. BILLING: The service charge shall be made to the owner or occupant of each building or housing unit served. If the building is served by city water or sewer, the refuse and recycling collection charge shall be billed as a separate entry on the water or sewer bill. If the premises are not so served, the refuse/recycling collection charge shall be separately billed by the city clerk. The Council shall, from time to time (at least once a year), establish rates for refuse/recycling collection, by resolution.

Subd. 3. PAYMENT: Fees as provided herein for collection, transportation, and disposal service shall be billed and collected by the City of Henderson as a part of the municipal water billings. Service charges shall be charged to the owner or occupant of the premises served and shall be payable on or before the 20th day of each month. In case such service charge is not paid within twenty (20) days after the same shall become due, the city clerk shall add one (1) percent to the charge bill and collect the same. As soon as possible after November 1st of each year, the city clerk shall prepare an assessment for such unpaid garbage and refuse collection charges. The city clerk shall certify such assessment to the county auditor for collection in accordance with the law.

Subd. 4. FUND: All service charges shall be deposited in the general fund to be used for payment for payment for refuse and recycling collection.

502.07. REFUSE/RECYCLING COLLECTION SCHEDULE: Collection of refuse/recycling from all residential units shall be made once weekly during each and every week of the year, subject to change by the city council of the city of Henderson. The pickup schedule will be as follows: Tuesday - both sides of town for residential pick-up. All refuse and recycling containers shall be placed at point of pickup by the resident not later than 7:00 o'clock A.M. on the collection day.

The City of Henderson shall establish a weekly collection schedule which by contract (with the contractor) shall specify the day or days on which collection shall be made from the particular residential unit. Owners and occupants of residential units shall familiarize themselves with such schedule and keep refuse and/or recyclable available for collection, and in such manner so as not to constitute a health or safety hazard to the community.

502.08. COLLECTION VEHICLES: Every refuse/recycling collection vehicle shall be lettered on the outside to identify the license (contractor). Every vehicle used for hauling garbage shall be covered, leak-proof, durable, and of easily cleanable construction. Every vehicle used for hauling refuse shall be

sufficiently airtight, and so used as to prevent unreasonable quantities of dust, paper, or other collected materials as to escape. Every vehicle shall be kept clean to prevent nuisances, pollution, or insect breeding, and shall be maintained in good repair.

502.09. VIOLATION: Any person violating any provision of the ordinance shall be guilty of a misdemeanor.

Each act of violation shall constitute a misdemeanor and each act of violation and each day a violation occurs or continues constitutes a separate offense.

### PART III. DOGS.

503.01. DEFINITIONS:

A. OWNER: Any person, firm, partnership, organization, department or corporation possessing, harboring, keeping, or having an interest in, or having care, custody, or control of a dog or dogs.

B. ANIMAL SHELTER: Any premises designated by the city council for the purpose of impounding and caring for dogs under authority of this ordinance.

C. OFFICER: Any law enforcement officer of the city and persons designated by the city to assist in the enforcement of this ordinance.

503.02. RUNNING AT LARGE PROHIBITION: No dogs shall be permitted to run at large within the limits of the city. This restriction does not prohibit the appearance of any dog upon streets or public property when the dog is on a leash and is kept under control of the person in charge with its care.

503.03. LICENSES: Subdivision 1. LICENSE REQUIRED: No person shall keep any dog over 4 months of age within the city without securing an annual license therefor from the clerk, who shall keep a record of all licenses issued and shall issue a metal tag for each license. Applications for license shall be made on forms prescribed by the city clerk, which form shall set forth; (1) the name and address of owner, and (2) the name and address of the person making application, if other than the owner, and (3) the breed, sex, and age of the dog for which a license is sought. No license shall be issued to any person other than the owner except upon the written request of the owner.

Subd. 2. LICENSE FEES; EXPIRATION: The annual license fee shall be \$5.00 plus cost of tag and license for each male and female dog. Every license shall expire 1 year from date of issue.

Subd. 3. RABIES VACCINATION: Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog to be licensed has been given a vaccination against rabies within the time hereinafter specified.

No license shall be issued for a spayed female dog unless the shall be filed with the application for a license a written statement of a licensed veterinarian to the effect that such a dog has been spayed or otherwise rendered sterile.

Subd. 4. AFFIXING TAG: The owner shall permanently affix the tag to the collar of the dog so licensed in such a manner that the tag may be easily seen. The owner shall see that the tag is constantly worn by the dog.

503.04. DOG NUISANCES: The owner or custodian of any dog shall prevent the dog from committing in the city any act that constitutes a nuisance. It is nuisance for any dog to habitually or frequently bark or cry at night, to frequent school grounds, parks, or public beaches, to chase vehicles, to molest or annoy any person away from the property of his owner or custodian, or to damage, defile, or destroy public or private property. Failure of the owner or custodian of a dog to prevent the dog from committing such a nuisance is a violation of this ordinance.

503.05. CONFINEMENT OF CERTAIN DOGS: Every female dog in heat shall be confined in a building or other secure enclosure in such manner that it cannot come into contact with another dog, except for planned breeding.

503.06. QUARANTINE OF CERTAIN DOGS: Whenever any dog bites a person, the owner of such dog or the person so bitten shall immediately notify the Chief of Police (or officer on duty in the event the Police Chief is not available) who shall order the owner to strictly confine the dog on the owner's premises or other suitable place or veterinarian hospital or animal shall be securely confined and kept from contact with any other animal. At the discretion of the police chief requires other confinement, the owner shall, at his own expense, place it in a veterinary hospital. The dog shall be examined by a veterinarian certifies the dog is then free from clinical evidence of rabies, the dog shall then be released to the owner, and the period of confinement shall end. If the dog dies during the period of confinement, it shall be the responsibility of the public health officer of the City of Henderson to make arrangements with the Public Health Department of the State of Minnesota for proper investigation and examination to determine whether or not such dog was suffering from rabies.

Cost of examination of dogs provided for under this Section shall be borne by the owner of the dog. Failure to pay such cost by the owner of said dog within thirty (30) days after receipt of a billing therefore shall be deemed to be a violation of the Article.

503.07. MUZZLING PROCLAMATION: Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the council shall issue a proclamation ordering every person owning or keeping a dog to muzzle securely so that it cannot bite. No person shall violate such proclamation and any unmuzzled dog restrained during the time fixed in the proclamation shall be subject to impoundment, and the owner of such dog shall be subject to the penalty hereinafter provided.

503.08. IMPOUNDING: Subdivision 1. POLICE TO IMPOUND: Any dog found unlicensed or running at large contrary to the provisions of this ordinance may be impounded in a veterinary facility, or boarding facility. Notice of the impoundment shall be in accordance with Subdivisions (2) or (4) of this section. If the owner or lawful possessor of the animal has not claimed the animal within 10 days after such notice, the not claimed animal is abandoned and the owner has no further rights or claim to the animal.

A. The police officer impounding any dog shall follow these guidelines:

1. Animals shall not be transported in a police car.
2. An officer is not required to pick up any animal unless the officer determines that the animal is injured or poses a threat to the safety of the residents.
3. If an animal is identified as belonging to a resident of the City of Henderson, an attempt shall be made to deliver the animal to the resident or notify the resident prior to impounding. However, the officer shall always retain the right to ticket such resident for violation of the provisions of this ordinance.

Subd. 2. NOTICE OF IMPOUNDMENT: The notice required under subdivision 1 shall be given by the veterinarian, boarding facility or police officer to the owner or the owner's agent at the person's last known address by certified mail, return receipt requested, or may be served upon the owner or owner's agent in the manner that a summons is served in a civil court action in the district courts. The notice must notify the owner or owner's agent that the animal may be redeemed by paying all prior expenses incurred within ten days or the animal is abandoned and will be disposed of in accordance with this subdivision.

Subd. 3. DISPOSITION: If the animal is not claimed within ten days the veterinarian or boarding facility becomes the owner of the animal and the animal may be disposed of as they consider proper. Upon the veterinarian or boarding facility becoming the owner of the animal, the veterinarian or boarding facility is relieved of any liability for disposal of the animal.

Subd. 4. ADDITIONAL NOTICE: If the notice under Subd. 2 is not given to the owner or owner's agent, or if the address of the owner or owner's agent is not known, notice must be given by the veterinarian, boarding facility or police officer by publishing one notice in a legal newspaper circulated in the county where the animal was delivered to the veterinarian or boarding facility not less than ten days before the animal is to become the property of the veterinarian or boarding facility under Subd, 3. The published notice must contain the information required in Subd. 2.

Subd. 5. Notwithstanding this section, the owner of an impounded dog shall remain subject to all other penalties in this ordinance.

503.09. PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS: Subdivision 1. COMPLAINT MADE: Sworn complaint to a court or proper jurisdiction that any one of the following exists:

- A. That any dog at any time has destroyed property or habitually trespasses in a damaging manner on the property or person other than the owner;
- B. That any dog at any time has attacked or bitten a person outside the owner or custodian's premises;
- C. That any dog is a public nuisance as heretofore defined; or
- D. That any dog is vicious or show vicious habits or molests pedestrians or interferes with vehicles in the public streets or highways; or that;
- E. Any dog is running at large in violation of this chapter; the presiding officer of said court shall issue a summons directed to the owner of said dog commanding him to appear before said court to show cause why said dog should not be seized by any police officer, or otherwise disposed of in the manner authorized in this ordinance. such summons shall be returnable not less than two nor more than six days from the date thereof and shall be served at hearing and finding the facts true as complained or, the court may either order the dog killed or order the owner or custodian to keep it confined in a designated place. If the owner or custodian violates such order provisions of this chapter.

Costs of the proceeding specified by this section shall be assessed against the owner or custodian of the dog, if the facts in the complaint are found to be true, or to the complaint, if the facts are found to be untrue.

Subd. 2. SUMMARY DESTRUCTION OF CERTAIN DOGS: Whenever an officer has reasonable cause to believe that a particular dog presents a clear and immediate danger to residents of the city because it is infected with rabies (hydrophobia) or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such dog, may summarily destroy such dog.

503.10. OWNER'S OBLIGATION FOR PROPER CARE: No owner shall fail to provide any animal with sufficient good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. No person shall beat, treat cruelly, torment, or otherwise abuse any animal, or cause or permit any dog fight. No owner of a dog shall abandon such animal.

503.11. APPOINTMENT OF OFFICERS: The city council may from time to time appoint such persons as may be necessary to assist the police officer of the city in the enforcement of this ordinance. Such persons shall have police powers insofar as in necessary to enforce this ordinance and no person shall interfere with, hinder, or molest them in the exercise of such powers.



503.12. NON-RESIDENTS: The sections of this ordinance requiring a license shall not apply to non-residents of this city, provided that dogs of such owners shall not be kept in the city longer than thirty (30) days without a license and shall be kept under restraint.

503.13. DANGEROUS DOGS: The definition and provisions pertaining to regulations of dangerous dogs contained in Minnesota Statutes 347.50 to 347.54 are adapted reference. In addition, the owner of a dangerous dog shall provide a copy of the certificate of registration issued by the county to the City within two (2) days of its issuance.

503.14. PENALTY: Any person keeping a dog without a license or allowing a dog under his or her control to run at large is guilty of a misdemeanor. Any owner found guilty of violating any other provision this ordinance shall be guilty of a misdemeanor and shall be punished in accordance with the laws of the state for misdemeanors.

#### PART IV. OTHER ANIMALS

504.01. GENERAL PROHIBITION: No person shall keep any horse, cattle, pigs, sheep, or goat in the city, or permit such animal to be kept on premises owned, occupied, or controlled by him except under the conditions prescribed by this chapter.

504.02. AREAS WHERE KEEPING PROHIBITED: No horse, cattle, sheep, pigs, or goat shall be kept in the city without a license or permit for the city council except within the agricultural zone.

504.03. ANIMALS AT LARGE: No person shall permit any animal of which he is the owner, caretaker, or custodian to be at large within the city. Any such animal is deemed to be at large when it is off the premises owned or rented by the owner or his agent and not under his individual restraint.

504.04. DISEASED ANIMALS: Any animal with a contagious disease shall be so confined that it cannot come within 50 feet of any public roadway or any place where animals belonging to harbored by another person are kept.

504.05. MANNER OF KEEPING: No person shall keep any dog, cat, or other animal in the city in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a disturbance by reason of barking, howling, fighting, or other noise or in such a way as to permit the animal to annoy, injure, or endanger any person or property.

504.06. CARE OF PREMISES: Subdivision 1. CLEAN SHELTERS: Every structure and yard in which animals or fowl are kept shall be maintained in a clean and sanitary condition and free of all rodents, vermin, and objectionable odors. The interior walls, ceilings, floors, partitions, and appurtenances of any such structure shall be whitewashed or painted as the health officer shall direct. Upon the complaint of any individual or otherwise, the health officer shall inspect such structure or yard and issue any such order as may be reasonably necessary to carry out the provisions of Part 4.

Subd. 2. MANURE: Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies, at least once per month from October 1 to May 1 each year and once every two weeks at other times. Unless used for fertilizer, manure shall be removed by hauling beyond the city limits. If used for fertilizer, manure shall be spread upon the ground evenly and turned at once or as soon as the frost leaves the ground.

504.07. IMPOUNDING: Subdivision 1. WHO IMPOUNDS: Any police officer may take up and impound in the city pound any animal found running at large in violation of this chapter and shall provide proper sustenance for every animal impounded.

Subd. 2. NOTICE: Within 24 hours after any animal has been impounded, the pound master shall post notices in three conspicuous places in the city, one of them at the pound, describing the animal and stating that it has been impounded. He shall also make a reasonable attempt to give oral or written notice to the owner where known.

Subd. 3. RELEASE: No animal impounded shall be released except to a person displaying a receipt showing payment of the impounding fee of the sale price.

Subd. 4. FEES: The fee for impounding shall be \$10.00 plus payment of the cost of food and shelter and any emergency medical costs provided by the pound.

Subd. 5. SALE: If any impounded animal is not redeemed within six days the pound master shall give an additional three-day posted notice, as provided in Subdivision 2, of the time and place and where the animal shall be sold.

Subd. 6. PROCEEDS OF SALE: The clerk shall turn over the proceeds of such sale to the treasurer. The treasurer shall pay the pound master the costs of impounding. The balance shall be paid, on order of the council, to the owner of the animal if claimed within one year from the date of sale; otherwise, it shall be forfeited to the city.

Subd. 7. ILLEGAL RELEASE: Unauthorized persons shall not break into the pound or release any animal legally placed therein.

#### PART V. BINGO LAW.

505.01. BINGO LAWS: Those laws of the State of Minnesota relating to the game of bingo are adopted and made a part of this ordinance as if set out in full. In addition, the regulations of this ordinance apply to the conduct of bingo within the city.

505.02. LICENSE REQUIRED: The unlicensed conduct of bingo within the city is prohibited. Any organization authorized by law to conduct bingo occasions may do so only after applying for and receiving a license from the council.

505.03. APPLICATION: The application shall state where the games will be played and the dates and hours for which permission to play the games is requested. The application shall be verified by a duly authorized officer of the organization and by the designated bingo manager. No application shall be accepted by the city unless accompanied by the full annual license fee.

505.04. LICENSE FEE: The annual license fee shall be \$5.99 per year.

505.05. REVOCATION: No licensee shall have a vested right in any bingo license and such licenses may be suspended or revoked by the council at any time upon a showing the (1) any misrepresentation has been made in the license application or any report required of the licensee, or (2) the licensee has violated or caused to be violated any provisions of this ordinance or the state bingo law.

#### PART VI. GAMBLING DEVICES, RAFFLES, AND LOTTERY.

506.01. STATUTE ADOPTED: The provisions of Minnesota Statutes, Section 349.25 relating to the licensing of certain kinds of gambling are adopted and made a part of this ordinance as if set out in full. In addition, the regulations imposed by this ordinance apply to the conduct of gambling so licensed.

506.02. LICENSE REQUIRED: No person shall directly or indirectly operate a gambling device or conduct a raffle without a license to do so as provided in this ordinance.

506.03. PERSONS ELIGIBLE FOR A LICENSE: License eligibility shall be based on the criteria established by the State of Minnesota in Statutes 349.25.

506.04. APPLICATION: Application procedures shall follow standards as provided for in State of Minnesota Statutes.

506.05. FIDELITY BOND: Bonds shall be posted as mandated per State of Minnesota Statutes.

506.06. REVOCATION: No license shall have a vested right in any license under this part and the license may be suspended or revoked by the council at any time upon a showing that (1) any misrepresentation has been made in the license application or in any part required of the licensee, or (2) the licensee has violated or caused to be violated any provision of this ordinance or the applicable state law.

## PART VII. PUBLIC DANCES

507.01. PUBLIC DANCES: A public dance, as the term is used in this section, shall be taken to mean any dance wherein the public may participate, and shall include any dance unless:

- A. Such dance is a private dance by individual invitation only, and
- B. The sponsor of the dance restricts entry to dance to only those individuals invited.

507.02. It shall be unlawful for any person to give, hold, or conduct a public dance unless the owner or proprietor of the public dancing place, or the person giving the same or in charge thereof shall first have procured a permit to hold, give, and conduct such public dance from the Henderson Police Chief. Permits shall be issued for each public dance. The permit shall be issued at a fee and under such conditions as the City Council may provide.

507.03. Any person desiring a permit to hold, give or conduct a public dance shall make application therefor upon blanks furnished by the Henderson Police Department, setting forth the name and address of the person, persons, committee, or organization who are to give, hold and conduct the same, the time and place where such public dance is to be held, the type of dance, and the estimated number of persons to attend the dance. All applications for a permit shall be made at least 31 days prior to the date of the dance.

507.04. It shall be incumbent upon the person to whom such permit is issued to have an officer of the law present at every public dance to be given or held thereunder during all the time the public dance is being held. Such officer of the law shall be designated by the Chief of Police. In all cases the fees and expenses of such officer of the law shall be paid in advance by the person to whom the permit has been issued. Unless otherwise determined by the council, the Chief of Police may determine the number of officers necessary.

5. Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor.

PART VIII. REGULATION AND LICENSING OF MECHANICAL AND ELECTRICAL AMUSEMENT MACHINES AND ARCADES.

508.01. STATUTE ADOPTED: The provision of Minnesota Statute § 449.20 relating to the licensing of Amusement Machines and Arcades are adopted and made a part of this ordinance as if set out in full. In addition, the regulations imposed by this ordinance apply to the operation of said amusement machines and centers so licensed.

508.02. DEFINITION: An “amusement arcade” is hereby defined as any establishment available for public use which utilizes in its operation amusement devices including, but not limited to, pool tables, table tennis, shuffle board, or any mechanical or electric amusement device which is commonly but not necessarily played by the insertion of money or at a fee fixed and charged by the establishment, and whose principal source of revenue is derived from such devices. This definition shall not include bowling alleys.

508.03. LICENSE REQUIRED: No person shall directly or indirectly operate an amusement machine arcade without first obtaining a license to do so as provided in this ordinance. No such license shall be transferable to any other person or location, and must be affixed and exhibited in plain view on the premises.

508.04. APPLICATION: Applicant shall provide name, place where amusement device is to be located, home address of all persons listed on the application, the type of amusement device to be licensed and the hours of operation.

508.05. LICENSE FEE: The annual fee for the license shall be \$15.00 per location plus \$15.00 per machine, following M.S.A. § 449.20. Regardless of when the fee is paid, the annual license expires on December 31 of each year.

508.06. INSURANCE REQUIRED: The applicant shall furnish with the license application a policy or certificate of liability insurance in the sum of not less than \$100,000.00 for injury of one person, nor less than \$300,000.00 for one incident, which policy shall be written by an insurance company authorized to do business in the State of Minnesota.

7. RESTRICTIONS OF OPERATION:

- A. No amusement center shall be operated so as to constitute a public nuisance.
- B. The licensee shall maintain order on the licensed premises at all times. This duty includes, but is not limited to, prevention of the following.
  - 1. Harassment of any person in or adjacent to the licensed premises by any person on the licensed premises.
  - 2. The frequenting or the use of the licensed premises by any loud, boisterous, or disruptive person.
  - 3. The frequenting or use of the licensed premises by any person who engages in an act of vandalism or destruction of property in or about or adjacent to the licensed premises.
  - 4. Conduct by a person on the licensed premises, which conduct has an adverse effect on adjacent property.
- C. The licensee shall insure the proper and swift disposal of trash or refuse which may accumulate on the site.
- D. The licensee shall see that the licensed premises do not become overcrowded so as to constitute a hazard to the health or safety of person therein. The fire Marshal shall designate a post the maximum number of persons to be permitted on the licensed premises.
- E. The licensee shall provide a fulltime attendant at least twenty-one (21) years of age upon the

licensed premises during business hours. The licensed premises shall be locked and closed to the public whenever such attendant is not present thereon.

F. It is unlawful for the licensee or any person operating an amusement center to sell, offer for sale, or knowingly permit to be sold or offered for sale, or to be dispensed or consumed, or knowingly brought in the amusement center, any alcoholic beverage or prohibited drug, or to knowingly allow any illegal activity upon the licensed premises including, but not limited to, gambling.

G. Amusement centers shall be closed by 10:00 p.m. on Sunday through Thursday or 12:00 midnight on Fridays and Saturdays and may not open until 9:00 a.m. or until 12:00 noon on Sundays. At all other times, the licensed premises shall be locked and closed to the public.

H. The interior of an amusement center shall be illuminated as to insure proper and complete observation of patron at all times. The Building Inspector may require conformance with his recommended standards for lighting levels to carry out the intent of this subdivision.

I. The sale of smoking material shall be prohibited on the site.

J. The premises in which an amusement center is located shall have adequate access as required by the Uniform Building Code, but may have no entrances to or exits from adjoining buildings.

K. Bike racks may be required to insure safe and adequate ingress and egress for pedestrian traffic to the building.

L. No juvenile shall be permitted on the premises during regular school hours and after "curfew". The arcade operator shall report any truant juveniles to the police during those school hours as identified by Le Sueur Henderson public and private school administrators.

508.08. REVOCATION: No licensee shall have a vested right in any license under this part and the license may be suspended or revoked by the council at any time upon a showing that (1) any misrepresentation has been made in the license application or in any part required of the licensee, or (2) the licensee has violated or caused to be violated any provision of this ordinance or the applicable state law.

508.09. SEVERABILITY: If any part of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such judgement decree shall not affect or impair the remainder of this Ordinance.

508.10. PENALTIES: Any person, firm, partnership, or corporation found guilty of violating the provisions of this Ordinance shall be deemed to be guilty of a misdemeanor, and shall be punished by a fine not to exceed \$700.00 or by imprisonment for a period not to exceed ninety (90) days or both, plus in either case the cost of prosecution.

508.11. EFFECTIVE DATE: This Ordinance shall become effective from and after January 21, 2000