

CHAPTER IX  
PUBLIC SAFETY

Section 900 - Civil defense: emergency services.

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

Subd. 2. The terms "civil defense" and "emergency services" mean the preparation for and the carrying out of all emergency functions other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, whether caused by enemy attack, sabotage, or other hostile actions, or by any natural catastrophe or disturbance. These functions shall include, without limitation, fire fighting service, police services, medical and health services, rescue, engineering and air raid warning services, communications, radiological, chemical and other special welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

Subd. 3. "Emergency" means an emergency declared by the governor under the Minnesota Civil Defense Act, Minnesota Statutes, chapter 12, or where declared as hereinafter provided by the city because of any unprecedented accident or disruptive natural catastrophe.

Subd. 4. The terms "civil defense forces" and "emergency services" mean any personnel employed by the city and assigned by city department heads for service and for specific activities in preparation for civil defense and any other volunteer or paid members of the local emergency service agency engaged in carrying on emergency service functions in accordance with the provisions of this section.

900.03. Emergency service division. There is hereby created and continued an administrative division of the public safety department known as the emergency service division which shall be under the supervision and control of a director of civil defense hereinafter called the "director." The mayor shall appoint or remove the director with the concurrence of the city council. The director is responsible for the organization, administration and operation of the division subject to the direction and supervision of the city manager.

900.05. Emergency service board. To provide for emergency services in the event of local natural catastrophe, unprecedented accident or disturbance, there is hereby established a board consisting of city manager, mayor and the acting mayor. Whenever in the judgment of the mayor any unprecedented accident or severe natural catastrophe or disaster shall warrant it, an emergency may be declared by the mayor and the provisions of this section may be invoked, provided, however, that there shall be called a regular meeting or special meeting of the city council within three days after the declaration of an emergency for the ratification of the emergency declaration and if the emergency declaration be disapproved at this or any subsequent city meeting, it shall terminate forthwith.

900.07. Duties of director. Subdivision 1. Intergovernmental relations. The director, with the consent of the manager, shall represent the city on any regional or state organizations for emergency service or civil defense. He shall be authorized to develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal emergency services and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present such agreements to the city manager for possible presentation to the city council.

Subd. 2. Basic studies. The director shall make studies and surveys of the manpower, industries, resources and facilities of the city that he deems necessary to determine their adequacy for civil defense and to plan for their most efficient use in time of a civil defense emergency.

Subd. 3. Plan preparation. The director shall prepare a comprehensive general plan for the civil defense of the city, and for relief from any natural catastrophe, and present such plan to the council for its approval. When the council has approved the plan by resolution, it shall be the duty of all municipal agencies and all emergency service forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the emergency service activities of the city so that they shall be consistent and fully integrated with the emergency service plan of the federal government and the state and correlated with the emergency plans of other political subdivisions within the state.

Subd. 4. Training. In accordance with the state and city emergency service plan, the director shall institute training programs and public information programs and take all other preparatory steps, including the partial or full mobilization of emergency service forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the city emergency plan in time of a civil defense emergency. He may, from time to time, conduct practice civil defense exercises as he may deem necessary.

Subd. 5. Interdepartmental cooperation. The director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the local emergency service agency and to the governor upon request. The head of each department and agency, in cooperation with and under the direction of the director, shall be responsible for the planning and programming of such emergency service activities as will involve the utilization of the facilities of his department or agency. The director shall, in cooperation with the existing city departments and agencies, affect and organize police reserves, fire reserves, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the emergency plans of the city and the state. To the extent that emergency personnel is recruited to augment a regular city government or agency for civil defense emergencies, it shall be assigned to the department or agency for purposes of command. The director may suspend any emergency service volunteer at any time and require him to surrender any equipment and identification furnished by the city. The director may dismiss any emergency services volunteer.

Subd. 6. Emergency facilities. Consistent with the emergency plan, the director shall provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers and other facilities or conveyances for the care of injured or homeless persons.

Subd. 7. Coordination of activities. The director shall direct and coordinate the general operations of all local and emergency services during an emergency in conformity with controlling regulations and instructions of state emergency service authorities. The heads of departments and agencies shall be governed by his orders in respect thereto.

Subd. 8. Control center. Consistent with the emergency plan, the director shall provide and equip at some suitable place in the city a control center and, if required by the state emergency plan, an auxiliary control center to be used during an emergency as headquarters for direction and coordination of civil defense forces. He shall arrange for representation at the control center by municipal departments and agencies, public utilities and other agencies authorized by federal or state authority to carry on required activities during an emergency. He shall arrange for the installation at the control center or necessary facilities for communication with and between heads of emergency services divisions, the station and operating units of municipal services and other agencies concerned with emergency services and for communication with other communities and control centers within the surrounding area and with the federal and state agencies concerned.

900.09. Regulations for emergency service personnel. Subdivision 1. Subversives. No person may be employed or associated in any capacity in the emergency service division who advocates or has advocated a change by force or violence in the constitutional forms of government in the United States or in this state or the overthrow of any government in the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment for information charging any subversive act against the United States. Each person who is selected to serve in the emergency service division shall take an oath as prescribed in the Minnesota Civil Defense Act, Minnesota Statutes, chapter 12.

Subd. 2. Call to service. Civil defense volunteers may be called into service in case of an emergency or disaster for which the regular municipal forces are inadequate or for necessary training and preparation for such emergencies, or when deemed necessary by the director to carry out the provisions of this chapter relating to relief from unprecedented accidents, natural catastrophes or disturbances.

Subd. 3. Identification. Each emergency volunteer shall be provided with suitable insignia or other identification as may be required by the director. The identification shall be in a form and style approved by the federal government. No volunteer may exercise any authority over the persons or property of others without his identification. No person except an authorized volunteer may use the identification of a volunteer or otherwise represent himself to be an authorized volunteer. No identification may be used except at duly authorized emergency service activities.

Subd. 4. Firearms. No emergency service volunteer may carry any firearm while on duty except on written order of the director of public safety.

Subd. 5. City procedures. Personnel procedures of the city applicable to regular employees shall not apply to volunteer civil defense workers.

900.11. Emergency regulations. Subdivision 1. Director of public safety may promulgate. Whenever necessary to meet an emergency or to prepare for an emergency for which adequate regulations have not been adopted by the governor or the city council, the manager may by proclamation promulgate regulations consistent with applicable federal or state law or regulations, respecting: protection against air raids, the sounding of air raid alarms, the conduct of persons and the use of property during alarm; the repair, maintenance and safeguarding of essential public services; emergency health, fire and safety regulations; trial drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health and welfare in emergencies. No regulation governing observation of enemy aircraft, air attack alarms, or illumination during air attacks may be adopted or take effect unless approved by the state director of emergency services.

Subd. 2. Form of regulations. Every proclamation of emergency regulations shall be in writing and signed by the director of public safety, shall be dated, shall refer to the particular emergency service to which it pertains, if so limited and shall be filed in the office of the director of public safety where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of the regulation and its availability for inspection at the director of public safety's office shall be conspicuously posted at the front of the city hall or other headquarters of the city and at such other places in the affected areas as the director of public safety shall designate in the proclamation. Thereupon the regulation shall take effect immediately or at a later time as may be specified in the proclamation. By like proclamation the director of public safety may modify or rescind any such regulation.

Subd. 3. Rescinding regulations. The city council may rescind any emergency regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever occurs first. Any ordinance, rule or regulation inconsistent with an emergency regulation promulgated by the director of public safety shall be suspended during the period of time and to the extent that such conflict exists.

900.13. Emergency service fund. There is hereby established and continued in the general fund a special account to be known as the emergency service fund. In this fund shall be placed the proceeds of taxes levied for emergency services, money transferred from other funds, gifts and other revenues of the emergency services agency. From it shall be made expenditures for the operation and maintenance of the emergency services agency and other expenditures for emergency services. Regular accounting, disbursements, purchasing, budgeting and other financial procedure of the city apply to the emergency service fund except when an emergency exists. Such application will prevent compliance with the terms and conditions of a federal or state grant of money or property for emergency purposes.

900.15. Cooperation with state and federal authorities. Every officer and agency of the city shall cooperate with federal and state authorities and with authorized agencies engage in emergency services and emergency measures to the fullest possible extent consistent with the performance of their other duties. The provisions of this section and of all regulations made hereunder is subject to all applicable and controlling provisions of federal and state laws and of regulations and orders issued thereunder and shall be deemed to be suspended and inoperative so far as there is any conflict therewith. The public safety director may appoint any qualified person holding a position in any agency created under federal or state authority for emergency services purposes as a reserve police officer of the city, with such police powers and duties within the city incident to the functions of the position, not exceeding those of a regular police officer of the city, as may be prescribed in the appointment. Every such reserve police officer shall be subject to the supervision and control of the public safety director and such other police officers of the city as the chief may designate.

900.17. Governmental functions. All functions hereunder and all other activities relating to emergency services are declared to be governmental functions. The city and, except in cases of willful misconduct, its officers, agents, employees, or representatives engaged in emergency services activities, while complying with or attempting to comply with the Minnesota Civil Defense Act or with this section or any rule, regulation or order made thereunder, shall not be liable for the death of or injury to persons or damage to property as a result of such activity. The provisions of this section shall not affect the right of any officer or employee of the city to receive benefits to which he would otherwise be entitled under this section or under the workers' compensation law, or under any pension law.

900.19. Prohibition of political activities. The emergency service division may not participate in any form of political activity, nor may it be employed directly or indirectly for political purposes, nor may it be employed in a legitimate labor dispute.

900.21. Civil Emergencies. Subdivision 1. Scope of subsection. The purpose of this subsection is to provide the city with the power to take appropriate measures in the event of a civil emergency as hereinafter defined. Nothing in this section is to be construed to limit any power or authority now lawfully possessed by any city official acting within the scope of his duties, nor is this section to be construed to impose obligations upon any city officials, the breach of which might subject any official to liability.

Subd. 2. Definitions. The terms defined in this subdivision have the meanings given them.

(a) "civil emergency" means (i) any act or unlawful assembly characterized by the use of actual force or violence or any threat to use force or act with violence if accompanied with the immediate power to execute such threat by three or more persons acting in, concert without authority of law, or (ii) as any disaster or calamity including, but not limited to, floods, conflagration, cyclones, tornadoes, earthquakes, or explosions within the corporate limits of the city resulting in death or injury to persons or destruction of property to such an extent that extraordinary measures are necessary to protect and preserve public health, safety and welfare where provisions of this code relating to emergency services contained in subsection 900.01 to 900.19 do not apply, or cannot be applied due either to the unavailability of the mayor or because more expeditious action is required due to the severity of the condition sought to be remedied;

(b) "curfew" means a prohibition against any person or persons being physically present, irrespective of the nature of activity, upon an alley, street, highway, public property or place, or vacant premises within the limits of the city, excepting persons officially designated to perform duties with respect to a civil emergency as may be proclaimed pursuant to the provisions of this section.

Subd. 3. Proclamation of civil emergency. The mayor is empowered to declare the existence of a civil emergency as defined in this subsection. Upon such declaration, the mayor may issue supplemental orders he deems necessary to effectuate the purposes of this subsection, including, but not limited to, the following:

(a) an order for a general curfew applicable to geographical areas of the city or to the city as a whole that he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of public safety and welfare;

(b) an order closing all establishments furnishing any intoxicating beverage or non-intoxicating malt liquor;

(c) an order closing all private clubs or portions thereof where the consumption of intoxicating liquor or non-intoxicating malt liquor is permitted;

(d) an order closing all retail liquor stores, whether municipal or privately operated;

(e) an order discontinuing the selling, dispensing, or giving away of gasoline or other liquid flammable or combustible products in any containers other than a gasoline tank forming an integral part of any motor vehicle;

(f) an order closing gasoline stations or other establishments, a primary activity of which is the sale, dispensation, or distribution of liquid flammable or combustible products;

(g) an order discontinuing the sale, distribution, dispensation, or giving away of any firearms or ammunition of any character;

(h) an order closing establishments or portions thereof which sell distribute, dispense, or give away firearms or ammunition of any character; and

(i) any other order which the mayor may deem necessary for the protection of life and property, consistent with the purposes of this subsection.

Subd. 4. Action of city council. As orders issued by the mayor pursuant to subdivision 3 of this subsection shall be in force until the next regular meeting of the council, or special meeting if duly called, at which time the council shall review all actions of the mayor made in accordance with this subsection and either ratify or disaffirm each action.

Subd. 5. Penalty. Violation of any order issued by the mayor pursuant to this subsection is a misdemeanor.

Section 903 – Charges for Emergency Services and Collection  
(Added, Bill No. 2007-8)

903.01. Authority. This section is adopted pursuant to Minnesota Statutes Sections 415.01, 366.011 and 366.012.

903.03. Application. This section applies to emergency services provided by the City that relate to fire and rescue, including, but not limited to, vehicle fires, vehicle extractions, vehicle fluid spills and responses to damage caused by vehicles to power or gas lines.

903.05. Charges for Emergency Services. The City may impose a reasonable service charge for the above emergency services. The amounts to be charged for these services shall be set forth by City Council resolution on a yearly basis.

903.07. Collection of Charges. If a service charge remains unpaid for thirty days after a notice of delinquency is sent to the recipient of the service or the recipient's representative or estate, the City may use any lawful means to collect the service charge that is allowed to a private party for the collection of an unsecured delinquent debt. The City may also use the authority of Minnesota Statutes Section 366.012 to collect unpaid service charges of this kind from recipients of services who are owners of taxable real property in the City, or in areas served by the City for emergency services.

903.09. Collection of Unpaid Service Charges. If the City is authorized to impose a service charge on the owner of a property for emergency services provided by the City, the City may certify to the County Auditor on or before October 15 of each year, any unpaid service charges which shall then be collected together with property taxes levied against the property. A service charge may be certified by the County Auditor only, if on or before September 15, the City has given written notice to the property owner of its intention to certify the charge to the County Auditor. The service charges shall be subject to the same penalties, interest and other conditions provided for in the collection of property taxes.

903.11. Supplemental Powers. The powers conferred by this section are in addition and supplemental to the powers conferred by any other law for a city to impose a service charge or assessment for a service provided by the City or contracted for by the City.

Section 905 - Animal control.

(Amended, Bill No. 1996-10; Bill No. 2004-10)

905.01. Licensing of domestic animals. Subdivision 1. Definitions. For the purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Owner" means any person owning, keeping, harboring or having custody of an animal.

Subd. 3a. "Commercial kennel" means a place where the business of selling, boarding, breeding, showing, or grooming dogs or cats is conducted. (Amended, Bill No. 2004-10)

Subd. 3b. "Veterinary kennel" means a kennel facility or clinic operated and maintained by a licensed veterinarian, where treatment, care, diagnosis, and veterinary procedures are performed.

Subd. 4. "Multi-Pet residence" means a place where more than two dogs or two cats over six months of age are kept on premises which are zoned and occupied for residential purposes. (Amended, Bill No. 2004-10)

Subd. 5. A dog is "at large" when it is off the property of its owner and not under restraint.

Subd. 6. A dog is "under restraint" if it is controlled by a leash not exceeding six feet in length, or at heel beside a competent person having custody of it and obedient to that person's commands, or within a vehicle being driven or parked on a public street or within the property limits of its owner's premises. An unattended dog on the property of another, without the consent of such property owner, is "at large" and not under restraint even though it is on a leash.

Subd. 7. For purposes of subsections 905.03 - 905.33, "animal" shall refer to domestic dogs and cats.

905.03. License. Subdivision 1. General rule. No person may own, harbor, keep or have custody of an animal over six months of age within the city, unless a current license for the animal has been obtained as provided in this subsection. Applications for animal licenses must be made when the animal attains six months of age, (i) and not later than 30 days from the acquisition of an animal, (ii) and not later than 30 days from the moving of an animal into the city, (iii) this registration will expire on the date the animal's rabies vaccination expires, and must be reinstated within 15 days of the expiration of the animal's rabies vaccination. Owners whose animals have received rabies vaccinations which are effective for more than one year may apply for a two or three year license, depending on the type of rabies vaccination. When making application for a multi-year license, the owner must submit all of the information required for an annual license as well as documentation indicating that the animal has received a rabies vaccination which is effective for the multi-year license being applied for. The multi-year license may not exceed the period of effective rabies vaccination stated on the vaccination certificate provided by the veterinary clinic, or veterinarian, which vaccinated the animal. These multi-year licenses may only be issued for animals which have been spayed or neutered.

Subd. 2. License fees. The license fee for each animal license, and the charge for a duplicate animal license is as provided in appendix D.

Subd. 3. Late penalty. If an animal license is obtained while the animal is impounded by the city, or if the 15 day period allowed for reregistration of the animal has expired there shall be added to the regular license fee a late license penalty as provided in appendix D for each animal; provided that an owner who newly acquires an animal, or an owner who has an animal at the time of becoming a resident of the city, shall be allowed 30 days to secure a license, without incurring the late license penalty provided in this subdivision.

Subd. 4. Contents of application. Application for an animal license shall be made to the Public Safety Department. The application shall include such descriptive information as is necessary to provide reasonable identification of the animal and its owner. Applicants shall provide a certificate issued by a licensed doctor of veterinary medicine showing that the animal has been vaccinated against rabies, that such vaccination is effective on the date of the application, and that the vaccination will be effective for the period of time for which application for animal license is made.

Subd. 5. Identification of licensed animal. Upon the issuance of an animal license by the public safety director or designee or the city pound keeper, the licensee shall be provided with a metallic tag bearing the license number and the word "Richfield." Except where the animal for which the license is issued is indoors on the premises of his owner, the animal shall have a collar or harness on which the license tag, and current rabies tag is affixed. No person may counterfeit any tag of this city or use a counterfeit tag. (Amended, Bill No. 2004-10)

Subd. 6. License nontransferable. A license tag is nontransferable to any other animal or to a new owner of the animal for which it is issued.

Subd. 7. Replacement of lost tag. If any such tag is lost or stolen, the owner may obtain a new tag by surrendering the receipt for the first tag and by paying the charge for a duplicate license as provided in appendix D.

905.05. Dogs not to be at large. An owner may not permit a dog to be at large in this city, but shall keep dog under restraint at all times.

905.06. Immediate disposal of animal feces. An animal owner, or person having custody or control of an animal, shall immediately clean up and sanitarily dispose of any feces of the animal, except that this provision does not apply to blind persons with respect to their ownership and use of seeing eye dogs.

905.07. Confinement when necessary. A female animal in heat shall be confined in a building, secure enclosure, veterinary hospital or boarding kennel, or shall be controlled on a leash while being exercised, provided the animal does not create a public nuisance.

905.09. Public nuisances. The keeping of an animal which annoys other persons is a public nuisance and is unlawful. Upon the receipt of a written complaint of such annoyance by the occupants of two or more neighboring properties, the city shall notify the owner of such an animal that the nuisance shall be abated within 48 hours. Failure to obey a notice is a violation of this subsection and may be grounds for the City to take further legal action. (Amended, Bill No. 2004-10)

905.11. City pound. The council may provide for a city animal pound either within or outside the limits of the city.

905.13. Pound keeper. If a city pound is established, the manager shall designate the pound keeper who may appoint and deputize special officers to enforce this section. The special officer shall have police powers to cite owners of dogs or cats for violations of this section, to impound animals and to enforce the provisions of this section.

905.15. Enforcement procedures. Such officers as the manager shall designate to enforce this section may pick up and impound any animal found not to be kept, confined or restrained, or licensed in the manner required by this section. The officers may enter upon private property where there is reasonable cause to believe that an animal is on the premises and is not licensed as required by this section, or that there is an animal on the premises which is not being kept, confined or restrained, as herein provided. An owner shall produce for inspection an animal license receipt when requested to do so by the officer.

905.17. Quarantine. Any animal capable of carrying the rabies virus that has bitten a person shall immediately be impounded for at least ten days and kept apart from other living creatures, under the supervision of a veterinarian or the Department of Public Safety, until it is determined whether the animal had or has a disease which might have been transmitted by the bite. The impounding may be done by the owner at owner's residence, or veterinary facility with the approval of the Department of Public Safety, but if it is not at the city pound or designated pound, the owner shall notify the pound keeper or director of public safety immediately and shall furnish proof in writing that the animal is being impounded, and shall follow all policies and procedures relating to the quarantine as directed by the Department of Public Safety. Upon the expiration of ten days, if it is determined that the animal does not have a disease which might have been transmitted by the bite, the animal may be released and the pound keeper or director of public safety shall be notified immediately prior to the release by the owner of the animal. If the animal is impounded at the city pound, it may be reclaimed as hereinafter provided. Any animal which has been bitten by a rabid creature shall be euthanated or impounded and kept in the same manner for a period of six months; provided that if the animal which has been bitten by a rabid creature has been vaccinated at least three weeks before the bite and within one year of the bite and if it is again immediately vaccinated, then such animal shall be confined or impounded for a period of 40 days before it is released. The owner of an animal which has been bitten by a rabid creature shall notify the city pound keeper or director of public safety immediately prior to the release of the animal.

905.19. Dangerous animals. Adoption by reference. Minnesota Statutes 343.40, 346.57, 347.50, 347.51, 347.52, 347.53, 347.54, and 347.55 as they pertain to domestic animals, are adopted by reference and are as much a part of this code as if fully set forth herein. Any violation of the statutes herein adopted by reference is a violation of this code. If an animal is diseased, vicious, dangerous, rabid or exposed to rabies and the animal cannot be impounded after a reasonable effort or cannot be impounded without serious risk to the persons attempting to impound it, or if an animal has made more than one attack on a person or persons, the animal may be immediately killed by or under the direction of an officer authorized to enforce the provisions of this section.

905.21. Treatment during impounding. Any animal which is impounded in the city pound or designated pound shall be kept, with kind treatment and sufficient food and water, and sanitary conditions, for the animal's comfort. If the animal is not known or suspected of being diseased and has not bitten a person or been bitten by a rabid creature, it shall be kept in the pound for at least five days, unless it is sooner reclaimed by its owner. If the animal is known to be or is suspected of being diseased with a disease which might be transmitted to persons, it shall be kept in the pound for at least ten days.

905.23. Redemption of animals. An animal may be redeemed from the pound by the owner upon paying the following:

- (a) the license fee for the animal, if the license has not previously been obtained;
- (b) the late license penalty, where a license has not been obtained within the time provided in this section;
- (c) the amount of the boarding fee which the city is required to pay to the pound keeper; or
- (d) an impounding penalty as fixed in appendix D.

905.25. Disposal of unredeemed animals. The city pound keeper or designated pound keeper shall make an effort to contact the owner of any animal which has been impounded and which has identification on it. If at the end of the impounding period the animal is not reclaimed by the owner, the animal shall be deemed to have been abandoned and may be disposed of or sold to any person following the procedures contained in Minnesota Statutes, section 514.93. If the animal is to be kept in the city, a license shall be obtained before possession of the animal is given to the purchaser, if a license is required.

905.27. Limit of dogs and cats on one premise. Not more than two dogs or two cats over six months of age may be kept on any one premise, except at a licensed commercial kennel, veterinary kennel, or multi-pet residence. (Amended, Bill No. 2004-10)

905.29. Abandonment. It is unlawful for any person to abandon any animal in this city, or at the city pound, or designated city pound.

905.31. Kennel licenses. Subdivision 1. Definitions. The terms "commercial kennel," "veterinary kennel," and "multi-pet residence" are defined in section 905.01. (Amended, Bill No. 2004-10)

Subd. 2. License required. No person may operate a veterinary or commercial kennel or a multi-pet residence in this city without first obtaining a license as provided in this subsection. Application for the license shall be made to the public safety director or designee and must be accompanied by the license fee set by appendix D. The public safety director or designee shall administratively approve or deny the license. Licenses issued for kennels shall be on an annual calendar basis, which will run from January 1 through December 31. Any resident who chooses to appeal the director's or designee's administrative denial of the multi-pet residence, commercial kennel or veterinary kennel license may appeal that decision to the City Council. There will, however, be a non-refundable \$500 appeal fee to do so. The director or designee or council may impose conditions upon the granting of any multi-pet residence, veterinary, or commercial kennel license. (Amended, Bill No. 2004-10)

Subd. 3. Approval of contiguous property owners. The application for a multi-pet residence license, shall be accompanied by a petition showing the approval of the occupants of privately owned real estate abutting the premises on which the multi-pet residence is to be located. Whether or not all of the occupants of abutting property approve the application, the director or designee may grant or deny the license. The license may not be granted unless the director or designee finds that the use of the applicant's premises as a multi-pet residence will not have, or will not be likely to have, any adverse effect upon adjacent properties or the occupancy thereof, and will not constitute a nuisance to the neighborhood. (Amended, Bill No. 2004-10)

Subd. 3a. Multi-pet licenses; special provisions. The maximum number of animals allowed under a multi-pet residence license is five, either two cats and three dogs or three cats and two dogs. Except as provided in this subdivision, no license may be granted to allow more than three cats or more than three dogs on any one premise. No license is required for a combination of up to two dogs and two cats on one premise. For any multi-pet residence licenses issued prior to the effective date of this subdivision 3a, where the license allowed more than three cats or more than three dogs on the premise, the director or designee may renew the license for the same number of animals, on the condition that the licensee may not replace any animals that die or are removed from the premises until the licensee can do so in compliance with the maximum number stated in the first sentence of this subdivision. A multi-pet residence license may only be granted if the keeping of the dogs or cats is incidental to the occupancy of the premises for residential purposes. (Added, Bill No. 2004-10)

Subd. 3b. Zoning Compliance. A license will not be granted for a veterinary kennel or commercial kennel unless the kennel use complies with applicable requirements of the zoning code. (Added, Bill No. 2004-10)

Subd. 4. Revocation. Kennel or multi-pet residence licenses may be revoked by the council by reason of any violation of this subsection or by reason of violation of any other provisions of this code or any order, law or regulation. (Amended, Bill No. 2004-10)

Subd. 5. Notice and hearing. Before revoking a kennel license or a multi-pet residence license, the licensee shall be given notice of the meeting at which such revocation will be considered, and if the licensee is present at such meeting, the licensee must be given an opportunity to be heard. Notice of the meeting shall be given to the licensee in writing. Written notice shall be mailed to the address of the licensee as set forth in the licensee's application for the kennel license or multi-pet residence license, and it shall be mailed at least five days before the date of the meeting at which the revocation is to be considered by the council. (Amended, Bill No. 2004-10)

Subd. 6. License fees. The fee for a veterinary or commercial kennel license and the fee for a multi-pet residence license are as fixed in appendix D. The multi-pet residence license fee is in addition to the usual animal license fees provided in this section, if applicable. (Amended, Bill No. 2004-10)

Subd. 7. Sanitation. Kennels and properties holding a multi-pet residence license shall be maintained in a clean and healthful condition at all times, and shall be open to inspection by the director of public safety, at all reasonable times. (Amended, Bill No. 2004-10)

## Subd. 8. (Repealed, Bill No. 2004-10)

905.33. Reports by pound keeper. The city pound keeper or designated pound keeper shall account for and pay over monthly to the city all monies received by the pound keeper on behalf of the city as license fees or other charges. The pound keeper shall also give an accurate written report each month to the city, stating (i) licenses issued, (ii) fees or other charges collected, (iii) sales made, (iv) dogs, cats and other animals impounded, (v) the duration of any such impoundment, (vi) all animals destroyed, and (vii) other pertinent data relating to animal control which may be requested by the city manager.

905.35. Miscellaneous prohibitions. Subdivision 1. General rule. The existence of any of the conditions enumerated in this subsection are declared to be nuisances and may be proceeded against in the manner provided in section 925.

Subd. 2. Swine. No swine of any kind or nature may be kept within the limits of the city at large or in any enclosure situated within a distance of 75 feet from any dwelling house, store or shop of any person other than the owner, nor within 75 feet of any public street in the city.

Subd. 3. Maintenance of grounds for fur-bearing animals. No person may keep mink, foxes, muskrats, raccoons or polecats in yards, pens or houses for breeding purposes in the city.

905.37. Maintenance of fowl and birds. Subdivision 1. Prohibition. No person owning or keeping chickens, ducks, geese, pigeons or other fowl or birds may permit the same to run at large or enter upon the premises of another without permission, nor may any such fowl or birds be kept, raised or permitted to go on any street, park, lake or public ponding area.

Subd. 2. Limitation on number. No more than three fowl or birds may be kept or raised on any residential property in the city. This limitation does not apply to the keeping of pigeons pursuant to a license under the provisions of this section.

Subd. 3. Injury or annoyance to others. No such fowl or birds may be kept or raised in a manner as to cause injury or annoyance to persons on other property in the vicinity by reason of noise, odor or filth.

Subd. 4. Impounding of fowl or birds. A fowl or bird at large in violation of subdivision 1 may be impounded by the city, and, after being impounded for three days or more without being reclaimed by the owner, may be destroyed or sold. A person reclaiming any impounded fowl shall pay the cost of impounding and keeping the same.

905.39. License: pigeons. Subdivision 1. General rule. No person may keep more than three pigeons on any premises in the city without first obtaining a license as provided in this subsection, and no person may keep or harbor pigeons except in compliance with this subdivision.

Subd. 2. Definitions. As used in this subsection, the term "pigeon" includes any and all varieties of pigeons. The term "loft" includes any and all quarters in which pigeons are housed.

Subd. 3. License application. Application for a license to keep pigeons shall be made to the city clerk and accompanied by the specified license fee. The application shall be investigated by the administrative staff of the city to determine compliance with the ordinances of the city and shall then be referred to the city council, which may grant or deny the license. Licenses shall be issued on an annual basis. The applicant shall seek the written approval of such application by the occupants of all privately-owned real estate abutting the premises for which the license is sought. The approvals which are obtained shall accompany the application. The license application shall include a plan showing the construction of the proposed or existing loft and its location on the property. The loft shall be regarded as an accessory building and shall conform to the building and zoning regulations of the city. The loft shall conform in design with the principal building on the premises.

Subd. 4. License fee. The annual license fee is as fixed in appendix D. The license year is from April 1 to March 31.

Subd. 5. Limitation on number. Not more than 25 pigeons may be kept at any one time on any licensed premises. At the time of issuing the license, however, the council may issue a license for a lesser number. It is a violation of this subsection to keep more pigeons on licensed premises than the number authorized in the license.

Subd. 6. Other restrictions. Premises on which pigeons are kept and maintained shall be kept reasonably clean from filth, garbage and any substances which attract rodents, at all times. The loft and its surroundings must be cleaned daily. The loft must be constructed and maintained so as to be fly-free and rodent-proof. Pigeons shall be fed within the confines of the loft on the premises on which the pigeons are housed. The pigeons must be confined to the loft except for short periods of exercise during which they may be permitted to fly outside the loft. Grains and food stored for the use of pigeons on any licensed premises shall be kept in rodent-free containers. The loft shall be elevated a minimum of six inches and a maximum of 12 inches above grade to insure freeway beneath the loft. The loft shall rest upon concrete footings and piers, cement blocks or other suitable foundation material. The loft shall have a maximum height of nine feet. Pigeons may not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

905.40. Feeding of deer and raccoons prohibited. Subdivision 1. Prohibition. No person shall provide liquids or edible material to deer or raccoons within the boundaries of the city.

Subd. 2. Exception. This subsection does not apply to veterinarians, city animal wardens, or county, state or federal game officials who in the course of their duties have deer or raccoons in their custody or under their management. (Added, Bill No. 1993-13)

905.41. Maintenance of non-domestic animals, amphibians, reptiles and insects. Subdivision 1. Definition. "Domestic animals" means and includes dogs, cats, birds kept indoors, hamsters, chinchillas, rabbits, lizards and snakes capable of being maintained continuously in cages, caterpillars and other living creatures generally referred to as domestic pets.

Subd. 2. Maintenance of non-domestic creatures prohibited. All other living creatures not enumerated or covered in subdivision 1 are considered non-domestic creatures and the maintenance thereof is considered a nuisance and punishable pursuant to this part.

Subd. 3. Impounding of non-domestic creatures. Any non-domestic creature kept in violation of subdivision 2 may be impounded by the city, and, after being so impounded for three days or more without being reclaimed by the owner, may be destroyed or sold. Any person reclaiming the impounded animal shall pay the costs of impounding and keeping the same.

Subd. 4. Temporary permits. The city manager may grant temporary permits, for a period not to exceed 60 days, for the keeping of any non-domestic animals for use in connection with an exhibition or seasonal display thereof, provided that the city manager finds that such animals are not likely to be dangerous; that they will be kept in safe and sanitary surroundings; that they will not be maintained in an inhumane manner or be subjected to inhumane treatment; and that their presence on the premises will not be a source of nuisance or annoyance to the occupants of adjacent property. In granting the permit, the city manager may impose limitations upon the permit to insure that the animals will be kept under such conditions. No person having a permit to keep animals without maintaining the conditions or abiding by the limitations imposed. A permit shall be subject to immediate suspension by the city manager if the manager determines that the animals constitute a safety or sanitary hazard, are being subjected to inhumane treatment or conditions, or are a source of nuisance. The suspension shall remain in effect until the subsequent meeting of the city council at which the city council may revoke the permit or may reinstate the same subject to such limitations as the council shall deem necessary.

Subd. 5. Fees. The permit fee is fixed in appendix D.

Section 910 - Shade tree disease control.

910.01. Control and prevention of plant pests: declaration of policy. The council has determined that the health of elm trees, oak trees and other plants within the municipal limits is threatened by shade tree diseases such as dutch elm disease, oak wilt and other plant pests as defined in Minnesota Statutes, sections 18.022 and 18.023. It has determined that the loss of such trees and other plants growing upon public and private property will substantially depreciate the value of property within the city and will have a detrimental effect upon the public safety, order, general welfare and convenience. It is the intention of this section to control and prevent the spread of such diseases.

910.03. Forester. Subdivision 1. Position created. The position of forester is created and continued in the community services department.

Subd. 2. Duties of forester. The forester shall coordinate all activities of the city relating to the control and prevention of dutch elm disease, oak wilt and other plant pests, as defined in Minnesota Statutes, chapter 18. The forester may from time to time recommend to the manager and the council the details of a program for the control of such diseases and plant pests and shall perform the duties incident to such programs adopted by the council.

910.05. Pest control program. Programs of plant pest control shall be pursuant to the authority granted by Minnesota Statutes, section 18.022, and in conformity with any applicable directives of the state commissioner of agriculture. The city forester shall act as coordinator between the commissioner of agriculture and the city in the conduct of any such program.

910.07. Nuisances declared. The following things are public nuisances whenever they are found within the city:

(a) any living or standing elm tree, oak tree or other tree, or part thereof, infected to any degree with dutch elm disease fungus, oak wilt, or with any plant pest as defined in Minnesota Statutes, section 18.46, subd. 13, hereinafter referred to as "plant pests;"

(b) any dead elm tree or part thereof, including logs, branches, stumps, firewood or any other elm material from which the bark has not been removed and burned; and any other dead tree or part thereof such as logs, branches, stumps and firewood, which are harboring plant pests, or which are determined to be likely to harbor such pests.

910.09. Abatement of nuisances. No person may permit a public nuisance as defined in subsection 910.07 to remain on any premises owned or controlled by him within the city after he has been ordered to abate the nuisance. Nuisances may be abated in the manner prescribed by this section.

910.11. Inspection and investigation. The forester shall inspect all premises and places within the city as often as practicable to determine whether any condition described in subsection 910.07 exists thereon. The forester shall investigate all reported incidents of plant pest infestation.

910.13. Entry on private premises. The forester may enter upon private premises at any reasonable time for the purpose of carrying out his duties. The forester shall, upon finding conditions indicating plant pests infestation, immediately send appropriate specimens or samples to the commissioner of agriculture for analysis, or take such other steps for diagnosis as may be recommended by the commissioner. Except as provided hereafter, no action to remove infected trees or wood may be taken until positive diagnosis of the disease has been made.

910.15. Abatement of plant pests nuisances. In abating the nuisances defined in this section, the forester shall cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated to destroy and prevent as fully as possible the spread of plant pests. The abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as designed by the commissioner of agriculture. Whenever the forester finds with reasonable certainty that shade tree disease exists in any tree or wood on private property in the city, he shall notify the owner of the property by certified mail or hand delivery, that the nuisance must be abated within a specified time period, as determined by the Public Works Director. If the tree or trees have not been removed within the time period specified in the notice to the owner, the forester shall abate the nuisance and the cost of abatement shall be assessed against the property. A tree with shade tree disease located on public property shall be removed after identification by the forester. (Amended, Bill No. 2009-10)

910.17. Records maintained by forester . The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the city manager all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

910.19. Special assessment procedure. On or before September 1 of each year, the clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributed under this section. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, section 429.101 and other applicable statutes for certification to the county auditor and collection the following year along with current taxes.

910.21. Spraying of trees. Whenever the forester determines that any tree or wood within the city is infected with dutch elm disease, oak wilt or other plant pests, he may spray all nearby high valued trees with an effective pest destroying concentrate. Spraying activities authorized by this subsection shall be conducted in accordance with technical and expert opinions and plans of the commissioner of agriculture and under the supervision of the commissioner and his agents whenever possible.

910.23. Transporting certain wood prohibited. Except for the purpose of disposal no person may transport within the city any bark-bearing elm wood without having obtained a permit to do so from the forester. The forester may grant permits only when the purposes of this section will be served thereby.

910.25. Interference prohibited. No person may prevent, delay or interfere with the forester while engaged in the performance of the duties imposed by this section.

Section 911 – Lawn Fertilizer Use  
(Added, Bill No. 2002-19)

911.01. Purpose. The purpose of this section is to achieve the policies outlined in the City's Surface Water Management Plan and protect the water quality of the water bodies within the City of Richfield.

911.03. Administration. The City Council hereby designates the Public Works Director as the administrator of this section.

911.05. Fertilizer Use Regulations. Subdivision 1. Prohibition Regarding Application of Phosphorous Fertilizers on Turf. A person may not apply a fertilizer containing the plant nutrient phosphorus to turf, including, but not limited to, residential and commercial residential property, private golf courses, and property owned by federal, state, or local units of government, including parks, recreation areas, and public golf courses.

Subd. 2. Exemptions. The following exemptions apply to the fertilizer use ordinance on turf, provided that the application of phosphorus fertilizer does not exceed rates recommended by the University of Minnesota and approved by the commissioner of agriculture:

a. A tissue, soil, or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the levels of available phosphorus in the soil are insufficient to support healthy turf growth.

b. The property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season.

c. The fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner of agriculture.

Subd. 3. Prohibition Regarding Application of Phosphorous Fertilizers on Impervious Surfaces. A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

911.07. Penalty. Any person violating this section shall be guilty of a petty misdemeanor.

Section 915 - Alarm Systems  
(Added, Bill No. 1991-13)

915.01. Purpose. The number of false alarms to which the Richfield Department of Public Safety responds has reached a level that places an unreasonable burden on the resources of the department and creates unnecessary risk and liability for emergency responders and the public. The purpose of this section is to reduce the risk and expense associated with responding to false alarms by reducing the frequency of such alarms.

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

Subd. 2. "Alarm system" means a device or system that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, police or fire services of the city. For the purpose of this section, "alarm system" does not include an alarm installed on a vehicle unless the vehicle is permanently located at a site.

Subd. 3. "Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind that uses an alarm system to protect its premises, regardless of whether it owns or leases the system.

Subd. 4. "False alarm" means any activation of an alarm system that results in a response by police or fire personnel where an emergency does not exist. "False alarm" includes, but is not limited to, activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligent use or maintenance of the alarm system by the alarm user or the alarm user's employee or agents. "False alarm" does not include alarm activations caused by utility company power outages, by climatic conditions such as unusually strong winds or lightning, or by any other conditions that are clearly beyond the control of the alarm manufacturer, installer, and user. 'False alarm' does not include activation of an alarm system as the result of an effort or order to upgrade, install, test, or maintain the system if the Public Safety Director and, where applicable, the central monitoring agency for the alarm system are each notified before such work on the alarm system.

Subd. 5. "Calendar year" means the period from January 1 through December 31 of each year.

915.05. Proper alarm systems operation and maintenance. Subdivision 1. Maintenance. The alarm user shall maintain the alarm system and premises in a manner that will minimize or eliminate false alarms.

Subd. 2. Key holder response. The alarm user or a designated representative shall appear at the alarm system location within a reasonable period of time when notified by the city to deactivate a malfunctioning alarm system or to provide access to the premises.

Subd. 3. Intentional false alarms. No person shall intentionally cause a false alarm.

Subd. 4. Exterior alarms. Alarm systems with exterior audible signals shall be set so that the exterior signal will not sound for more than 10 minutes after the alarm has been activated.

Subd. 5. Automatic dialing devices. Alarm systems employing automatic telephone dialing devices shall not be set or programmed to dial '911' or the Department of Public Safety.

915.07. User fees. Subdivision 1. For fees, refer to Appendix "D". (Amended, Bill No. 2003-14)

Subd. 2. Payment of fees. Alarm user fees must be paid to the city clerk within 30 days from the date of written notice by the city to the alarm user. Fees under appeal pursuant to 915.07, Subd. 4 must be paid within five days written notice of denial of appeal or within 30 days of the original written notice, whichever is greater. Fees not paid within the time specified will be subject to a 10 percent penalty charge.

Subd. 3. Assessment of delinquent fees. All delinquent charges shall be certified to the city clerk who shall prepare an assessment roll providing for assessment of the delinquent amounts against the respective properties. This assessment roll shall be delivered to the council for adoption in the manner provided by law. Such action may be optional or subsequent to taking legal action to collect delinquent accounts.

Subd. 4. Appeals. An alarm user charged with an alarm user fee may make a written appeal of the false alarm charge to the director of public safety within 15 days notice of the charge. The director of public safety will make the final determination whether the appeal will be upheld or denied.

915.09. Confidentiality of records. All information and statistics collected and maintained in the administration of this section shall be deemed nonpublic data and security information exempt from disclosure pursuant to state statute.

Section 920 - Firearms; fireworks; weapons.

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

Subd. 2. "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases.

Subd. 3. "Manufacturer or dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail or of accepting or pledging firearms as security for loans within the city.

Subd. 4. "Firearms-Related Uses" means uses operated by a private person or entity that involve the discharge of a firearm, including but not limited to shooting galleries, firing ranges, and fire-arms safety training centers. (Added, Bill No. 2004-5)

920.03. License. Subdivision 1. License required. A manufacturer or dealer may not sell at wholesale or retail, or lease, Pledge or accept as security for a loan a firearm without first having procured a license as specified below under Subdivision 7. An operator of a firearms-related use may not operate any firearms-related use without first having procured a license as specified below under Subdivision 8. (Amended, Bill No. 2004-5)

Subd. 2. Contents of application. Application for a license shall be made to the city clerk. The application shall indicate the business name of the applicant, the business address, the name and home address of the proprietor, proprietors (if a partnership) or of the president (if a corporation) and such additional information as may be required. The application may be filed in person or by mail and shall be accompanied by the license fee.

Subd. 3. License fee. The annual license fee is as fixed in appendix D.

Subd. 4. Issuance: review by public safety director. The application shall be referred to the public safety director, who shall review the application and report to the clerk with recommendations within ten days. If the recommendation is favorable and the clerk is without other good cause for denial, the license shall be issued. If the clerk determines that the applicant is not a suitable person to be licensed, the applicant shall be so notified in writing within ten days from the date of receipt of the report of the director of public safety and the license shall be denied.

Subd. 5. Revocation. When a licensee is convicted of a violation of this section, the director of public safety shall notify the clerk within 48 hours after such conviction and the clerk shall revoke the license. In the case of appeal from such conviction, the clerk shall permit the licensee to continue business until final disposition of the case.

Subd. 6. Duration of Revocation. A license revoked under this subsection may not be renewed within five years of the date of revocation.

Subd. 7. Conditions Governing Issuance for firearms manufacturers or dealers. The following conditions govern issuance of a license for firearms manufacturers or dealers pursuant to this subsection: (Amended, Bill No. 2004-5)

(a) A true record shall be made by each licensed manufacturer or dealer in the form prescribed by the director of public safety of each firearm sold, pledged as security for a loan, transferred or otherwise disposed of at wholesale or retail. This record shall contain a date of sale (or the dates of pledge and redemption for a loan), the caliber, make, model and manufacturer's number of the firearm and the name and address of the purchaser (or person depositing the firearm as security for a loan). Such record shall be retained by the manufacturer or dealer for a period of not less than three years following the date of such sale.

(b) Each licensed manufacturer or dealer shall transmit to the director of public safety within 24 hours a notification of all sales of pistols made at retail, giving the information required by paragraph (a) above.

(c) All firearms must be securely wrapped and unloaded when delivered.

(d) All licensees must be at least 21 years of age.

(e) No person may, in applying for a license as a manufacturer or dealer, give false identification or offer false evidence of his identity.

(f) No dealer may display any firearm, imitation thereof, or placard advertising the sale thereof where it can be readily seen from outside the premises.

Subd. 8. Conditions Governing Issuance for operators of firearms-related uses. The following conditions govern issuance of a license for operators of firearms-related uses:

(a) All licensees must be at least 21 years of age.

(b) No person may, in applying for a license to operate a firearms-related use, give false identification or offer false evidence of his identity.

(Added, Bill No. 2004-5)

920.05. Unlawful Disposition of Firearms. No dealer may sell, lease, lend or otherwise transfer a firearm to any person whom the dealer knows or has reasonable cause to believe has been convicted of a crime of violence, is a fugitive from justice, is of unsound mind, is a drug addict or a habitual drunkard, or who is a member of a subversive organization as defined in state law.

920.07. Adoption by reference: handguns. Minnesota Statutes, sections 624.711 to 624.717 are adopted by reference.

920.09. Adoption by reference: fireworks. Minnesota Statutes, sections 624.20 to 624.25 are adopted by reference.

920.11. Weapons. Subdivision 1. General rule. It is unlawful for a person to discharge a firearm or other weapon in the city except as provided in this subsection.

Subd. 2. Archery. It is unlawful to discharge an arrow from a bow except on private property with the consent of the owner of the property and on public property designated for such activity.

Subd. 3. Hunting. Hunting with dogs, weapons or both is prohibited in the city.

Subd. 4. Exceptions. A weapon of any type may be discharged in the city by:

- (a) peace officers in carrying out their official duty;
- (b) persons engaged in target shooting at inanimate objects at a firearms-related use that is licensed under this section and complies with the requirements of Section 526.27, Subdivision 19 of this code; or (Amended, Bill No 2004-5)
- (c) persons acting in self-defense as permitted by law.

Section 921 – Open Burning Restrictions  
(Added, Bill No. 2007-16)

921.01. Purpose. The purpose of this section is to promote the general health, welfare and safety by regulating open burning within the City of Richfield.

921.03. Definitions. Subdivision 1. The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

Subd. 2. “Fire Marshal” means the City of Richfield employee appointed by the city manager as fire marshal.

Subd. 3. “Open burning” means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed firebox, structure or vehicle and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney.

Subd. 4. “Recreational fire” means a fire set for cooking, warming or ceremonial purposes.

921.05. Open Burning Prohibited Except by Permit. No person may cause, allow, or permit open burning within the City except as provided in this section.

921.07. Exceptions to Open Burning Prohibition. Subdivision 1. Open burning of the types, and subject to the conditions as stated in the following subdivisions, is exempt from the prohibition in subsection 921.05 of this code.

Subd. 2. Recreational fires. Recreational fires are allowed in accordance with all of the following conditions:

- a. Fires must comply with the Minnesota Fire Code requirements;
- b. Fires must be conducted only between the hours of 3:00 p.m. and 11:00 p.m.;
- c. At least one person 18 years of age or older must be in attendance at all times until the fire is extinguished;
- d. At least one portable fire extinguisher with a minimum 4-A rating, a charged garden hose, or a five-gallon pail of dirt or sand must be available at all times until the fire is extinguished;
- e. Fires must be extinguished to the point of cold before being left unattended.
- f. Fires must not be more than three feet in diameter or two feet in height;
- g. Fires must be contained in a fire pit or enclosure that is constructed from brick, masonry, metal or other noncombustible material;
- h. Fires must be located at least 25 feet away from any combustible structure, except that fires in a manufactured container may be located no less than 15 feet away from a combustible structure that is located on the same property;
- i. Only dried wood from trees or small branches or charcoal may be burned; no trash, yard debris, construction debris, plastic, or treated, painted, varnished or otherwise coated materials may be burned; and

- j. Fires must be immediately extinguished when ordered by a firefighter or police officer. A firefighter or police officer may order any recreational fire to be extinguished if the fire poses a nuisance to surrounding residences. A nuisance is deemed to exist if the fire generates flying embers that pose a hazard to property or generates smoke or odors that unreasonably interfere with the use or enjoyment of neighboring properties.

Subd. 3. Cooking Fires. Burning of dried wood or charcoal is allowed within an outdoor fireplace, barbecue grill or smoker for cooking purposes.

Subd. 4. Fires under managed supervision, for which a burning permit has been obtained from the fire marshal and, where required by state law, from the pollution control agency or department of natural resources, but limited to the following:

- a. Fires purposely set for the instruction and training of public and industrial fire fighting personnel.
- b. Fires set for the elimination of a fire hazard which cannot be abated by another other practicable means.
- c. Fires purposely set for forest and game management purposes.
- d. The burning of trees, brush, grass and other vegetation in the clearing of land, the maintenance of street, road and highway rights of way, and in accepted agricultural land management practices.

Subd. 5. An exception to conduct open burning under this subsection does not excuse a person from the consequences, damages, or injuries which may result therefrom, nor does it exempt any person from regulations promulgated by the Minnesota pollution control agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

921.09. Penalty. Violation of this section is a misdemeanor under Minnesota law.

Section 925. Nuisances.

925.01. Public Nuisances. Subdivision 1. General rule. Whoever by intentional act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance:

- (a) maintains or permits a condition which necessarily annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- (b) interferes with, obstructs or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or
- (c) is guilty of any other act or omission declared by law or by this code to be a public nuisance.

Subd. 2. Public nuisances affecting health. The following are hereby declared to be nuisances affecting health:

- (a) exposed accumulation of decayed or unwholesome food or vegetable matter;
- (b) diseased animals running at large;
- (c) ponds or pools of stagnant water;
- (d) carcasses of animals not buried or destroyed within 24 hours after death;
- (e) accumulations of manure or rubbish;
- (f) privy vaults and garbage cans which are not rodent free or flytight, 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, lake, canal or body of water by sewerage, creamery or industrial wastes, or other substances;
- (h) poisonous plants including but not limited to poison ivy, poison oak and ragweed; plants detrimental to health, any growth of weeds, grass, brush or other rank vegetation to a greater height than six inches on the average; and accumulations of dead weeds, grass or brush;
- (i) dense smoke, noxious fumes, gas or soot, or cinders in unreasonable quantities;
- (j) offensive trades and businesses as defined by statute not licensed by the city board of health as provided by law; and
- (k) public exposure of persons having a contagious disease.

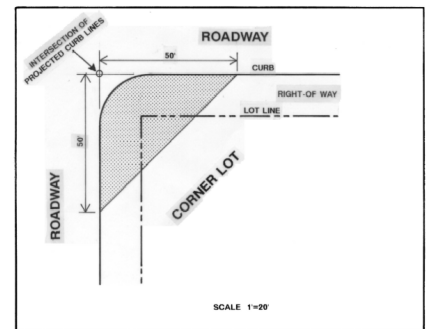
Subd. 3. Public nuisances affecting morals and decency. The following are declared to be nuisances affecting public morals and decency:

- (a) gambling devices, slot machines and punch boards not permitted by state law or this code;
- (b) houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- (c) domestic animals in the act of coupling, exposed to public view;
- (d) places where intoxicating liquors are manufactured, sold, bartered, or given away in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage, or where intoxicating liquors are kept for sale, barter or distribution in violation of the law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place;
- (e) vehicles used for the illegal transportation of intoxicating liquor, or for promiscuous sexual intercourse or any other immoral purpose;
- (f) indecent or obscene pictures, books, pamphlets, magazines and newspapers; and
- (g) betting, bookmaking, and apparatus used in such activities.

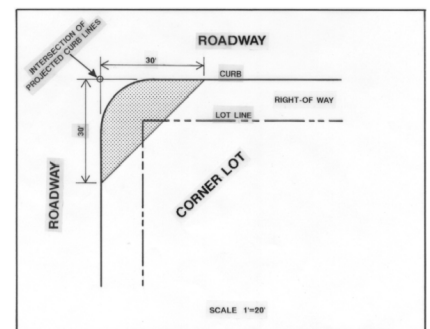
Subd. 4. Public nuisances affecting peace and safety. The following are declared to be nuisances affecting peace and safety:

- (a) trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle drawn at a reasonable speed to a full stop before the intersection is reached.

Except as otherwise provided in this clause, on corner lots in all districts, nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between the height of 30 inches and 10 feet above the abutting curb line of the intersecting streets within a triangular area as defined as follows: “beginning at the intersection of the projected curb lines of two intersecting streets, thence 50 feet along one curb line, thence diagonally to a point 50 feet from the point of beginning on the other curb line, thence to the point of beginning.”



On corner lots in all districts where the intersection is controlled in all directions with the use of stop signs or traffic signals so as to allow free-flowing traffic in no more than 2 directions, nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between the height of 30 inches and 10 feet above the abutting curb line of the intersecting streets within a triangular area as defined as follows: “beginning at the intersection of the projected curb lines of two intersecting streets, thence 30 feet along one curb line, thence diagonally to a point 30 feet from the point of beginning on the other curb line, thence to the point of beginning.”



For the purposes of this section, chain link, wrought iron or other fences with less than 50 percent opacity shall not be considered sight obstructions. (Amended, Bill No. 2008-17)

(b) limbs of trees which are less than eight feet above the surface of any public sidewalk, or nine feet above the surface of any street;

(c) wires across the public streets, alleys or sidewalks which are strung less than 15 feet above the surface of the ground;

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

(e) radio aerials or television antennae strung or erected in any dangerous manner;

(f) the use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;

(g) hanging signs, awnings and other similar structures over the streets or sidewalks or so situated as to endanger public safety, or not constructed and maintained in accordance with this code;

(h) the allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk to flow across any sidewalk;

(i) barbed wire fences less than six feet off the ground and within three feet of a public sidewalk or way;

(j) dangerous, unguarded machinery, including parked and unattended construction equipment and construction vehicles whose ignitions are unsecured, in any public place, or so situated or operated on private property so as to attract the public;

(k) waste water cast upon or permitted to flow upon streets or other public property;

(l) accumulations in the open of discarded or disused machinery, household appliances and furnishings, or other material, in a manner conducive to the harborage of rats, mice, snakes or vermin, or to fire, health or safety hazards from such accumulations, or from the rank growth of vegetation among the items so accumulated;

(m) an unsecured hole or opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, foundation, mine shaft or tunnel, or any other hole or opening in the ground of sufficient size or depth so as to constitute a hazard to any child or other person, being or coming upon the premises where the same is located; or any discarded or unused icebox, refrigerator, or other similar device or object, which is left outside or in such condition as to be accessible to any child being or coming upon the premises where the same is located; (Amended, Bill No. 2008-21)

(n) obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash, lawn clippings, leaves, rocks, boards or other materials;

(o) other conditions or things which are liable to cause injury to the person or property of anyone; and

(p) the posting or affixing of any notice, poster, written symbols or markings or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public or private structure or building, without the prior written consent of the owner. It is presumed that symbols or markings not related to the business activity, appearing on the property, were placed there without the owners consent. Upon any trial of a charge arising out of a violation of this section the owner may present proof rebutting such presumption; and (Added, Bill No. 1987-19)

(q) exterior wall surfaces of structures which have had a finish such as paint applied and are cracked, peeling or chipped on more than 20% of a wall, or all door and window moldings and trim, eave projections and gutters on any one side. (Added, Bill No. 1987-28)

(r) the placement or dispersal of leaves or lawn clippings or soil into a natural waterway or public street, street drain, gutter or ditch, or allowing water to place or deposit eroded soil into a natural waterway or public street, street drain, gutter or ditch. (Added, Bill No. 2003-7)

925.03. Cesspools, septic tanks, privy vaults and similar facilities. Subdivision 1. Nuisance declared. The use of cesspools, septic tanks, drain fields, privy vaults and other similar facilities for the disposal of sanitary sewage discharged into the ground and not into the sanitary sewerage system of the city is found to create or to be likely to create a hazard to the underground water supply of the city, and to create or be likely to create health hazards to persons in the city. Such facilities are hereby found to be contrary to the public health, safety and welfare, and are declared to be public nuisances in violation of this subsection.

Subd. 2. Abatement. The nuisance shall be immediately abated by the owner, agent or other person or party having control over the property on which such nuisance is located. The abatement shall consist of connecting any facilities on such property for the disposal of sanitary sewage with the city sanitary sewerage system, or by the filling up and discontinuing of the use of such facilities.

Subd. 3. Unlawful to fail to abate. It is unlawful for any person enumerated in subdivision 2 to fail to abate the nuisance. Each day that a person fails to abate the nuisance constitutes a separate offense.

925.05. Uncovered cesspool. No person may place or leave on or near the top of the ground, whether uncovered or covered with earth or other material, the contents of any privy or other vault, cesspool or excavation containing odore or filth within the city.

925.07. Abatement and Control of Nuisances. Subdivision 1. Procedures. The condition declared in this section or any other provision of this code to be nuisances and therefore subject to abatement and control, unless otherwise provided in this chapter, shall be subject to regulation enforced and applied in accordance with the procedures of this subsection.

Subd. 2. Order. When the existence of any condition relating to this part is found, the director of public safety, the building official, fire marshal or any police officer of the city, acting in concert with one of the enforcing officers enumerated in this section, shall issue a written order to any inner occupant or other person responsible to remove the same, at his expense, within a specified time not to exceed ten days.

Subd. 3. Service. The written notices shall be served upon the owner, occupant, or other persons responsible by the sheriff, marshal or other peace officers. If service cannot be made after diligent search, the officer attempting to make such service shall, in lieu thereof, post a written printed notice upon the property or premises as provided in subdivision 4.

Subd. 4. Contents. The notice shall state unless the nuisance is abated or removed within ten days, the sheriff, marshal or other peace officer will abate or remove the nuisance complained of and found to exist, at the expense of the owner.

925.09. Assessment of cost. The cost of abatement or removal of a public nuisance shall be assessed against the property as provided in Minnesota Statutes, Chapter 429, as other law. (Amended, Bill No. 1995-9, Sec. 6)

925.11. Other Penalties. Implementation of the procedures enumerated in this section shall not prevent prosecution of violations of the provisions of this section pursuant to this code.

925.13. Repeat Nuisance Call Fee. Subdivision 1. Purpose. The purpose of this section is to protect the public safety, health and welfare and to prevent and abate repeat calls by the City to the same property or location for nuisance conduct, as defined herein, which prevent police or public safety services to other residents of the City. It is the intent of the City by the adoption of this Section to impose and collect 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 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. (Added, Bill No. 2007-22)

Subd. 2. Scope and application. This Section applies to all owners and occupants of private property which is the subject or location of repeat calls by the City. This Section applies to any repeat calls made by a City of Richfield peace officer, or community service, animal control and code enforcement officers.

Subd. 3. Definition of nuisance conduct.

(a) For purposes of this Section, the term “nuisance conduct” means any activity, conduct, or condition occurring upon private property within the City that unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public; or will, or tend to, alarm, anger or disturb others or provoke breach of the peace, to which the City is required to respond, 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 Section 925 of the City Code;

(3) Any activity, conduct, or condition in violation of Sections 511.21, 601, 905, 930, 1320, or 1325 of the City Code;

(4) Any conduct, activity or condition constituting a violation of Minnesota state laws prohibiting or regulating prostitution, gambling, controlled substances, use of firearms; and

(5) Any conduct, activity, or condition constituting disorderly conduct under Chapter 609 of Minnesota Statutes.

Subd. 4. Repeat call fee.

(a) The City may impose a repeat call fee upon the owner or occupant of private property if the City has rendered services or responded to the property on three (3) or more occasions within a period of 365 days in response to or for the abatement of nuisance conduct.

(b) The repeat call fee will be an amount as set forth in Appendix D of the City Code. The City may impose an additional fee for each call in excess of three (3) within a period of 365 days.

(c) A repeat call fee imposed under this Section will be deemed delinquent if it is not paid within 30 days after the City mails the billing statement for the fee. The City will add a ten percent late penalty to a delinquent payment.

Subd. 5. Notice. No repeat call fee may be imposed against an owner or occupant of property without first providing the owner or occupant with written notice of the two previous nuisance calls which are the basis for the fee. The written notice must:

(a) identify the nuisance conduct that previously occurred on the property, and the dates of the previous nuisance conduct; and

(b) state that the owner or occupant may be subject to a repeat call fee if a third repeat call is rendered to the property for nuisance conduct; and

(c) state that the City has the right to seek other legal remedies or actions for abatement of the nuisance conduct or compliance with the law; and

(d) be served personally or by U.S. Mail upon the owner or occupant at the last known address.

Subd. 6. Right to appeal.

(a) When the City mails the billing statement for the repeat call fee, the City will inform the owner or occupant of their right to request a hearing.

(b) The owner or occupant upon whom the fee is imposed must request a hearing within ten (10) business days of the mailing of the billing statement, excluding the day the statement is mailed. The request for a hearing must be in writing and delivered to the City Clerk or the Clerk's designee. The hearing will be scheduled within 21 days of the date of the request. If the owner or occupant fails to request a hearing within the time and in the manner required under this Section, the right to a hearing is waived.

(c) The hearing will be conducted by a hearing officer in an informal manner. The Minnesota Rules of Civil Procedure and Rules of Evidence will not be strictly applied. After considering all evidence submitted, the hearing officer will make written Findings of Fact and Conclusions regarding the nuisance conduct and the imposition of the repeat call fee. The hearing officer will serve the Findings of Fact and Conclusions upon the owner or occupant by U.S. Mail within five days of the hearing.

(d) If the owner or occupants fails to appear at the scheduled hearing date, the right to a hearing is waived.

(e) Upon waiver of the right to a hearing under paragraphs (b) or (d), or upon service of the hearing officer's Findings of Fact and Conclusions that the repeat call fee is warranted, the owner or occupant must immediately pay the fee imposed.

Subd. 7. Legal Remedies Nonexclusive. Nothing in this Section will be construed to limit the City's other available legal remedies, including criminal, civil, injunctive or others, for any violation of the law which may constitute nuisance conduct.

Subd. 8. Exceptions. The City may not impose a repeat call fee against an owner or occupant for a police response relating to emergency assistance, including, but not limited to, domestic, spousal and child abuse.

Subd. 9. Recovery of Fee.

(a) If a repeat nuisance service fee is not paid within thirty (30) days after the billing statement is sent by the City, it will constitute:

(1) a lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the nuisance conduct; or

(2) a personal obligation of the owner or occupant in all other situations.

(b) A lien may be assessed against the property and collected in the same manner as taxes.

(c) A personal obligation may be collected by appropriate legal means.

Section 930 - Noise control

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

Subd. 2. "L 10 Level" means the noise level, expressed in dBA, which is exceeded by ten percent of the time for a one hour survey as measured by test procedures formulated by the city's department of public safety.

Subd. 3. "Motor vehicle" means (i) any self-propelled vehicle not operated exclusively upon railroad tracks, (ii) any vehicle propelled or drawn by any self-propelled vehicle, except snowmobiles. (Amended, Bill No. 1998-23, Bill No. 2009-21)

Subd. 4. "Daytime" means that part of each calendar day between the hours of 7:00 a.m. and 10:00 p.m. (Amended, Bill No. 1998-23)

Subd. 5. "Nighttime" means that part of each calendar day between the hours of midnight and 7:00 a.m. and between 10:00 p.m. and midnight. (Amended, Bill No. 1998-23)

930.03. Adoption of regulations by reference. The following state agency regulations are adopted by reference: Minnesota Pollution Control Agency, Noise Pollution Control Section, Minnesota Rules Chapter 7030, as amended. (Amended, Bill No. 2009-21)

930.05. Receiving land use standards. Subdivision 1. Maximum noise levels by receiving land use district. For purposes of enforcing maximum noise levels by the receiving land use district as established by state rules, noise levels will be measured at the property line of the receiving use which is closest to the source. (Amended, Bill No. 2009-21)

Subd. 2. Exceptions. The following exceptions to the maximum noise limits established by state rules shall apply: (Amended, Bill No. 2009-21)

(a) construction activities described in subsection 930.09. (Amended, Bill No. 1998-23)

(b) situations in which public health and safety require that immediate work be done on any property the performance of which exceeds the sound levels permitted for that time of day or for that day. (Amended, Bill No. 1998-23)

(c) situations in which the purpose of the sound is to alert persons to an emergency or for the purpose of testing any alarm system. (Amended, Bill No. 1998-23)

930.07 Outdoor implements. No person may operate any outdoor power implement, including but not limited to lawn mowers, hedge clippers, chain saws or other implements designed primarily for outdoor use, at any time other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 8:00 a.m. and 10:00 p.m. on public holidays, Saturdays and Sundays, except that snowblowers shall not be operated at any time other than between the hours of 6:00 a.m. and 10:00 p.m. any day of the week. (Amended, Bill No. 1998-23).

930.09. Construction activities. Construction activity involving the use of power equipment which does not generate a sound level in excess of 85 dBA, measured at the property line of the source, may be operated in all zones between the hours of 7:00 a.m. and 10:00 p.m. daily. All other construction activity may be carried out only between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 8:00 a.m. and 10:00 p.m. on Saturdays. (Amended, bill No. 1998-23)

930.11. Air circulation devices; auxiliary generators. Subdivision 1. Permit required. No person may permanently install or place any sound emitting air circulation device, auxiliary generator or other heating, ventilation or air circulation mechanical equipment in any outdoor location without first obtaining a permit for the installation. The requirement for a permit does not apply to a window air conditioning unit or an auxiliary generator that is temporarily placed during emergency use. (Amended, Bill 1998-23, Bill No. 2009-21)

Subd. 2. Sound levels; mitigation required. The sound level produced by any window unit, air circulation device, auxiliary generator or other heating, ventilation or air circulation mechanical device shall be reduced in the manner required by the director of community development. Such requirements may include, but are not limited to, placement or installation of fencing, landscaping or sound baffling equipment or relocation of the device if the noise results or contributes to sound levels in excess of those specified in Table I. (Amended, Bill No. 2009-21)

930.13. Motor vehicles. Subdivision 1. General restrictions. No person may operate a motor vehicle or combination of vehicles in such a manner as to exceed the noise limits contained in Pollution Control Agency Rules, Minn. R. 7030.1000-1060, as amended. (Amended, Bill No. 2009-21)

Subd. 2. Idling of motor vehicles. No person may operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such vehicle in a manner that constitutes unlawful idling, in violation of this subdivision. As used in this subdivision, a vehicle is engaged in unlawful idling if:

(a) the vehicle is stationary, for reasons other than congested traffic, for a period of more than 10 minutes in any hour between the hours of 10:00 p.m. of one day and 8:00 a.m. of the following day; and

(b) the vehicle is located on public or private property within 150 feet of a residential zone.

(Amended, Bill No. 1998-23)

Subd. 3. Motor vehicle in disrepair. No person may operate any motor vehicle in such a condition of disrepair as to create loud or unnecessary grating, grinding, rattling or other noise.

Subd. 4. Loading of vehicles. No person may create any loud and excessive noise in connection with the loading, unloading or unpacking of any vehicle. (Amended, Bill No. 1998-23)

Subd. 5. Muffler required. No person may permit the discharge into the open air of emissions from an internal combustion engine except through a muffler or other device which will effectively prevent loud or explosive noises issuing therefrom.

Subd. 6. Audio equipment. No person may operate a motor vehicle audio system in a manner so that the sounds emitted by the system are audible at a distance of 50 or more feet from the motor vehicle. (Added, Bill No. 1998-23)

930.15. Keeping of animals. The keeping of a dog, cat or other animal which, by reason of noise caused by it or by its presence, annoys other persons who are in the neighborhood is a public nuisance and is unlawful. Upon the receipt of a written complaint of such annoyance by the occupants of two or more neighboring properties, the city shall notify the owner of the animal that the nuisance must be abated within 48 hours. Failure to obey the notice is a violation of this subsection.

930.17. Refuse hauling and snow plowing. The operation of vehicles used for the hauling of refuse on private property shall be limited to the period between 7:00 a.m. and 10:00 p.m. any day of the week. The operation of vehicles for snow plowing on private property shall be limited in residential districts and within 50 feet of such districts to the period from 6:00 a.m. and 10:00 p.m. any day of the week.  
(Amended, Bill No. 1998-23)

930.19. Horns and signaling devices. The following uses of horns or other signaling devices are unlawful:

- (a) the sounding of any horn or signaling device on any automobile, motorcycle or other vehicle and upon any locomotive, except as a danger warning;
- (b) the creation by means of any signaling device of any unreasonably loud or harsh sound; and
- (c) the sounding of any device for an unnecessary and unreasonable period of time.

930.21. Radios, phonographs, stereo and electronic equipment, paging systems: except advertising. No person may use or operate or permit the use or operation of any radio receiver, musical instrument, phonograph, stereo and electronic equipment, paging system, machine or other device for the production or reproduction of loud sounds so as to unreasonably disturb the peace, quiet and comfort of any person nearby. The following shall constitute such a disturbance:

(a) Operation of any such device from within an enclosed structure between the hours of 10:00 p.m. of any day and 7:00 a.m. of the next day in a manner distinctly audible at the property line of the structure or building in which it is located, or in the hallway or apartment unit adjacent if located in an apartment unit.  
(Amended, Bill No. 1998-23)

(b) Operation of any such device outside of an enclosed structure at any time, in a manner distinctly audible at a distance of 50 feet from the device. (Added, Bill No. 1998-23)

The regulations contained in this subsection are not applicable to licensed sound trucks and other similar advertising activities.

930.23. Radios, phonographs, paging systems: commercial advertising. No person may use or operate or permit the use or operation of any radio receiver, musical instrument, phonograph stereo and electronic equipment, paging system or other device for the production or reproduction of sound on any street or other public place, or audible at any location, for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle unless a license is first obtained pursuant to chapter XI. (Amended, Bill No. 1998-23)

930.25. Noise near schools, churches and health care institutions. No person may willfully create any excessive noise on any street, alley, sidewalk or public grounds adjacent to any educational, religious or health care institution when the noise unreasonably interferes with the conduct of the activities of the institution or disturbs or unduly annoys its occupants or residents. (Amended, Bill No. 1998-23)

930.27. Peddling. No peddler or vendor may make any noise on a public street, whether by yelling, shouting or otherwise, which disturbs the peace and quiet of the residents of the neighborhood. (Amended, Bill No. 1998-23)

930.29. Participation in noisy gatherings.

(a) At any time between the hour of 10:00 p.m. of any day and 7:00 a.m. of the following day no person may congregate or participate in, any party or gathering of people from which noise emanates of sufficient volume to unreasonably disturb the peace, quiet or repose of other persons. (Amended, Bill No. 1998-23)

(b) A police officer may order all persons present at such party or gathering other than the owners, residents or tenants to immediately disperse. Any person who refuses to leave after being ordered to do so by a police officer is guilty of a violation of this subsection. (Added, Bill No. 1998-23)

(c) Any owner, tenant, or resident of the building or place who has legal authority to control the activities at such building or place and who knows or has reason to know of the disturbance and fails to immediately take reasonable steps to abate such disturbance is guilty of a violation of this subsection. (Added, Bill No. 1998-23)

(d) Any owner of a building or place who knows or has been notified of a pattern of disturbances and fails to immediately take reasonable steps to abate such disturbances is guilty of a violation of this subsection. For purposes of this subsection, a disturbance is defined as an incident which results in oral or written communication with the public safety department; pattern is defined as more than one disturbance in a 30-day period or six or more disturbances in a 12 month period. (Added, Bill No. 1998-23)

930.31. Additional restrictions. Notwithstanding any other provision of this section no person may make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or other noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city. (Amended, Bill No. 1998-23)

930.33. Administration and enforcement. Subdivision 1. Responsible official. The manager, acting personally or through his designee, shall administer and enforce the noise control regulations contained in this section.

Subd. 2. Testing procedures. The manager shall adopt guidelines establishing the test procedures and instrumentation to be used in enforcing the provisions of this section.

930.35. Noise variances. Subdivision 1. Authority. The council and manager may, consistent with this subsection, grant variances from the requirements of any provision of this section.

Subd. 2. Application. A person seeking a variance shall file an application with the manager on forms prescribed by the manager. The application shall state the dates during which the variance is proposed, the location of the noise source, the time of operation of the noise source, the nature of the noise source, the reasons why the variance is sought, the steps which will be taken to minimize the noise level and such other information as is required by the manager.

Subd. 3. Action on Application: 15 days or less. If the requested variance is to last for a period of 15 days or less, the manager may either grant or deny the request. Before granting or denying the request, the manager may require the applicant to notify property owners within 500 feet of the noise source that the application has been made. A person claiming to be adversely affected by the granting of the variance may be given an opportunity to file a statement in opposition to the granting of the variance stating the reasons for such opposition. The manager may conduct an informal hearing at which the applicant and persons filing statements in opposition to the variance are given an opportunity to be heard. The manager shall thereafter either grant or deny the variance request.

Subd. 4. 15 days or more. If the requested variance would last for a period of more than 15 days, it shall be granted or denied by the council after hearing. Upon receipt of an application for such a variance, the manager shall give mailed notice of the council hearing to property owners within 500 feet of the noise source. At the hearing applicant and all persons claiming to be affected by the variance request may be heard.

Subd. 5. Hardship: conditions. A variance may not be granted by either the council or the manager unless it is found that full compliance with this section would constitute an unreasonable hardship on the applicant, which hardship outweighs any serious adverse impact upon the health, safety or welfare of the public. In granting a variance, the council or the manager, as the case may be, may attach conditions including sound levels, duration, hours, design and termination of the variance.

Subd. 6. Temporary variances. The manager may grant temporary variances pending action by the council on an application for a variance.

930.37. Appeals. A person whose interests are affected by the granting or denial of a variance, or any condition imposed thereon, may appeal the manager's decision to the council. An appeal may be initiated by filing a notice of appeal with the clerk within 20 days of the date of the manager's decision. The appeal shall be heard by the council as soon thereafter as practicable. In considering the appeal, the council shall hear evidence bearing upon the granting or denial of the variance or any conditions to be imposed. The council shall have 30 days following the close of the hearing on a variance to either grant or deny the variance. The variance may be granted subject to conditions which the council may in its discretion impose.

930.39. Sound level and bid awards: evaluation of city bids. The city may consider the sound levels of equipment which bidders propose to supply to the city in evaluating which equipment represents the lowest responsible bid.

Section 935 – Sale of Spray Paint and Similar Items  
(Added, Bill No. 2007-20)

935.01. Sale or transfer to minors. No person seventeen (17) years of age or under may possess or buy any spray paint, paint sticks, or one-half (1/2) inch or larger broad-tipped markers. No person in the business of selling or promoting the sale of spray paint, paint sticks, or ½ inch or larger broad-tipped markers, nor the agent or employee of any such person, may sell or transfer possession of spray paint, paint sticks, or ½ inch or larger broad-tipped markers to a person seventeen (17) years of age or under.

935.03. Exceptions. Subdivision. 1. Consent from parent or guardian. A person may sell or transfer possession of spray paint, paint sticks, or ½ inch or larger broad-tipped markers to a person seventeen (17) years of age or under if the minor presents the written consent of the minor’s parent or guardian. Such consent must contain the name, address and telephone number of the parent or guardian.

Subd. 2. Specific uses. This section does not apply if the spray paint, paint stick, or ½ inch or larger broad-tipped marker is sold, delivered, or given away simultaneously with and as part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains, or other similar models.

935.05. Storage of Items. Subdivision. 1. Visibility. A person who owns, conducts, operates, or manages a commercial establishment offering for sale spray paint, paint sticks, or ½ inch or larger broad-tipped markers must store such items in an area that is continuously observable, through either direct visual observation or surveillance equipment, by employees of the establishment during regular business hours.

Subd. 2. Accessibility. If a commercial establishment is unable to store spray paint, paint sticks or ½ inch or larger broad-tipped markers in an area as provided in subdivision 1 above, the establishment must store the items in an area that is not accessible, without employee assistance, to the public during regular business hours. This subdivision does not preclude an establishment from otherwise storing the spray paint, paint sticks or ½ inch or larger broad-tipped markers in a storage room that is not accessible to the public without employee assistance.

Subd. 3. Sign. All commercial establishments in the business of selling or promoting the sale of spray paint, paint sticks, or ½ inch or larger broad-tipped markers must display a sign, in clear view, with a minimum letter size of one inch, that reads: “We I.D. No Spray Paint Sales to Minors.”

935.07. Removal of Graffiti. Property owners and businesses, or those entities or persons who have authority over property or are responsible for a property’s maintenance or management, must remove or cover graffiti within 48 hours of its occurrence.

935.09. Enforcement. Subdivision 1. Compliance Checks. The City will conduct annual compliance checks of all commercial establishments to which this Section applies.

Subd. 2. Penalty. The City may impose a civil fine for violations of this Section or prosecute violations as a misdemeanor. Civil fines for non-compliance will be pursuant to Resolution adopted by the Richfield City Council. The City may impose penalties against either the employee of the commercial establishment who violates this Section or against the commercial establishment itself.