

CHAPTER 10 – PUBLIC PROTECTION, CRIMES AND OFFENSES

Section 1000 – WASTES

1000.01 Unlawful Deposit of Garbage, Litter or Like. It is unlawful for any person to deposit garbage, rubbish, offal, the body of a dead animal, or other litter in or upon any public street, public waters or the ice thereon, public lands, or, without the consent of the owner, private lands or water or ice thereon.

1000.02 Toilet Installation Required. It is the duty of every owner or occupant of any property within the City, having a dwelling house or business building situated on the property abutting a street in which there are City water and sewer mains, to install a toilet in the dwelling or business building and to make a connection with the water and sewer mains. The City shall serve written notice upon the owner or occupant requiring the installation of toilet facilities in the premises described in the notice and connection with the sewer and water mains. The notice shall state that all of this shall be done within thirty (30) days after service of the written notice. The notice shall also provide that the City may perform the work and assess the property for the work. Whenever any owner or occupant fails to comply with the notice, the Council may by resolution direct that a toilet be installed and connection made with the water and sewer mains. The actual cost of the installation and connection shall be paid in the first instance out of the General Revenue Fund, and assessed against the property benefited. After the installation and connection is completed by order of the Council, the City shall serve a written notice of intention to make an assessment. If the assessment is not paid within ten (10) days, the City shall certify the assessment amount to the County Auditor in the same manner as with other special assessments, provided that the Council may by resolution provide that the assessment be spread over a term of five (5) years upon written request by the owner of the property.

Section 1005 – DANGEROUS WEAPONS AND ARTICLES

1005.01 Acts Prohibited. It is unlawful for any person to:

- A. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another; or,
- B. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or,
- C. Manufacture or sell for any unlawful purpose any weapon known as a sling shot or sand club; or,
- D. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or,
- E. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or,
- F. Sell or have in possession any device designed to silence or muffle the discharge of a firearm; or,
- G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or,
- H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of the minor's parent or guardian or of the Police Department.

1005.02 Exception. Nothing in 1005.01 of this Section shall prohibit the possession of the articles mentioned if the purpose of the possession is for public exhibition by museums or collectors of art.

1005.03 Discharge of Firearms and Explosives. It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket or other fireworks, air gun, air rifle, or other similar device commonly referred to as a BB gun.

1005.04 Exception. Nothing in 1005.03 of this Section shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of the officer's duty, or to a person in the lawful defense of the person or family. This Section shall not apply to the discharge of firearms authorized in writing by the Council.

1005.05 Possession and Sale of Fireworks. It is unlawful for any person to sell, possess or have in possession for the purpose of sale, except as allowed in 1005.04 of this Section, any firecrackers, sky rockets or other fireworks.

1005.06 Exposure of Unused Container. It is unlawful for any person to permit an unused refrigerator, ice box, or other container which is sufficiently large to retain any child and which has doors that fasten automatically when closed, and to be exposed and accessible to children, without removing the doors, lids, hinges or latches.

1005.07 Use of Bow and Arrow. It is unlawful for any person to shoot a bow and arrow except in the physical education program in a school supervised by a member of its faculty, in a community-wide supervised class, at an event specifically authorized by the Chief of Police, or at a bow and arrow range authorized by the Council.

Section 1010 – ANIMALS

1010.01 Definitions. As used in this Chapter, unless the context otherwise indicates, the following words shall be defined to mean:

Subd. 1 Animal. “Animal” shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as part of the animal kingdom. Animals shall be further classified as follows:

A. Domestic. “Domestic animals” shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

B. Non-Domestic. “Non-Domestic animals” shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

(1) Any member of the large cat family (family felidae) including, but not limited to, lions, tigers, cougars, bobcats, leopards, jaguars, lynx, and servals, but excluding commonly accepted domesticated house cats.

(2) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

(3) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

(4) Any member or relative of the rodent family including, but not limited to, squirrel, muskrat or beaver, but excluding those members otherwise defined as domesticated pets.

(5) Any skunk whether or not descended, raccoon, ferret, weasel, mink, or other similar animal.

(6) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including, but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

(7) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this Section, including but not limited to, bears, deer, monkeys, buffalo, peacocks, elk, and game fish.

C. Farm. “Farm animals” shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

Subd. 2 Cat. “Cat” shall be intended to mean both the male and female of the felidae species commonly accepted as domesticated household pets.

Subd. 3 Dog. “Dog” shall be intended to mean both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

Subd. 4 Owner. “Owner” shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

Subd. 5 At Large. “At Large” shall be intended to mean off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

Subd. 6 Release Permit. “Release Permit” shall mean a permit issued by the Police Department for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of the annual licensing fee, payment of the release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established from time to time by resolution of the City Council, but not less than \$50.00. The annual licensing fee shall be doubled if the impounded dog has not already been licensed under the requirements of this Section.

Subd. 7 Enforcement Officer. The Montgomery Police Chief is hereby designated as the Animal Control Officer for the City and shall enforce the provisions of this Section. The Montgomery Police Chief shall have the power to designate the police officers under the Chief’s command as also having the power to enforce all provisions of this Section, and may also designate any qualified individual as the animal control officer.

Subd. 8 Potentially Dangerous Dog. “Potentially Dangerous Dog” means and dog that:

- A. When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
- B. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owners property, in an apparent attitude of attack; or
- C. Has a know propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of human beings or domestic animals.

Subd.9 Dangerous Dog. “Dangerous Dog” means any dog that has:

- A. Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
- B. Killed a domestic animal without provocation while off the owner’s property; or
- C. Has been found to be potentially dangerous, and after the owner has noticed that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

Subd.10 Service Animal. “Service Animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animal shall not include those deemed “emotional support animals.”

1010.02 Dogs and Cats.

Subd. 1 Running at Large Prohibited. It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, or the parents or the guardians of any such person under 18 years of age, to run at large. Dogs or cats on a leash and accompanied by a responsible person shall be permitted in streets or on public land unless the City has posted an area with signs reading “Dogs or Cats Prohibited”.

Subd. 2 License Required.

- A. All dogs over the age of four months kept, harbored, or maintained by their owners in the City, shall be licensed and registered with the City. Dog licenses shall be issued by the City upon payment of the license fee. The license fee shall be set by the City Council by Resolution. The owner shall state, at the time application is made for the license and upon forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog which has not been vaccinated against distemper and rabies, as provided in this Section. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in

the City shall complete a certificate of vaccination. One copy shall be issued to the dog owner for affixing to the license application.

B. It shall be the duty of each owner of a dog subject to this Section to pay to the City the license fee as imposed by the Council by resolution.

C. Upon payment of the license fee, the City shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the City. A fee established by resolution of the City Council shall be made for each duplicate tag. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the City before the expiration of the license period.

D. The licensing provisions of this Subdivision shall not apply to dogs whose owners are non-residents temporarily within the City, nor to dogs brought into the City for the purpose of participating in any dog show, nor shall this provision apply to "seeing eye" dogs properly trained to assist visually impaired persons for the purpose of aiding them in going from place to place, nor to service animals, as defined in this Chapter.

E. The funds received by the City from all dog licenses and metallic tags fees shall first be used to defray any costs incidental to the enforcement of this Section; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

Subd. 3 Cats. Cats shall be included as controlled by this sub-section insofar as running-at-large, pickup, impounding, boarding, and proof of anti-rabies vaccine is concerned. All other provisions of this Section, except licensing, shall also apply to cats unless otherwise provided. Nothing in this Chapter shall prevent the City from sponsoring a Trap, Neuter, Release (TNR) program to control the feral cat population.

Subd. 4 Vaccination.

A. All dogs and cats kept harbored, maintained, or transported within the City shall be vaccinated at least once every three years by a licensed veterinarian for:

1. Rabies-with a live modified vaccine; and
2. Distemper

B. A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the Police Department, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the Police Department. Failure to do so shall be deemed a violation of this Section.

1010.03 Ownership Limits.

Subd. 1 No person shall keep, maintain, or otherwise house more than a total of four (4) domestic animals over the age of four (4) months within any household in the City of Montgomery unless authorized elsewhere in this Chapter.

- A. For the purposes of this Section, a household shall not keep more than three (3) dogs or any combination of domestic animals so as to exceed the maximum number of animals.
- B. For the purposes of this Section, the term "household" refers to a single family residence or single unit of a townhome, condominium, apartment or comparable structure that is rented, leased or used a single unit.
- C. For the purposes of this Section, Service Animals, as defined in this Chapter, shall not count toward the maximum number of domestic animals.

Subd. 2 Any person owning more than a total of four (4) domestic animals prior to the effective date of this Ordinance shall be permitted to keep those animals, provided that the dogs in the household as of the effective date of this Ordinance were properly licensed. No person affected by this Subdivision shall be permitted to acquire any additional domestic animals to replace any animals in excess of the maximum limits set in this Section unless specifically authorized by the City Council.

Subd. 3 Any person who owns cats or dogs and who becomes a resident of the City by annexation shall be permitted to keep those domestic animals, provided that those animals are properly licensed within thirty days following approval of the annexation. No person affected by this Subdivision who owns more than a total of four cats or dogs shall be permitted to acquire any additional cats or dogs to replace any cats or dogs in excess of three, except as specifically authorized by City Council.

1010.04 Non-Domestic Animals. It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of this Code shall have thirty (30) days in which to remove the animal from the City after which time the City may impound the animal as provided

for in this Section. An exception shall be made to this prohibition for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed shows or exhibition.

1010.05 Farm Animals. Farm animals shall be kept only if permitted under the City zoning code. An exception shall be made to this subsection for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

1010.06 Impounding.

Subd. 1 Running at Large. Any unlicensed animal running at large is hereby declared a public nuisance. Any police officer may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the officer shall post notice at the Police Department or via electronic means, that if the dog or other animal is not claimed within the time specified in Subd. 3, it will be sold or otherwise disposed of. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

Subd. 2 Biting Animals. Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the City Pound for a period of time specified in Minnesota Statutes Section 347.50-347.56 as may be amended from time to time, at the expense of the owner. The animal may be released at the end of such time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the County in which this City is located, and provide immediate proof of such confinement in such manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

Subd. 3 Reclaiming. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under Section 1010.12 in which case it shall be kept for seven regular business days or the times specified in Section 1010.12, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this Section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required,

unless otherwise provided for in this code or established from time to time by resolution of the City Council:

- A. Payment of a fee established by resolution of the City Council and receipt of a release permit from the police; and
- B. Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in said pound; and
- C. If a dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

Subd. 4 Unclaimed Animals. At the expiration of the times established in Subdivision 3, if the animal has not been reclaimed in accordance with the provisions of this Section, the officer appointed to enforce this Section may let any person claim the animal by complying with all provisions in this Section, or cause the animal to be destroyed in accordance with the provisions of this Section. Any money collected under this Section shall be payable to the City.

1010.07 Kennels.

Subd. 1 Definition of Commercial Kennel. The keeping of four or more dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “commercial kennel”; except that a fresh litter of pups may be kept for a period of four months before such keeping shall be deemed to be a “commercial kennel.”

Subd. 2 Commercial Kennel as a Nuisance. Because the keeping of four or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of four or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a commercial kennel within the City.

1010.08 Nuisances.

Subd. 1 Habitual Barking. It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least three minutes with less than one minute of interruption. Such barking must also be audible off of the owner’s or caretaker’s premises.

Subd. 2 Damage to Property. It shall be unlawful for any person’s dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this subdivision may be impounded as provided in this Section or a complaint may be issued by anyone

aggrieved by an animal under this Section, against the owner of the animal for prosecution under this Section.

Subd. 3 Cleaning Up Litter. The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on their own property, on the property of others or on public property. Any person violating this Section shall be punished with a fee established by the City Council through resolution.

Subd. 4 Other. Any animals kept contrary to this Section are subject to impoundment as provided in this Section.

1010.085 Trespasses. It is unlawful for any person to herd, drive or ride any farm animal or domesticated animal over and upon any grass, turf, boulevard, city park, cemetery, garden or lot without specific permission from the owner. It is unlawful for any person to permit any farm animal or domesticated animal to go upon any grass, turf, boulevard, city park, cemetery, garden, or lot without the specific permission to do so from the owner of the property.

1010.09 Seizure of Animals. Any police officer, or designated animal control officer, may enter upon private property and seize any animal provided that the following exist:

- A. There is an identified complainant other than the police officer, or designated animal control officer, making a contemporaneous complaint about the animal;
- B. The officer reasonably believes that the animal meets the criteria for cruelty set out in Section 1010.14; or the criteria for an at large animal set out in Section 1010.02, Subd. 1;
- C. The officer can demonstrate that there has been inhumane treatment of the animal; or that the animal was at large at this address on a prior date;
- D. The officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
- E. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and
- F. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the animal is not possible.

1010.10 Animals Presenting a Danger to Health and Safety of City. If, in the reasonable belief of any person or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may destroy the animal in a

proper and humane manner. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement under Section 1010.06. If the animal is destroyed, a charge established by the City Council by resolution to dispose of the animal is payable by the owner of the animal. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper in accordance with Section 1010.06, Subd. 3.

1010.11 Diseased Animals.

Subd. 1 Running at Large. No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the City, any animal which is diseased so as to be a danger to the health and safety of the City, even though the animal be properly licensed under this Section.

Subd. 2 Confinement. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person or police officer. The police officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the City, the officer shall cause such animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this Section shall be liable for all costs of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

Subd. 3 Release. If the animal, upon examination, is not found to be diseased within the meaning of this Section, the animal shall be released to the owner or keeper free of charge.

1010.12 Regulation of Potentially Dangerous and Dangerous Dogs.

Subd. 1 Minnesota Statutes Sections 347.50-347.56, as Amended from Time to Time, are Incorporated by Reference. Minnesota Statutes Sections 347.50-347.56, as those statutes may be amended from time to time, are hereby adopted and incorporated by reference into the Montgomery City Code, except that the City Code's definitions of potentially dangerous dog and dangerous dog shall control.

Subd. 2 Notice and Required Compliance with Notice. The Montgomery City Police Department has the authority to declare a dog potentially dangerous, or dangerous, pursuant to the authority granted the City by Minnesota Statutes Sections 347.50-347.56, as these statutes are amended from time to time. The City of Montgomery shall give notice to the owner of a dog declared potentially dangerous or dangerous by delivering or mailing said notice to the owner of the dog, or by posting a copy of the notice at a place where the dog is kept, or by delivering the notice to a person residing on the property. The notice must include the name of the dog or, if the name of the dog is not known, a description of the dog, a general factual basis as to why the specific dog has been designated

potentially dangerous or dangerous, and the notice must set out in detail what action the dog's owner must take within the 14-day notice period to comply with the requirements of this Chapter. The 14-day notice period, in the event the notice is served personally or by posting, shall exclude the date of service or the first day the notice is posted. In the event the notice is mailed to the owner, 3 calendar days shall be added to the 14-day required compliance period. It is a misdemeanor offense for a dog owner to fail to timely comply with all requirements set out in the notice. The misdemeanor penalties for violation of this subdivision are set out in Montgomery Code Sections 1099.01 and 1099.03.

Subd. 3 Proper Enclosure. Proper enclosure means securely confined indoors or in a securely locked outdoor pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet all of the following minimum specifications:

- a. Have a minimum overall floor size of thirty-two (32) square feet.
- b. Sidewalls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be one-and-one-quarter-inch or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (18) inches in the ground.
- c. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two (2) inches.
- d. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two (2) inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.
- e. The pen or kennel must be located in the animal owner's backyard and be at least five (5) feet from any property line.

Subd. 4 Unprovoked. Unprovoked shall mean the condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

1010.13 Dangerous Animal Requirements.

Subd. 1 Requirements. If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:

- (1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in Section 1010.12, Subd. 2;
- (2) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statutes Sections 347.50-347.56;
- (3) Provide and show proof annually of public liability insurance in the minimum amount of \$300,000.00;
- (4) If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person sixteen years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration; and,
- (5) Any or all additional requirements permitted under Minnesota Statutes Sections 347.50-347.56.

Subd. 2 Seizure. The Police Department shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within fourteen days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the City and filing it with the district court.

Subd. 3 Reclaiming animals. A dangerous animal seized under Subsection 1010.13, Subd. 2, may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to animal control that each of the requirements under Subsection 1010.13, Subd. 1, is fulfilled. An animal not reclaimed under this Section within fourteen days may be disposed of as provided under Section 1010.12 and the owner is liable to the City of Montgomery for all costs incurred in confining the animal and having the animal destroyed including, but not limited to, reimbursement of all of the City's legal fees and court costs.

Subd. 4 Subsequent offenses. If an owner of an animal has subsequently violated the provisions under Section 1010.12 with the same animal, the animal must be seized by the Montgomery Police Department. The owner may request a hearing as provided for in Section 1010.12. If the owner is found to have violated the provisions for which the animal was seized, the Montgomery Police Chief shall

order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of Subsection 1010.13, Subd. 3. If the animal is not yet reclaimed by the owner within fourteen days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under Subsection 1010.12 and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

1010.14 Basic Care. All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in such a humane manner will be subject to the penalties provided in this Section.

1010.15 Breeding Moratorium. Every female dog or female cat in heat shall be confined in a building or other enclosure in such manner that it cannot come in contact with another dog or cat except for planning breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

1010.16 Pound. Every year the Council shall designate an official pound to which animals found in violation of this Section shall be taken for safe treatment, and if necessary, for destruction.

1010.17 Interference with Officers. No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this Section, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Section.

1010.18 Unlawful Acts. It is unlawful for the owner of any domestic animal to violate the provisions of this Section or to (1) own or keep a domestic animal which is dangerous (any animal which has caused injury to persons or property shall be deemed "dangerous"); or (2) interfere with any police officer, or other City employee, in the performance of their duty to enforce this Section; or (3) allow their domestic animal to frequent school grounds, parks, or public beaches or to chase vehicles, or to molest or annoy any person away from the property of its owner or custodian, or to damage, defile or destroy public or private property.

1010.19 Treatment. It is unlawful for any person to treat an animal in a cruel or inhumane manner.

1010.20 Housing. It is unlawful for any person to keep any animal in a structure infested by rodents, vermin, flies, or insects.

1010.21 Summary Destruction of Certain Animals. Whenever an officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the City because it is infected with rabies (hydrophobia) or because of a clearly demonstrated nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy the animal.

Section 1020 – CURFEW FOR MINORS

1020.01 Minors Under the Age of Eighteen. It is unlawful for any minor person under the age of eighteen (18) years of age to be upon the streets or public places between the hours of 11:00 o'clock p.m. and 5:00 o'clock a.m. It is further unlawful for any minor person under the age of eighteen (18) years to be upon any streets, sidewalks, or public places located within Montgomery's B-3 business district between the hours of 11:00 o'clock p.m. and 5:00 o'clock a.m. It shall be presumed that any person who appears to be a minor, and who does not have identification, is a minor. Any ticket issued based upon the presumption of minority shall be dismissed upon the person's providing objective, credible evidence that the ticketed person was at least eighteen (18) years of age on the date of the presumed curfew violation.

1020.02 Parents and Guardians. It is unlawful for any parent, guardian, or other person having the legal care or custody of any minor person to allow or permit the minor to be or loiter upon the streets or public places in violation of this Section unless the minor is accompanied by a person of lawful age and having charge of the minor.

1020.03 Exceptions. The curfew shall not apply to any students under the age of eighteen (18) who are lawfully attending, going to or returning from school, church, or community sponsored athletic, musical or social activities or events, or to a minor returning home from a lawful employment situation, or to a minor responding to an emergency situation or need.

Section 1025 – UNLAWFUL USE AND FURNISHING OF TOBACCO

1025.01 Minors. It is unlawful for any person under the age of eighteen (18) years of age to use, possess, smoke, chew, or otherwise ingest, purchase, or attempt to purchase tobacco or tobacco-related devices.

1025.02 Minors. It is unlawful for any person to furnish tobacco, by any manner or means and in any form, to any person under the age of eighteen (18) years.

Section 1030 – DANGEROUS TRESPASSES AND OTHER ACTS

1030.01 Dangerous Trespasses and Other Acts. It is unlawful for any person to:

- (1) smoke in the presence of explosives or inflammable materials, or in a building or area in which “No Smoking” notices have been prominently posted;
- (2) interfere with or obstruct the prevention or extinguishing of any fire, or disobey the lawful orders of a law enforcement officer or fireman present at the fire;
- (3) show a false light or signal or interfere with any light, signal or sign controlling or guiding traffic upon a highway, railway track or navigable water;
- (4) place an obstruction upon a railroad track;
- (5) expose another or another’s property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest or coerce;
- (6) trespass or permit animals under the person’s control to trespass upon a railroad track;
- (7) permit domestic animals or fowls under the person’s control to go upon the lands of another within the City;
- (8) interfere unlawfully with any monument, sign or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or a tract of land;
- (9) trespass upon the premises of another, and without claim of right refuses to leave the premises on demand of the lawful possessor;
- (10) occupy or enter the dwelling of another, without claim of right or consent of the owner, or the consent of one who has the right to give consent, except in an emergency situation;
- (11) enter the premises of another with intent to take or injure any fruit, fruit trees or vegetables growing on the property without the permission of the owner or occupant; or
- (12) without the permission of the owner, tamper with or get into or upon a motor vehicle, or ride in or upon such motor vehicle knowing it was taken and is being driven by another without the permission of the owner.

1030.02 Trespasses in Public Buildings.

Subd. 1 Public Buildings Defined. The term “public buildings” means structures or areas owned and operated by any governmental unit for the conduct of

governmental functions including but not limited to: public and private schools, libraries, parks, playgrounds, City administrative offices, garages and fire halls, waste treatments plants, pump houses, federal financed housing projects.

Subd. 2 Unlawful Acts.

A. It is unlawful for any person to remain in a public building or upon the grounds of the building after being requested to leave the premises by persons lawfully responsible for the control and maintenance of the building, when the continued presence of any person shall injure or endanger the safety of the buildings or property, or unreasonably interfere with the administration of the premises.

B. It is unlawful for any person, whether on or off the premises or grounds of any public building, to wrongfully harass, disrupt, disturb, interfere with or obstruct any public or governmental business or function being conducted within or upon the premises or grounds of any public buildings.

1030.03 Disorderly Conduct. It is unlawful for any person, in a public or private place, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb reasonable persons or provoke any assault or breach of the peace, to do or permit upon premises owned or controlled by the person the following:

- (1) engage in brawling or fighting;
- (2) disturb an assembly or meeting, not unlawful in its character;
- (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others;
- (4) willfully and lewdly expose the person or the person's private parts, or procure another to so expose himself or herself; and any open or gross lewdness or lascivious behavior, or any act of public indecency;
- (5) voluntarily enter the water of any lake, river or City public swimming pool between the hours of 10:00 o'clock p.m. and 8:00 o'clock a.m. except with specific permission; or enter such water without being dressed in a bathing suit sufficient to cover the person and equal to the standards generally adopted and accepted by the public;
- (6) race the motor of any motor vehicle;
- (7) cause the making or production of an unnecessary noise by shouting, or by any other means of mechanism including the blowing of any automobile or other vehicle horn;

- (8) use a sound amplifier upon streets and public property without prior written permission from the City;
- (9) use a flash or spotlight in a manner so as to annoy or endanger others;
- (10) drink or display any intoxicating liquor or non-intoxicating malt liquor in or about any premises where such drinking or display is prohibited by law;
- (11) cause defacement, destruction or otherwise damage to any premises or any property located on the premises;
- (12) strew, scatter, litter, throw, dispose of or deposit any refuse, garbage or rubbish onto any premises except into receptacles provided for such purposes;
- (13) enter any motor vehicle of another without the consent of the owner or operator; or,
- (14) fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner or person in charge of the premises, or by any law enforcement agent or official. However, this provision shall not apply to any person who is the owner or tenant of the premises involved; nor to any law enforcement or other government official who may be present at that time as part of an official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

1030.04 Disorderly House.

Subd. 1 Definition. For purposes of this Section, “disorderly house” means a building, dwelling, place, establishment, or premises in which actions or conduct occurs in violation of laws relating to:

- (1) The sale of intoxicating liquor or 3.2 percent malt liquor;
- (2) Gambling;
- (3) Prostitution as defined in Minnesota Statutes 609.321, Subd. 9 as may be amended from time to time, or acts relating to prostitution; or
- (4) The sale or possession of controlled substances as defined in Minnesota Statutes 152.01, Subd. 4 as may be amended from time to time.

Subd. 2 Prohibiting Owning, Renting, Leasing, or Operating Disorderly House. No person may own, lease, operate, manage, maintain, rent, or conduct a disorderly house, or invite or attempt to invite others to visit or remain in the disorderly house.

Subd. 3 Evidence. Execution of a search warrant or arrests made for unlawful sales of intoxicating liquor or 3.2 percent malt liquor, of unlawful possession or sale of controlled substances, or prostitution or acts relating to prostitution, or of gambling

or acts related to gambling, is prima facie evidence of the existence of a disorderly house.

Subd. 4 Penalty. All portions of Montgomery City Code Section 1099 shall apply here. In addition to the penalties provided for in Section 1099, any person, including a business/business entity, who violates this Section shall be subject to the following additional administrative penalties: any violation of this Section shall result in the immediate revocation of the violator's residential rental license and require the mandatory eviction of all tenants residing in the disorderly house.

Section 1035 – SHADE TREE DISEASE CONTROL AND PREVENTION

1035.01 Policy and Purpose. The City has determined that the health of oak and elm trees is threatened by fatal diseases known as oak wilt and Dutch elm disease. It has further determined that the loss of oak and elm trees located on public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases, and to provide for the removal of dead or diseased trees, as nuisances.

1035.02 Definitions. The following terms, as used in this Section, shall have the meanings stated:

Subd. 1 Shade Tree Disease. Dutch elm disease or oak wilt disease.

Subd. 2 City Forester. The Park Superintendent, or other employee of the City as the Council may designate and who shall thereafter qualify, together with the employee's duly designated assistants.

Subd. 3 Nuisance. (1) any living or standing tree infected to any degree with a shade tree disease; or (2) any logs, branches, stumps or other parts of any dead or dying tree, so infected, unless such parts have been fully burned or treated under the direction of the City Forester.

1035.03 Scope and Adoption by Reference. Minn. Stat. Sec. 18.022-18.023, are hereby adopted by reference, together with the Rules and Regulations of the Minnesota Commissioner of Agriculture relating to shade tree diseases; provided, that this Section shall supersede such Statutes, Rules and Regulations, only to the extent of inconsistencies.

1035.04 Unlawful Act. It is unlawful for any person to keep, maintain or permit upon premises owned by the person or upon public property where the person has the duty of tree maintenance, any nuisance as defined in this Section.

1035.05 Inspection and Diagnosis. It is the power and duty of the City Forester to enter upon public and private property, at any reasonable time, for the purpose of inspecting for, and diagnosing, shade tree disease. In cases of suspected shade tree disease, and in performance of official duties, the City Forester may remove such specimens, samples and biopsies as may be necessary or desirable for diagnosis.

1035.06 Abatement of Nuisance. Abatement of a nuisance, as defined in this Section shall be by spraying, removing, burning or otherwise effectively treating the infected tree or wood to prevent spread of shade tree disease. The abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designed by the Commissioner of Agriculture of the State of Minnesota. The City shall establish specifications for tree removal and disposal methods consistent with this Section.

1035.07 Procedure for Removal of Infected Trees and Wood.

Subd. 1 Procedures. Whenever the City Forester finds with reasonable certainty that the infection, or danger of infection, exists in any tree or wood on any public or private property, the Forester shall proceed as follows:

A. If the City Forester finds that the danger of infection of other trees is not imminent because of dormance of shade tree disease, the Forester shall make a written report of the Forester's finding to the Council which shall proceed by (a) abating the nuisance as a public improvement under Minn. Stat. Chapter 429, or (b) abating the nuisance as provided in Subparagraph B of this Subd.

B. If the City Forester finds that danger of infection of other trees is imminent, the Forester shall notify the owner of the property, or the abutting property, as the case may be, by certified mail that the nuisance will be abated within a specified time, not less than ten (10) days from the date of mailing of the notice. The City Forester shall immediately report this action to the Council, and after the expiration of the time limited by the notice the Forester may abate the nuisance.

C. If the City Forester finds with reasonable certainty that immediate action is required to prevent the spread of shade tree disease, the Forester may proceed to abate the nuisance. The Forester shall report this action immediately to the Council and to the abutting property owner, or to the owner of the property where the nuisance is located.

Subd. 2 Nuisance Abated. Upon receipt of the City Forester's report required by Subd. 1, Paragraph A, the Council shall by resolution order the nuisance abated. Before action is taken on the resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one (1) week prior to the meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment of the hearing, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall then adopt a resolution confirming the original resolution with any modifications as it considers desirable. The resolution may provide for the doing of the work by day labor or by contract.

Subd. 3 Record of Costs. The City Forester shall keep a record of the costs of abatements done under this Section and shall report monthly to the City Administrator 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.

Subd. 4 Unpaid Charges. On or before September 1 of each year the City Administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion of the charges against the property involved as a special assessment under Minn. Stat. Sec. 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.

Subd. 5 No Damage Awarded. No damage shall be awarded the owner for destruction of any tree, wood or part of the tree pursuant to this Section.

Subd. 6 Negotiations. If abatement of the nuisance can be negotiated between the City Forester and the owner of the property upon which the tree is situated, or upon which it abuts, the formalities of this Section may be waived by the City.

Subd. 7 Spraying Trees.

A. Whenever the City Forester determines that any tree or wood is infected or threatened with infection, the Forester may spray or treat all nearby high value trees with an effective concentrate or fungicide or both. Activities authorized by this Subdivision shall be conducted in accordance with technical and expert opinions and with plans of the Commissioner of Agriculture and under the supervision of the Commissioner and the Commissioner's agents whenever possible.

B. The notice and assessment provisions of Subd. 1 apply to spraying and treatment operations conducted under this Subdivision.

Subd. 8 Transporting Wood Prohibited. It is unlawful for any person to transport elm wood into or through the City unless the same is debarked, or, in the months of April, May or June, to transport any oak wood, without having obtained a permit from the City Forester, or into or through any designated "disease control area" as defined by Minn. Stat. Sec. 18.023. The City Forester shall grant such permits only when the purposes of this Section will be served. This prohibition shall not apply to movement of such wood pursuant to an approved wood disposal or utilization program authorized by Minn. Stat. Sec. 18.023, or to transportation of elm wood intended for industrial use not to include firewood, provided such transportation of elm logs for industrial use continues without interruption through the City or "disease control area" to their intended destination lying outside the City and "disease control area".

Subd. 9 Stockpiling Permitted. The stockpiling of bark-bearing elm wood shall be permitted within the City during the period from September 15 through April 1 of the following year. Any such wood not used by April 1 shall be removed and disposed of as provided by this Section and the Regulations incorporated herein.

Subd. 10 Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the City Forester while the Forester is engaged in the performance of duties imposed by this Section.

Subd. 11 Additional Duties of City Forester. It is the additional duty of the City Forester to coordinate, under the direction and control of the Council, all activities of the City relating to the control and prevention of shade tree disease. The Forester shall recommend to the Council the details of a program for the control of the diseases, and perform the duties incident to a program adopted by the Council.

Subd. 12 Subsidies. The duty of any property owner to bear the cost of removing or maintaining trees, whether by private contract or assessment, shall be subject to a subsidy policy, if any, established by the City for the treatment or removal of trees infected with shade tree disease.

Section 1040 – ADOPTION OF FIRE CODE

1040.01 Adoption of the Minnesota Uniform Fire Code. The 1997 Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. A copy of said Code shall be marked CITY OF MONTGOMERY-OFFICIAL COPY and kept on file in the office of the City Administrator and open to inspection and use by the public.

Section 1045 – AIR POLLUTION CONTROL

1045.01 Air Pollution Control.

Subd. 1 Prohibitions. It is unlawful for any person to burn or permit burning of any grass, weeds, leaves, rubbish or other substance upon premises owned or occupied by the person.

Subd. 2 Adoption of Air Pollution Control Rules. The Air Pollution Control Rules, Minn. Rules 7005.0100-.2690 are hereby adopted by reference as though set forth verbatim herein. Three copies of the Rules shall be marked CITY OF MONTGOMERY-OFFICIAL COPY and kept on file in the office of the City Administrator and open to inspection and use by the public. It is unlawful to violate a provision of this Section or of the Air Pollution Control Rules hereby adopted by reference.

Section 1050 – RULES AND REGULATIONS ON PUBLIC AND
PRIVATE PROPERTY

1050.01 Rules and Regulations Governing Public Parks and Other Public Lands Within the City of Montgomery.

Subd. 1 Adoption. The Council may by resolution adopt, and from time to time amend, rules and regulations governing public parks and other public lands within the City of Montgomery.

Subd. 2 Purpose. The purpose of this Section is to provide the rules and regulations for the use of city parks and other public lands within the City.

Subd. 3 Unlawful Acts. It is unlawful for any person to violate such rules and regulations as are conspicuously sign-posted on public lands, including city parks, in the City of Mnotgomery. Additionally, it is unlawful for any person, in any park or upon other public lands within the City, to:

A. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal or bird in any park or public place or within 100 feet of such property;

B. Operate motorized vehicles anywhere other than on roads, parking areas, or other areas specifically designated as areas for parking, or to operate snowmobiles anywhere other than upon designated trails;

C. Give, offer, feed or attempt to give or feed, any animal or bird in any park or public land, or within 100 feet of such property, any harmful or noxious substance;

D. Pick, cut, or otherwise harm or destroy the natural grasses, reeds or other plant life providing habitat for wild animals or birds in or around any park or public lands;

E. Allow or permit any dog or cat that is not on a leash within any park or public land;

F. Fail to clean up pet waste;

G. Damage, cut, carve, transplant or remove any tree or plant, or injure the bark, or pick the flowers or seeds, of any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area;

H. Smoke cigarettes, cigars, cigarillos, e-cigarettes, or any other similar product or device within 50 feet of a playground, in the stands at a ball field, or within 50 feet of play field seating;

I. Stack or rearrange picnic tables except for community events as authorized by the City Council;

J. Camp or overnight park except as authorized by the Council when part of a community event;

K. Bring in or use firearms, b.b. guns, air rifles, archery-related items, sling shots, explosives, or fireworks, except that archery will be allowed in designated areas only;

L. Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace;

M. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority or a permit.

Subd. 4 Alcohol.

A. Alcohol for personal use is permitted with the use of a park shelter and shall be consumed within the park shelter area and the container shall not be made of glass material;

B. Alcohol may be consumed in the Memorial Park grandstand in conjunction with a sanctioned event and only if purchased onsite by the licensed vendor;

C. Alcohol will be permitted in all city parks during community events where a temporary liquor license is issued pursuant to Montgomery City Code, Section 500.08(8), and Chapter 340A of the Minnesota Statutes.

1050.02 Public Nuisance.

Subd. 1 General Definitions. A person must not act or fail to act in any manner that causes a public nuisance. For purposes of this Section, a person that does any of the following is guilty of maintaining a public nuisance:

A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of another; or

B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way or waters used by the public, including any items set out on a public sidewalk or boulevard; or

C. Does any other act or omission declared by law or this Section 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, but not including a backyard compost container consisting of leaves and grass clippings;

B. All diseased animals running at large;

C. All ponds or pools of stagnant water, including tires but not including covered rain barrels;

D. Carcasses or animals not buried or destroyed within 24 hours after death;

E. Accumulation of manure, animal feces, refuse, garbage, or other debris;

F. Garbage cans which are not rodent-free or fly tight or which are so maintained as to constitute a health hazard or to emit foul or disagreeable odors;

G. Garbage receptacles that are left at the curb more than twenty-four (24) hours after collection;

H. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

I. All grass, noxious weeds, or rank growths of vegetation upon public or private property which exceed six inches (6") in height, excluding therefrom City approved native prairie plantings;

J. All noxious fumes, dense smoke, gas, soot, or cinders in unreasonable quantities;

K. Any and all public exposure of people having a contagious disease;

L. Any offensive trade or business as defined by statutes not operating under local license.

For the purpose of this Subdivision, rank growths of vegetation includes alfalfa and all other related growths, including invasive vegetation.

Subd. 3 Public Nuisances Affecting Morals and Decency. The following are hereby declared to be nuisances affecting public morals and decency:

- A. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;
- B. Betting, book making, and all apparatus used in those occupations;
- C. The keeping of a disorderly house as defined in Section 1030.04.

Subd. 4 Public Nuisances Affecting Peace and Security. The following are hereby declared to be nuisances affecting public peace, safety, and security:

- A. All snow and ice not removed from public sidewalks twenty-four (24) hours after the snow or other precipitation causing the condition ceased to fall;
- B. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- C. All wires and limbs of trees that are so close to the surface of the sidewalk or street as to constitute a danger to pedestrians or vehicles;
- D. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person;
- E. All unnecessary and annoying vibrations, except for authorized construction work on public streets or sidewalks;
- F. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this Section or other applicable law;
- G. Radio aerials or television antennas erected or maintained in a dangerous manner;
- H. Use of any property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic or free use of the street or sidewalk, that occurs without appropriate permit or approval by the City;
- I. All hanging signs, awnings, and other similar structures over streets and sidewalks so situated as to endanger public safety or not constructed and maintained as provided by Montgomery City Code;

J. Any barbed wire fence or electric fence located within three hundred (300) feet of a public sidewalk or way;

K. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

L. Wastewater cast upon or permitted to flow upon any public streets or other public properties;

M. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, automobile parts, or other materials in a manner conducive to the harboring of rats, mice, vermin, or the rank growth of vegetation among the items or in a manner creating a fire, health, or other safety hazards from the accumulation;

N. Any well, hole, or similar excavation that is left uncovered or in any other condition as to constitute a hazard to any child or other person coming on the premises where it is located;

O. Obstruction to the free flow of water in a neutral waterway or public street drain, gutter, or ditch with trash or other materials;

P. The placing, or throwing, or depositing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, wastewater, or other substances;

Q. The depositing of garbage or refuse, including cigarette butts, on a public way, sidewalk, trail, or other public or adjacent private property;

R. Placement of furniture, electronics, appliances, and the like, in the boulevard, except as permitted as part of a community cleanup or collection by a not-for-profit organization. Items placed for collection must be properly identified and located on the boulevard only during the hours of 8:00 a.m.-8:00 p.m., Monday-Friday. Any items addressed herein put out on the boulevard under any other circumstances shall be deemed a public nuisance; or

S. All other conditions or things that are likely to cause injury to the person or property of another.

1050.03 Noise Violations.

Subd. 1 Prohibited Noises. The following are to be declared nuisances affecting public health, safety, peace, or welfare:

- A. Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property or affects their property's value;
- B. All obnoxious noises, motor vehicle or otherwise, in violation of Minnesota Administrative Code, MN P.R. 7030, as they may be amended from time to time, are hereby incorporated into this Section by reference;
- C. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;
- D. The discharging of the exhaust or permitting the discharge of exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any other recreational device, except through a properly working muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;
- E. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle; and
- F. The use or operation, or permitting the use or operation, of any radio receiving set, musical device, machine, or other device in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

Subd. 2 Hourly Restrictions of Certain Operations.

- A. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chainsaw, garden tiller, or similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision;
- B. Refuse Hauling. No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 a.m. and 10:00 p.m.;
- C. Construction Activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between 9:00 a.m. and 9:00 p.m. on any weekend or holiday;

D. Zoning Classification. The Planning and Zoning Commission may require any person applying for a change in zoning classification or permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the City. The Planning and Zoning Commission shall evaluate each statement and take its evaluation into account in recommending approval or disapproval of the license or permit applied for or the zoning changes requested.

Subd. 3 Unlawful Parties or Gatherings. When a designated official determines that a gathering is creating a noise disturbance as prohibited under City Code, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of the premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

1050.04 Open Container/Consumption on Public Property. It is unlawful for any person to consume, or possess in an unsealed container beer, wine or liquor, as those terms are defined in Chapter 5 of the City Code, on any street or other public property, except City parks and other public property when and where permission has been specifically granted or licensed by the Council. Provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle on streets or public property when the container is kept in the trunk of a vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

1050.05 Open Container/Consumption on Private Parking Lots. It is unlawful for any person to consume or possess in an unsealed container beer, wine, or liquor, as those terms are defined in Chapter 5 of the City Code, on any privately owned parking lot which is clearly sign-posted prohibiting such possession and consumption. Provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle on privately owned parking lots when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purposes of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

1050.06 Nuisance Parking and Storage.

Subd. 1 Declaration of Nuisance. The outside parking and storage on residentially zoned property of vehicles in excess of that prescribed in Chapter 9 of the Montgomery City Code or of vehicles, equipment, machinery, materials, or supplies not customarily used for residential purposes in violation of the requirements set forth in this Section is declared to be a public nuisance because it:

- A. Obstructs views on streets and private property;
- B. Creates cluttered and otherwise unsightly areas;
- C. Prevents the full use of residential streets for residential parking;
- D. Introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited or restricted;
- E. Decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood; and
- F. Otherwise adversely affects property values and neighborhood patterns.

Subd. 2 Unlawful Parking and Storage. The following are declared a nuisance:

- A. The placing, storing, or allowing the placement or storage of ice fishing houses, skateboard ramps, playhouses, camper, or other similar nonpermanent structures outside for longer than twenty-four (24) hours in the front yard area of residential property (front yard defined as that yard abutting the city street) unless more than one hundred (100) feet back from the front property line;
- B. The placement, storage, or allowing the placement or storage of pipe, lumber, forms, steel, machinery, junk, rubbish, or similar materials, including all materials used in conjunction with a business, outside on residential property;
- C. Causing, undertaking, permitting, or allowing the outside parking or storage of vehicles on residential property unless it complies with the following requirements:
 - i. No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the City because of nonresidential characteristics of the property. This maximum does not include the vehicles of occasional guests who do not reside on the property.
 - ii. Vehicles that are parked or stored outside in the front yard area must be on a paved parking or driveway area, except in the case of a snow emergency as specified in Chapter 9.
 - iii. Vehicles, watercraft, campers, and other articles stored outside on residential property must be owned by a person who resides on

that property. Students who are away for school for periods of time but still claim the property as their legal residence will be considered residents.

iv. The outside storage of vehicles, campers, ice houses, boats, trailers, and other similar articles must be on an improved parking pad as that term is defined in the Montgomery Zoning Code.

1050.07 Unlicensed and Inoperable Motor Vehicles.

Subd. 1 Declaration of a Nuisance. Any motor vehicle described in this Section shall constitute a hazard to the health, safety, and welfare of the residents of the community as the vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.

Subd. 2 Inoperable Motor Vehicles. It shall be unlawful to keep, park, store, or abandon any motor vehicle:

- A. not in operating condition;
- B. partially dismantled;
- C. used for repair or parts or as a source of repair or replacement parts for other vehicles;
- D. kept for scrapping, dismantling, or salvage of any kind;
- E. which is not properly licensed for operation within the State pursuant to Minnesota Statutes; or
- F. which is not currently validly registered and displays current valid registration tabs.

For the purposes of this Code, the definitions of abandoned vehicle and junk vehicle shall be those contained in Minnesota Statutes Section 168B.011, as it may be amended from time to time.

Subd. 3 Screening. This Section does not apply to a motor vehicle enclosed in a building and kept out of view from any public street, road, alley, or from view by a neighbor, and which does not foster complaint from a resident of the City.

Subd. 4 Definition of “Vehicle” and “Motor Vehicle.” As used throughout the Montgomery City Code, the terms “motor vehicle” or “vehicle” shall have the same

meaning given them in Minnesota Statutes Section 169.011, as amended from time to time.

1050.08 Structures.

Subd. 1 Uninhabitable Structures. The existence of any structure, or part of any structure, which because of decomposition, fire, wind, or other natural disaster or not connected to city water and sewer or due to physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended, is considered an attractive nuisance and blight. For the purposes of this Section, the term “structure” shall be defined in the same way as in Montgomery City Code, Chapter 11.

Subd. 2 Unsecured, Vacant Dwellings, Garages, and Other Buildings. Vacant dwellings, garages, and other buildings must be kept securely locked and the windows of those buildings kept glazed or neatly boarded up to prevent entry. Any dwelling, garage, or other building which does not comply with the requirements set out in the previous sentence shall constitute blight.

Subd. 3 Hazardous Building. Any structure meeting the conditions in Subd. 1 and 2 above may be considered hazardous buildings as provided for in Minnesota Statutes Chapter 463 as it may be amended from time to time.

1050.09 Duties of City Officers. The designated City officials for applying and enforcing the provisions of this Chapter relating to public nuisances within this jurisdiction are law enforcement officers and the zoning administrator.

The designated City official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission or maintenance of public nuisances. Except in emergency situations or imminent danger to human life and safety, no City official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

1050.10 Notice of Public Nuisance.

Subd. 1 Procedure. Whenever a designated official determines that a public nuisance is being maintained or exists on the premises in the City, The City may, in its discretion, pursue abatement, in which case the official shall notify, in writing, the owner of record and, if a rental property, the owner and occupant of the premises, of the fact and order the nuisance be terminated or abated. The notice of violation shall include:

A. Specify the specific nuisance that exists;

B. Specify the steps to be taken to abate the nuisance; and

C. The time within which the nuisance is to be abated, which time shall not exceed thirty (30) days.

Notice sent by U.S. Postal Service shall constitute proper notice.

Subd. 2 City Alternatives Upon Failure to Comply. Upon lack of compliance by the date in the Notice of Violation issued in Subd. 1 of this Section, the City Administrator, in his or her sole discretion, may elect to refer the matter for criminal prosecution, may choose to pursue an administrative abatement pursuant to City Code Section 1050.11, or may pursue other options.

Subd. 3 Habitual Notice. Properties whose owners, renters, or managers are currently on Court Ordered probation for violation of the City's Public Nuisance Code, or those properties cited at least one-time (1) in the last twelve (12) months for public nuisance are deemed a habitual nuisance property. In such cases, the notification provisions contained herein do not apply, and, instead, upon direction from the City Administrator, law enforcement may issue a citation for an observed public nuisance violation, or the matter may be referred over to the City Attorney's office for criminal prosecution.

1050.11 Administrative Abatement.

Subd. 1 Abatement by Administrative Order. When any notice given pursuant to Section 1050.10 is not complied with, the City Administrator shall have the option of bringing the noncompliance to the City Council, seeking an administrative order of the Council to require abatement of the public nuisance at issue. Prior to authorizing expenditures to abate and enjoin the further continuation of such nuisance, the City Administrator shall notify the owner of record in writing of the planned action by the City Council. The owner of record shall have seven (7) days from the mailing of such a notice to file a written objection to the contemplated action with the City Administrator. The written objections shall be deemed complete upon the delivery of a signed written objection at City Hall during business hours. A hearing on such subject shall be set by the City Administrator for the next available meeting of the City Council and the owner of record objecting shall be notified of the time, date, and place of such hearing. Notice shall be considered served upon mailing to the property owner or posting such notice on the premises. Upon holding the hearing, the Council may order abatement of the nuisance by obtaining an administrative search and seizure warrant and have the nuisance abated. Such search and seizure shall authorize the City to enter the premise to correct the nuisance and to dispose of any and all conditions constituting a nuisance in a commercially reasonable manner, including the destruction or sale of the property. Nothing in this Section prevents law enforcement or the designated City official from issuing a citation or requesting the City Attorney's office bring

criminal charges for violation of this Chapter or other federal or state law regulating the activity.

Subd. 2 Emergency Procedure; Summary Enforcement. In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in Subd. 1 and 2 of this Section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the designated official shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement will unreasonably endanger public health, safety, or welfare. The designated official shall notify in writing the registered owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by a delay in abatement required to complete the procedures set forth in Subd. 1 of this Section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

Subd. 3 Immediate Abatement. Nothing in this Section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 4 Judicial Remedy. Nothing in this Section shall prevent the City from seeking a judicial remedy rather than proceeding with administrative abatement procedures.

1050.12 Recovery of Cost/Assessment and Abatement.

Subd. 1 Personal Liability. The owner of the premises on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the City for the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other City official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

Subd. 2 Assessment. After notice and hearing as provided in Minnesota Statutes, Section 429.061, as may be amended from time to time, the City Clerk shall, on or before September 1, next following abatement of any nuisance, list the total unpaid charges along with all other charges as well as other charges for current services to be assessed under Minnesota Statutes, Section 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year.

1050.13 Disposition of Property. The City maintains the right to dispose of all property that it removes from public and private property through abatement procedures as outlined in this Chapter. Disposal of property deemed to have a value shall occur thirty (30) days or more after the property is secured, unless the property owner obtains a court order to the contrary and/or pays all costs associated with the removal and storage of said property within thirty (30) days. The City may immediately dispose of any property deemed to have no value in the sole opinion of the designated City official.

Section 1055 – OBSCENE MATERIAL

1055.01 Furnishing Obscene Material.

Subd. 1 Definitions. As used in this Section, the following words and terms shall have the stated meanings:

A. Furnish. To sell, give, rent, loan or otherwise provide.

B. Material. Any printed matter, visual representation, or sound recording, and includes, but is not limited to, books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, sculptures, and tape or wire recordings.

C. Obscene. The work, taken as a whole, appeals to the prurient interest in sex and depicts or describes in a patently offensive manner sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. In order to determine that a work is obscene, the trier of fact must find:

1. that the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest in sex;
2. that the work depicts sexual conduct specifically defined by Subd. 1B in a patently offensive manner; and
3. that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Subd. 2 Sexual Conduct. The term sexual conduct has the following meanings:

A. An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal;

B. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a sexually revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed or who is nude.

C. Masturbation, excretory functions, or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.

D. Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts

of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

1. Community. The political subdivision from which persons properly qualified to serve as jurors in a criminal proceeding are chose.
2. Work. Work means “material” or “performance”.
3. Material. A book magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, videotape, script, image, instrument, statue, drawing, or other article.
4. Performance. A play, motion picture, dance, or other exhibition performed before an audience.

Subd. 3 Unlawful Act. It is unlawful for any person to furnish another person obscene material.

Subd. 4 Prosecution. Any prosecution under this Section shall include the following elements: (1) that the average person, applying contemporary community standards, would find the material, taken as a whole, appeals to the prurient interest of the audience or reader; (2) that the material describes or depicts, in a patently offensive way, sexual conduct included in the definition of “obscene”; and (3) that the material, taken as a whole, lacks serious literary, artistic, political or scientific value.

Section 1060 – PROHIBITION OF TARGETED RESIDENTIAL PICKETING

1060.01 Definitions. For the purpose of this Section, certain words and terms are hereby defined as follows:

Picketing – posting at a particular place.

Resident – a person having possessor rights, who can control what goes on on residential premises.

Residential Dwelling – any building or portion of a building designed for or occupied exclusively as the residence or sleeping place of one or more residents, but not including a tent, cabin, trailer, or other temporary portable housing.

Targeted Residential Picketing – means an activity focused on a single residential dwelling without the consent of the dwelling's resident.

1060.02 Prohibition on Targeted Residential Picketing. No person shall engage in targeted residential picketing with the City of Montgomery, Le Sueur County, Minnesota. The City of Montgomery has an interest in the protection of residential privacy within the City of Montgomery and protecting the well-being, tranquility and privacy of the home which is certainly of the highest order in a free and civilized society. The City Council of the City of Montgomery further finds that, without resorting to targeted residential picketing, ample opportunities exist for those otherwise engaged in picketing to exercise constitutionally protected freedom of speech and expression.

1060.03 Severability. Should any section, subdivision, clause, or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part held to be invalid.

Section 1061 – REGULATION OF PICKETING IN BUSINESS AND INDUSTRIAL ZONES

1061.01 Purpose. Free speech is essential to the American form of government. The City in this ordinance does not seek to prohibit free speech, but instead intends to regulate the time, place, and manner of that speech in conformance with the state and federal constitutions. The City must balance the rights of persons expressing ideas with the rights of the remainder of the public who seeks to use those public areas, and to promote the public safety.

1061.02 Definitions. For the purpose of this Chapter, certain words and terms are hereby defined as follows:

Business Zones – are defined here in the same manner as in Chapter 11 of the Montgomery City Code, and includes all business zones within the City.

Industrial Zones – are defined here in the same manner as in Chapter 11 of the Montgomery City Code, and includes all industrial zones within the City.

Picketing – posting at a particular place.

Residential Zones – those areas of the City of Montgomery zoned primarily for single-family or multi-family residences.

1061.03 Picketing Permits and Limitations. It is illegal to picket in business and industrial zones in the City of Montgomery without first obtaining a valid picketing permit from the City. The permit fee shall be \$10.00 and represents the administrative cost the City incurs in processing the permit application and in providing a police officer onsite to protect the public and maintain order. The applicant shall complete the application for said permit on the form provided by the City Administrator's office. The time for picketing is limited to the hours of 8:00 a.m. through 5:00 p.m. each day. No picketing shall occur between the hours of 5:00 p.m. and 8:00 a.m. The application must inform the City as to the expected duration of the picketing activity. A City officer, at the City's discretion, shall be assigned to the picketing area to maintain the peace and protect the public, at applicant's expense. Applicant shall set out in detail on the application the geographic area where the picketing activity shall occur. The picketing permit applied for shall be for the period applied for. At the expiration of the permit, applicant will have to reapply for a new picketing permit, on the same terms as existed in the original permit and application process. No picketing shall obstruct motor traffic in the streets or pedestrian traffic on the sidewalks. The picketing activity is not permitted to interrupt or physically deny entry to or exit from any buildings within the City of Montgomery.

SECTION 1062.01. ELECTRICAL INSPECTION PROGRAM

Subd. 1 Authority to inspect. The City of Montgomery hereby provides for the inspection of all electrical installations, pursuant to Minn. Stat. 326B.36, subd. 6.

Subd. 2 Adopted by reference. The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 326B, Sections 326B.31 to 326B.399. The Minnesota Electrical Act is hereby incorporated into this ordinance as if fully set out herein. The Minnesota State Building Code incorporates by reference the National Electrical Code pursuant to Minn. R. 1315.0020. All such codes incorporated herein by reference constitute the electrical code of the City of Montgomery. All amendments to these state statutes are incorporated by reference.

Subd. 3 Compliance. All electrical installations shall comply with the requirements of the electrical code of the City of Montgomery and this ordinance.

Subd. 4 Permits and fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes 326B.37. Any inspection or handling fees will be payable to the City of Montgomery.

Subd. 5 Notice and appeal. All notices of violations and orders issued under this ordinance shall be in conformance with Minn. Stat. 326B.36, subd. 4.

Subd. 6 Violations and penalties. A violation of the Minnesota Electrical Act is a misdemeanor. (M.S. 326B.082, subd. 16).

SECTION 1062.02. PURPOSE

The purpose of this ordinance is to establish an electrical inspections program in the City of Montgomery that is administered and enforced by the City.

SECTION 1062.03. SUMMARY

The following official summary of Ordinance No. 11-2011 has been approved by the City Council of the City of Montgomery as clearly informing the public of the intent and effect of the Ordinance.

It is the intent and effect of Ordinance No. 11-2011 to establish an electrical inspections program in the City of Montgomery that is administered and enforced by the City, as permitted in Minn. Stat. 326B.36, Subd. 6.

Section 1098 – ADMINISTRATIVE OFFENSE PROCEDURES

The City Council of the City of Montgomery, Minnesota, hereby ordains: that Section 1098, inclusive of Sections 1098-1098.08, pertaining to the establishment of administrative offense procedures, is hereby repealed in its entirety.

Effective Date: This ordinance was adopted by the City Council on September 8, 2009. The ordinance becomes effective on the day following the publication of the ordinance, or summary thereof, in the City's legal newspaper.

Section 1099 – PENALTIES

1099.01 Misdemeanor Violations. Unless otherwise provided herein, violation of any section of this Chapter shall constitute a misdemeanor offense as defined under the state criminal statutes, which are adopted herein. A misdemeanor is punishable by a fine of up to \$1,000.00 or imprisonment for up to 90 days. A defendant convicted of a misdemeanor violation of this Chapter of the City Code, in addition to the other penalties proscribed by law, shall be made responsible for reimbursing the City its costs of prosecution. This Section is adopted in conformance with Minnesota Statutes Section 412.231, as may be amended from time to time, which the City hereby adopts and incorporates herein.

1099.02 Petty Misdemeanor Violations. Violations of Sections 1020, 1025, 1035, 1040.01, 1045.01, 1050.01, Subd. 2A & B, 1010.02-excepting therefrom violations involving dangerous or potentially dangerous dogs, 1010.08, 1010.14, and 1010.15, are petty misdemeanors as defined in state statutes, which are adopted herein.

1099.03 Administrative Remedies. The City may, at its sole discretion, invoke any administrative remedy available to it under the Code in the event a person violates any provision of this Chapter. For the purposes of this Section a person is defined as an individual, a partnership, a corporation, or any other entity.

1099.04 Non-Exclusivity of Remedies. Violations of this Chapter of the Montgomery City Code may be remedied by the City, at its sole discretion, administratively or through criminal prosecution. These remedy options are not mutually exclusive and the City may pursue both remedy options simultaneously.

1099.05 Continued Violation. As concerns Section 1050.01, each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. This continued violation provision shall not apply to any other Section or portion of Chapter 10 of the City Code.