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CHAPTER 701

ANIMALS AND ANIMAL CONTROL

SECTION:

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701.01: COMMUNITY SERVICE OFFICER:

Subd. 1. Office Established: The Council shall, from time to time, appoint such person as
the Council may deem necessary and advisable as Community Service Officer to work
with the police department in the enforcement of this Chapter. The Council may provide
for such compensation for a Community Service Officer as it deems reasonable.
(Ord. 696, 4-22-02)

Subd. 2. Powers and Duties: The Community Service Officer and all police officers are
empowered to take up and impound any dogs found anywhere in the City including dogs
found on the private property of their owners, in violation of this Chapter.
(Ord. 460, 4-24-89; Ord. 696, 4-22-02)

701.02: POUND ESTABLISHED: The City Council may designate as the Municipal
Pound, by resolution, a privately owned and operated facility that houses animals and is staffed
by qualified personnel. Such facility may be located within or outside the City.
(Ord. 460, 4-24-89; Ord. 696, 4-22-02)
701.03:  **DEFINITIONS:**

**ANIMAL.** 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 classified as follows: (Ord. 696, 4-22-02)

Subd. 1. **DOMESTIC ANIMALS.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous reptiles or amphibians, and other similar animals. (Ord. 696, 4-22-02)

Subd. 2. **FARM ANIMALS.** Those animals commonly associated with a farm or an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys, pheasants), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable. (Ord. 696, 4-22-02)

Subd. 3. **NON-DOMESTIC/WILD ANIMALS.** Those animals commonly considered to be naturally wild and not usually trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic/wild animals shall include: (Ord. 696, 4-22-02)

a. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, excluding domesticated house cats. (Ord. 696, 4-22-02)

b. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, excluding domesticated dogs. (Ord. 696, 4-22-02)

c. Any crossbreeds of wild animals and domestic animals such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet. (Ord. 696, 4-22-02)

d. Any member or relative of the rodent family including any skunk (whether or not descented), raccoon or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets. (Ord. 696, 4-22-02)

e. Any poisonous, venomous, or inherently dangerous member of the reptile family including rattlesnakes, pit vipers, and amphibians such as crocodiles and alligators. (Ord. 696, 4-22-02)

f. 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 and game fish. (Ord. 696, 4-22-02)
Subd. 4. **AT LARGE.** Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord or chained. (Ord. 696, 4-22-02)

Subd. 5. **DOG.** Canines which are domestic animals. (Ord. 696, 4-22-02)

Subd. 6. **OWNER.** Any person, persons, firm, association or corporation owning, keeping, or harboring an animal. (Ord. 696, 4-22-02)

Subd. 7. **KEEPING.** Providing food, water, or shelter for domestic or farm animals. (Ord. 696, 4-22-02)

Subd. 8. **RAISING.** The maintaining and breeding as a hobby or as a commercial enterprise any domestic or farm animal. (Ord. 696, 4-22-02)

Subd. 9. **PRIVATE PROPERTY.** All residential premises owned by private individuals, including all structures located thereon, front yards, side yards and backyards. (Ord. 696, 4-22-02)

Subd. 10. **DOG KENNEL:**

a. Residential: Any premises where three (3) or four (4) dogs over six (6) months of age are owned, boarded, bred, kept, or harbored. (Ord. 696, 4-22-02)

b. Commercial: Any premises where more than four (4) dogs over six (6) months of age are owned, boarded, bred, kept, or harbored. (Ord. 696, 4-22-02)

Subd. 11. **SUBTANTIAL BODILY HARM.** A substantial disfigurement or a substantial loss or impairment of the functions of any bodily member or organ, whether temporary or permanent, or a fracture of any bodily member. (Ord. 696, 4-22-02)

Subd. 12. **CITY.** Area within the corporate limits of the City of Mounds View. (Ord. 696, 4-22-02)

Subd. 13. **VICIAL ANIMAL.** Any animal of a ferocious or vicious character, habit, disposition or any animal which has: (Ord. 696, 4-22-02)

a. Killed or inflicted substantial bodily harm on a human, domestic animal, or farm animal without substantial provocation, or (Ord. 696, 4-22-02)

b. Been involved in two (2) or more biting incidents without substantial provocation, involving humans, domestic animals or farm animals, within one (1) year. (Ord. 696, 4-22-02)
701.04: **DOGS:**

**Subd. 1. Dog at large prohibited.** A dog owner violates this section if their dog is at large. (Ord. 696, 4-22-02)

**Subd. 2. Howling and barking.** A dog owner violates this section if the dog which, by frequent and habitual howling, yelping, barking or otherwise, causes annoyance or disturbance to two (2) or more persons; provided that the provisions of this section shall not apply to duly authorized hospitals or clinics conducted for the treatment of small animals. (Ord. 696, 4-22-02)

**Subd. 3. Clean up.** Any owner or person having the custody or control of any dog shall: (Ord. 696, 4-22-02)

a. Not permit the dog to be on public property or the property of another without having in their immediate possession a device for the collection and removal of feces to a proper receptacle. (Ord. 696, 4-22-02)

b. Remove feces left by a dog to a proper receptacle located on the owner’s or custodian’s property, except that droppings in a park may be placed in an outside park trash container. (Ord. 696, 4-22-02)

c. The provisions of this section shall not apply to a blind person with a guide dog or to a person with dogs engaged in search or rescue activities. (Ord. 696, 4-22-02)

**Subd. 4. Damage to property.** No dog owner shall permit a dog to damage any lawn, garden or other property. (Ord. 696, 4-22-02)

**Subd. 5. Licensing and tags.** (Ord. 696, 4-22-02)

a. License required; fee established: No dog owner shall keep any dog over six (6) months of age within the Municipality unless a license has been issued by the City Administrator for a fee established by City Council resolution. License shall be renewed biennially. The fee for licenses obtained for a period of one (1) year or less shall be one-half (1/2) of the above fees. (Ord. 696, 4-22-02; Ord. 844, 5-20-10)

b. Rabies inoculation certificate: A certification from a veterinarian shall accompany an application indicating the following: (Ord. 696, 4-22-02)

   (1) That the dog has been inoculated for rabies within two (2) years from the date of application. (Ord. 696, 4-22-02)

   (2) That the dog has been spayed or neutered, when a license is being sought for a spayed female or neutered male. (Ord. 696, 4-22-02)
c. Expiration: All licenses issued under this Chapter shall expire on September 30 of the year of their expiration. (Ord. 696, 4-22-02)

d. Payment of fee: It shall be the duty of each dog owner to pay the biennial license fee imposed to the City Administrator before September 1 in the year which the license is to be renewed upon acquiring ownership or possession of any unlicensed dog or upon establishing residence in Mounds View. The City Administrator shall cause a notice of the necessity of paying such license fee to be printed in the City Newsletter one (1) time before August 15 of the year in which licenses expire. (Ord. 696, 4-22-02; Amended, Ord. 844, 5-20-10)

e. Receipts and tags: Upon payment of the license fee, the City Administrator shall execute a receipt in duplicate. The City Administrator shall deliver the original receipt to the person who paid the fee, retaining the duplicate. The City Administrator shall give an appropriate tag to the owner. The tag shall be metallic and shall be of a different size and design each license period. (Ord. 696, 4-22-02; Amended, Ord. 844, 5-20-10)

f. Affixing tags: The owner shall cause the tag to be affixed by a permanent metal fastener to the collar of the dog in such manner that the tag may be easily seen. The owner shall ensure the dog wears the tag at all times. (Ord. 696, 4-22-02)

g. Duplicate tags: If a dog tag is lost, a duplicate may be issued by the City Administrator upon presentation of a receipt showing payment of the license fee for the current year. A charge of two dollars ($2.00) shall be paid for each duplicate tag. (Ord. 696, 4-22-02; Amended, Ord. 844, 5-20-10)

h. Change of address: A dog owner shall notify the City Administrator of any change of address inside the City within ten (10) days. (Ord. 696, 4-22-02; Amended, Ord. 844, 5-20-10)

i. Refunds: No dog tag shall be transferred to another dog or dog owner and no refund shall be made on any license fee. (Ord. 696, 4-22-02)

j. Offense involving tags: It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for herein or for any person other than the owner to remove from any dog a tag required by this section. (Ord. 696, 4-22-02)
Subd. 6. Rabies bites: (Ord. 696, 4-22-02)

a. Whenever a dog has bitten a human or a domestic or farm animal, the dog shall be impounded or confined for a period of ten (10) days or more at the expense of the owner of the dog. Except for the time limit, disposition or redemption shall be in accordance with provisions of this Chapter. The impoundment or confinement may be waived whenever the dog owner presents to the Community Service Officer or a police officer a certificate of a licensed veterinarian indicating that the dog has been vaccinated for rabies on a date not less than twenty-four (24) months prior to the date of the bite. (Ord. 696, 4-22-02)

b. A dog owner will not keep a dog that has been bitten by any animal known to have been afflicted with rabies. A dog owner who has a dog which has been bitten by an animal known to have been afflicted with rabies shall, upon demand of the Community Service Officer or any police officer of the City, surrender the dog to the officer for observation and/or treatment. With the approval of the officer, the dog may be surrendered to a registered veterinarian or to any approved non-profit corporation organized for the purpose of sheltering dogs. (Ord. 696, 4-22-02)
Subd. 7. Impoundment and redemption: (Ord. 696, 4-22-02)

a. Fees: the dog owner may redeem a dog impounded after the term of impoundment ends by paying an impoundment fee, boarding charge, and veterinary service charge. Fees not set by the pound shall be determined by the City Council per resolution. (Ord. 696, 4-22-02)

b. Upon purchase or presentation of a current license tag and a receipt for the fees required above, the pound shall release the dog to its owner upon adequate proof of ownership. (Ord. 696, 4-22-02)

c. Disposition and unredeemed animals: Any dog which is not redeemed within the time allowed by this Chapter may be sold for not less than the amount provided above to anyone desiring to purchase the dog, if the dog is not requested by a licensed education or scientific institution under Minnesota Statutes, Section 35.71. Any dog which is not redeemed by the owner or sold shall be disposed of. (Ord. 696, 4-22-02)

d. Time for redemption: All impounded dogs except those confined for observation of rabies, shall be redeemed within five (5) days, not including Sundays or legal holidays, after the dog was impounded. Any dog not redeemed within five (5) days may be sold, destroyed or otherwise disposed of. (Ord. 696, 4-22-02)

e. Guard dogs: (Ord. 696, 4-22-02)

   (1) A business that has a guard dog for security purposes shall post a conspicuous notice at the entrance of the premises of the presence regarding said dog. (Ord. 696, 4-22-02)

   (2) A business that has a guard dog shall file with the City a release authorizing the Police or Fire Department to shoot the dog in an emergency situation, if necessary, in order to allow a police officer or firefighter to gain admittance to the premises in the performance of their duties. (Ord. 696, 4-22-02)
Subd. 8. Kennels:

a. Licensing requirements: The owner of a proposed dog kennel shall submit a license application to the City Administrator. Upon receipt of the application, the City Administrator shall schedule a public hearing at a future City Council Meeting and shall notify all registered landowners or those occupying land within five hundred feet (500') of the proposed kennel at least ten (10) days in advance of the hearing. The kennel license may be issued by the City Council by resolution after a public hearing is held.

b. License fee: The annual license fee for dog kennels shall be established by resolution of the City Council. The license fees are due September 1 of each year. (Ord. 696, 4-22-02)

c. Cleanliness and order; nuisance declared: Kennels and the premises around the kennel shall be kept in a clean, quiet, orderly and sanitary condition so as not to constitute a nuisance as defined in Chapter 607 of this Code and in Minnesota Statutes, Section 561.01. In determining whether a nuisance exists, consideration shall be given to the kennel’s location, location of other residences, and general character of the neighborhood. (Ord. 696, 4-22-02; Ord. 774, 8-14-06)

d. Revocation: A kennel license may be revoked by action of the Council for just cause after providing the license holder with an opportunity to be heard. Just cause shall include any violations of this Code reasonably related to the operation of the dog kennel and/or treatment of animals. (Ord. 774, 8-14-06)

e. Persons Ineligible: No license shall be granted to an applicant who has mistreated animals or has been convicted for animal cruelty offenses. (Ord. 774, 8-14-06)

(Ord. 890, 8-25-14)
701.05: **PROHIBITED ACTIVITIES:** (Ord. 696, 4-22-02)

Subd. 1. **VICIOUS ANIMALS.** No owner shall keep, or allow on their premises, or allow to run at large any vicious animal. (Ord. 696, 4-22-02)

Upon conviction for violation of this Section, the court may in addition to imposition of sentence, direct the animal control officer to take the animal into custody and forthwith dispose of it in a humane manner. (Ord. 696, 4-22-02)

Subd. 2. **CRUELTY TO ANIMALS.** No person shall inhumanely, unnecessarily, cruelly, or wantonly beat, injure, torment, or otherwise abuse an animal or cause or permit an animal fight. (Ord. 696, 4-22-02)

Subd. 3. **LIABILITY FOR PETS.** No owner who is exercising due care by adequately restraining or confining an animal, shall be held liable under this Section for any harm the animal causes to any other animal if harmed animal is at large and the harmed animal has entered the area or territory of the animal being legally restrained or confined. (Ord. 696, 4-22-02)

701.06: **RAISING/KEEPING DOMESTIC OR FARM ANIMALS:**

Subd. 1. **Nuisance Declared:** It is hereby declared to be unlawful and a public nuisance affecting the public peace, safety, and welfare for an owner or resident within the City to keep or raise any farm animal, except as noted below.

a. Residents on properties zoned R-1, Single Family Residential, may be permitted to keep and raise up to eight (8) chickens and/or ducks under the following conditions and restrictions:

(1) Residents seeking approval to keep and raise chickens or ducks shall submit an application, application fee, site plan and coop specifications incorporating generally held best practices. Initial applications shall be considered by the City Council after holding a public hearing on the matter. Renewals may be approved administratively unless the City has received substantiated complaints or related violations have been noted during the previous year.

(2) Coop structures shall be set back at least twenty (20) feet from property lines and the subject home; coops shall only be located in rear yards. New coops shall require a permit and shall be considered an accessory building subject to all other conditions referenced in Section 1106.06 of the Zoning Code.

(3) Coops and the subject property shall be maintained in a clean and sanitary manner and may be subject to City inspection as may be deemed necessary.
(4) Backyard areas within which chicken or ducks are allowed to roam shall be fenced to confine said birds to subject property.

(5) Neither roosters nor drakes shall be permitted.

(6) No slaughtering or beheading shall be permitted on the subject premises.

(7) Food shall be stored in watertight, rodent-proof container.

(8) Permits are valid for one year and shall be renewed annually. Permits may be revoked or denied by the City Council based on cruelty, negligence or nuisance. In such event, the property owner shall be provided with an opportunity to be heard.

Subd. 2. Restrictions: It is unlawful for a dog owner to keep or raise more than two (2) dogs except as allowed under 701.04(h) “Kennels.” It is unlawful to keep or raise a domestic or farm animal if it creates a public nuisance and adversely affects the public health and welfare.

Subd. 3. Investigation of Complaints: It shall be the duty of the Community Service Officer and the Police Department to investigate all complaints submitted to the Council regarding domestic or farm animals. After investigation, if there appears to be a violation of this Chapter, the investigating officer shall issue a citation.

(Ord. 696, 4-22-02; Ord. 903, 6-22-15)
701.07:  **NON-DOMESTIC/WILD ANIMALS:**  (Ord. 696, 4-22-02)

Subd. 1. Restrictions: No person shall have in their possession any non-domestic or wild animal.  (Ord. 696, 4-22-02)

a. Any non-domestic or wild animal found at large may be immediately destroyed, without notice to the owner, by the direction of the Community Service Officer or a police officer if the wild animal cannot be captured and impounded after reasonable effort or without serious risk of injury to those attempting to impound it or to others.  (Ord. 696, 4-22-02)

Subd. 2. Trapping: It is unlawful to place or set any trap or device designed to kill or capture a wild animal while trespassing on another person’s land within the City. No person shall engage in trapping on publicly owned lands within the City.  (Ord. 696, 4-22-02)

701.08:  **VIOLATION OF PROVISIONS:** Any person violating any provision of this Chapter shall be guilty of a misdemeanor. (Ord. 460, 4-24-89; Ord. 696, 4-22-02)
CHAPTER 702

OFFENSES

SECTION:

702.01: Misdemeanors
702.02: Administrative Offenses

702.01: MISDEMEANORS: The acts, types and causes of behavior enumerated in this Section constitute misdemeanors and are punishable as provided in Section 104.01 of this Code. The following provisions and sections of Minnesota Statutes, Chapter 609, the Criminal Code, as amended, are hereby adopted by reference and made a part of this Code as if fully set forth herein.

Subd. 1. General Principles:
   a. 609.02 Definitions. Subdivisions 3, 4a, 5, 6, 7, 8, 9 and 10.
   b. 609.033 Increased Maximum Penalty for Misdemeanors.
   c. 609.034 Increased Maximum Penalty for Ordinance Violations.
   d. 609.05 Liability for Crimes of Another.
   e. 609.06 Authorized Use of Force.
   f. 609.085 Sending Written Communication.

Subd. 2. Anticipatory Crimes:
   a. 609.17 Attempts.
   b. 609.175 Conspiracy.

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1 For nuisance provisions regarding similar subject matter, see Chapter 604 of this Code.
Subd. 3. Crimes Against the Person:
   a. 609.224 Assault - 5th Degree.
   b. 609.26 Depriving Another of Custodial or Parental Rights.

Subd. 4. Crimes of Compulsion:
   a. 609.28 Interfering with Religious Observance.

Subd. 5. Sex Crimes:
   a. 609.321 Prostitution.
   b. 609.324 Other Prohibited Acts.
   c. 609.34 Fornication.
   d. Lewd Conduct: Wilfully and lewdly exposing of a person or the private parts thereof or procuring another to so expose themselves and any open and gross lewdness or lascivious behavior or any act of public indecency is unlawful.

Subd. 6. Crimes Against the Family:
   a. 609.37 Definition.
   b. 609.375 Non-Support of Spouse or Child.

Subd. 7. Crimes Against Government:
   a. 609.40 Flags.

Subd. 8. Crimes Affecting Public Officer or Employee:
   a. 609.435 Officer Not Filing Security.
   b. 609.45 Public Officer; Unauthorized Compensation.
   c. 609.475 Impersonating Officer.
Subd. 9. Crimes Against the Administration of Justice:

a. 609.485 Escape from Custody.

b. Flight to Avoid Arrest:

(1) Any person who has committed a misdemeanor in the presence of a law enforcement officer or who is suspected of committing a felony and who shall avoid arrest or who shall attempt to avoid arrest by flight shall be guilty of a misdemeanor.

(2) Any person who has committed a misdemeanor in the presence of a law enforcement officer or who is suspected of committing a felony and who fails to cooperate with any law enforcement officer including the giving of false information, particularly as to that person’s name, address, age or other pertinent information shall be guilty of a misdemeanor.

c. 609.50 Obstructing Legal Process, Arrest or Firefighting.

d. 609.505 Falsely Reporting Crime.

e. 609.51 Simulating Legal Process.

f. 609.515 Misconduct of Judicial or Hearing Officer.

Subd. 10. Theft and Related Crimes:

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b. 609.525 Bringing Stolen Goods into State.

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e. 609.541 Protection of Library Property.

f. 609.545 Misusing Credit Card to Secure Services.
Subd. 11. Damage or Trespass to Property:
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   b. 609.576 Negligent Fires; Dangerous Smoking.
   c. 609.595 Damage to Property.
   d. 609.605 Trespass.
   e. 609.606 Unlawful Ouster or Exclusion.
   f. 609.615 Defeating Security on Realty.

Subd. 12. Forgery and Related Crimes:
   a. 609.65 False Certification by Notary Public.

Subd. 13. Crimes Against Public Safety and Health:
   a. 609.66 Dangerous Weapons.
   b. Possession, Aiming or Discharging of Weapons.

(1) Definitions:
   (a) AIR GUN: Any air rifle, air gun, BB gun, spring gun or similar device for the propulsion of shot or other metal pellet by means of compressed air or mechanical spring action.

   (b) SWITCHBLADE: Any knife with a blade which moves into a fixed open position by mechanical device known as a switchblade knife.

   (c) WEAPON: Any gun, pistol, revolver, slingshot, sand club, metal knuckles, daggers, dirk and knife.

(2) It shall be unlawful for any person within the limits of the Municipality to handle or have in their possession or under their control any weapon, air gun, switchblade knife or any other dangerous or deadly weapon and it shall be unlawful for any person to aim or discharge a weapon or air gun within the limits of the Municipality. (Amended, Ord. 815, 10-22-08)
(3) Any such weapon, air gun or switchblade knife duly adjudged by the court to have been handled or held in possession or under a person’s control in violation of subdivision 13b2 above shall be forfeited or confiscated to the Municipality and shall be so adjudged.

(4) Any duly authorized peace officer within the Municipality may, within the limits of said Municipality without a warrant, arrest any person whom such officer may find in any act of violating subdivision 13b2 above and may detain a person in the Municipal jail or any other place of legal confinement until a warrant can be procured or complaint made for the trial of such person as required by law.

(5) The prohibition of this subdivision shall not apply to duly authorized police officers of the Municipality when on duty nor to any officer of any court whose duty shall be to serve warrants or to make arrests nor to persons whose business or occupation may require the carrying of weapons for protection and who shall have obtained from the Council a permit to handle or have in their possession or control any described weapon, air gun or switchblade knife.

(6) It is not the intent of this subdivision to prohibit the possession of any weapon or air gun that is properly incased and is being stored or transported for hunting purposes.

c. 609.665 Spring Guns.

d. 609.675 Exposure of Unused Refrigerator or Container to Children.

e. 609.68 Unlawful Deposit of Garbage, Litter or Like.

f. 609.685 Sale of Tobacco to Children.

g. 609.686 False Fire Alarms; Tampering with or Injuring a Fire Alarm System.

1 See also Chapter 602 and Section 1002.02, amendment 11.301 of this Code.

City of Mounds View
h. Narcotics:

(1) Definitions: Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purposes of this subdivision 13h, shall be given the meanings subjoined to them:

(a) FEDERAL NARCOTICS LAWS: The laws of the United States relating to opium, coca leaves and other narcotic drugs.

(b) NARCOTIC DRUGS: Coca leaves, opium, cannabis (marijuana and hashish), isonipecaine, amidone, isoamidone, ketobemidone, as more fully defined in Minnesota Statutes, section 152.01, and shall include all depressants, stimulants, hallucinogens, including LSD, by whatever trade name they are known as and every other substance neither chemically nor physically distinguishable from them, any other drugs to which the Federal Narcotics Law may now apply and any other drug which is hereafter included under the Federal Narcotic Law and found by the State Board of Health, after reasonable notice and opportunity for hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, from the effective date of determination of such finding of said State Board of Health.

(c) NARCOTIC DRUG PARAPHERNALIA: Shall include hypodermic syringe or needle or any other instrument or implement adopted for the use of narcotic drugs or any stem, bowl, lamp, pipe, cigarette paper or other narcotic smoking paraphernalia or accessories used for the smoking or inhalation of narcotics as defined herein.

(d) OFFICIAL WRITTEN ORDER: An order written on a form provided for that purpose of the United States Commissioner of Narcotics under any laws of the United States making provision therefor if such order forms are authorized and required by Federal law and, if no such order form is provided, then on an official form provided for that purpose by the Department of Health of the State.

(e) PERSONS: Includes any corporation, association, copartnership or any one or more individuals.

(f) PHYSICIAN, DENTIST, VETERINARIAN, MANUFACTURER, WHOLESALE, APOTHECARY, HOSPITAL and LABORATORY: Herewith defined pursuant to the terms of the Minnesota Statutes, section 152.01, subdivisions 3, 4, 5, 7, 8, 9 and 10.
(2) Declaration of Public Nuisance: It is hereby declared to be public nuisance affecting the public peace, safety and general welfare of any person, except those persons, institutions or laboratories as defined in subdivision 13h(l)(f) above, to have in their possession or allow on their premises any narcotic drug.

(3) Unlawful Acts: It shall be unlawful for any person, except those persons, institutions, or laboratories as defined in subdivision 13h(l)(f) above, to have in their possession or to allow on their premises persons who have possession of narcotic drugs or to allow on their premises any narcotic drug. It shall be unlawful for any person to use or allow to be used or allow on their premises narcotic drug paraphernalia with narcotics drugs. A person’s premises, for the purposes of this subdivision 13h, shall be that real estate owned, rented or used by any person.

(4) Kept in Original Container: A person to whom or for whose use any narcotic drug has been prescribed, sold or dispensed by a physician, dentist, apothecary or other person authorized under the provisions of Minnesota Statutes, section 152.10, and the owner of any animal for which any such drug has been prescribed, sold or dispensed by a veterinarian, may lawfully possess it only in the container in which it was delivered to them by the person selling or dispensing the same.

(5) Persons Exempted: The provisions of this subdivision 13h restricting possession and allowing the use of narcotic drugs on a person’s premises shall not apply to common carriers or to warehousemen while engaged in lawfully transporting or storing such narcotic drugs or to any employee of the same acting within the scope of the employee’s employment or to public officers or their employees in the performance of their official duties requiring possession or storage on their premises of narcotic drugs or to temporary incidental possession or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

(6) Narcotic Drugs Shall be Forfeited in Certain Cases: All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited and disposed of pursuant to the provisions of Minnesota Statutes, section 152.01 et seq.
i. Fireworks\(^1\):

(1) Sale Prohibited: No person shall, within the Municipality, sell, keep for sale, dispense or distribute, with or without consideration or to use in a fireworks, Chinese crackers, rockets, torpedoes or other explosive contrivances; provided, however, that this subdivision 131 shall not apply to the keeping and storage for shipment outside the Municipality of any such merchandise if a special permit is granted therefor by the Council.

(2) Confiscation: It is the duty of the police force to seize any and all fireworks, Chinese crackers, rockets, torpedoes or other explosive contrivances in the possession or used by any person within the Municipality contrary to the provisions of this subdivision 13i, and all such fireworks, Chinese crackers, rockets, torpedoes or other explosive contrivances seized as aforesaid shall be destroyed under the direction and by the authority of the Council.

Subd. 14. Public Misconduct or Nuisance:

a. 609.705 Unlawful Assembly.

b. 609.715 Presence at Unlawful Assembly.

c. 609.72 Disorderly Conduct. Voluntarily entering the water of any lake or public swimming pool within the limits of the Municipality between the hours of ten o’clock (10:00) P.M. and five o’clock (5:00) A.M. or entering such water without being garbed in a bathing suit sufficient to cover their person and equal to the standards generally adopted and accepted by the public is hereby declared to be disorderly conduct.

d. 609.725 Vagrancy.

e. 609.735 Concealing Identity.

f. 609.74 Public Nuisance\(^2\).

g. 609.746 Interference with Privacy.

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\(^1\) See also subdivision 604.03(3)g and Sections 905.11 and 1103.16 of this Code.

\(^2\) See also Section 604.02 of this Code.
Subd. 15. Gambling:
   a. 609.75 Gambling; Definitions.
   b. 609.755 Acts of or Relating to Gambling.

Subd. 16. Crimes Against Reputation:
   a. 609.77 False Information to News Media.

Subd. 17. Crimes Relating to Communications:
   a. 609.775 Divulging Telephone or Telegraph Message; Nondelivery.
   b. 609.78 Emergency Telephone Calls and Communications.
   c. 609.785 Fraudulent Long Distance Telephone Calls.
   d. 609.79 Obscene or Harassing Telephone Calls.
   e. 609.795 Letter, Telegram, or Package; Opening; Harassment.
   f. 609.80 Interfering with Cable Communications Systems.

Subd. 18. Crimes Relating to Business:
   a. 609.805 Ticket Scalping.
   b. 609.81 Misconduct of Pawnbrokers.
   c. 609.815 Misconduct of Junk or Secondhand Dealer.
   d. 609.82 Fraud in Obtaining Credit. (1988 Code §300.01)
702.02: ADMINISTRATIVE OFFENSES:

Subd. 1. Definition of Administrative Offense: An administrative offense is a violation of a section, subdivision, paragraph or provision of this Code when one performs an act prohibited, or fails to act when such failure is thereby prohibited and is subject to the penalty set forth in Section 104.01 of this Code, and the schedule set forth hereafter. (1988 Code §400.01)

Subd. 2. Misdemeanors and Administrative Offenses: Offenses that are declared misdemeanors by this Code may be charged as administrative offenses, at the election of the City, when notice of violation is issued pursuant to subdivision 3 of this Section and there is a scheduled penalty established herein. (1988 Code §400.09)

Subd. 3. Notice of Violation: Any member of the City Police Department and/or any other person employed by the City with authority to enforce this Code shall, upon determining that there has been a violation, notify the violator or person responsible for the violation or, in the case of a vehicular violation, by attaching to said vehicle notice of the violation, said notice setting forth the nature, date, time of the violation, the name of the official issuing the notice and the amount of the scheduled initial penalty and, where applicable, any charges relating thereto. (1988 Code §400.09)

Subd. 4. Scheduled Penalties; Penalties Imposed: Penalties shall be imposed for a violation of the scheduled administrative offenses according to a schedule established by resolution of the City Council. (1988 Code §400.09)

Subd. 5. Payment of Fine; Late Charges:

a. Once such notice is given, the person responsible for the violation shall, within seven (7) days of the time of issuance of the notice, pay full satisfaction of the stated violation schedule to the City Finance Director/Treasurer.

b. The penalty may be paid in person or by mail, and payment shall be admission of the violation.

c. A late charge shall be imposed for each seven (7) days the penalty remains unpaid after the first seven (7) day period. (1988 Code §400.02)

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1 See also subdivisions 104.01(3) and (6) of this Code.

2 See subdivision 104.01(6) of this Code for enumeration of officials and specific citations each is authorized to issue.
Subd. 6. Failure to Pay; Complaint; Certification and Hearing:

a. If a violator fails to pay the penalty imposed, the City Administrator may order the issuance of an ordinance complaint as authorized by law\(^1\), and the violation shall be processed as a crime by the Ramsey County District Court. (1988 Code §400.05) (Ord. 823, 7-2-09; Amended, Ord. 844, 5-20-10)

b. Alternatively, subject to the requirements set forth herein, the City may certify to the County Auditor any unpaid fees, penalties and charges for a violation which shall then be collected together with property taxes levied against the property. Prior to such certification, the City must attempt to obtain voluntary payment of the fees, penalties and charges as provided in this Section and allow the property owner the opportunity to request certification to the property taxes as a method of payment. A fee, penalty or charge may be certified to the Auditor only if, at least thirty (30) days prior to imposing the certification, the City has given written notice to the property owner listed on the official tax records of its intention to certify the penalty or charge to the Auditor. Property owners notified by the City for the purpose stated herein have the right to request a hearing before the City Council or a neutral third party. Only fees, penalties and charges directly related to the property being assessed may be assessed through the manner set forth in this Section. (Added, Ord. 823, 7-2-09)

c. This Section is in addition to any other law authorizing the collection of unpaid fees, penalties and charges. (Added, Ord. 823, 7-2-09)

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\(^1\) M.S.A. §412.861.
Subd. 7. Hearing on Administrative Offense Violation: (Amended, Ord. 823, 7-2-09)

a. Request for Hearing: Any person aggrieved by this Section as to an administrative offense violation may request, within seven (7) days of the time of issuance of the notice, to be heard by the hearing officer who shall hear and determine the grievance. (1988 Code §400.04) (Amended, Ord. 823, 7-2-09)

b. Hearing Officer: The City Administrator shall be the hearing officer, and the City Administrator or a designee is authorized to hear or determine a case or controversy relative to this Section. The hearing officer is not a Judicial officer and is a public officer as defined by Minnesota Statutes, section 609.415 and subject to Minnesota Statutes relating to public officers. (1988 Code §400.03) (Amended, Ord. 844, 5-20-10)

c. Determination of Case: The hearing officer shall have the authority to dismiss the violation for cause, reduce or waive the penalty upon such terms and conditions as can be agreed upon by the parties; however, reasons for such dispositions shall be stated, in writing, by said hearing officer. If the violation is sustained by the hearing officer, the violator shall pay satisfaction of the penalty or shall sign an agreement to pay upon such terms and conditions as set forth by the hearing officer. (1988 Code §400.04)

Subd. 8. Administration:

a. Enforcement of Provisions: In addition to all other duties set forth in the Code and the Home Rule Charter, the City Administrator may delegate and supervise the work of any City employees implementing and administering this Chapter. The City Administrator shall make and have custody of all records necessary and shall keep proper accounts of the proceeds received. (1988 Code §400.07) (Amended, Ord. 844, 5-20-10)

b. Disposition of Penalties: All penalties collected shall be paid over to the City Finance Director/Treasurer. The City Administrator may receive negotiable instruments in payment of penalties as conditional payment and shall not be held accountable therefor. Receipt shall be issued for cash payments. (1988 Code §400.06) (Amended, Ord. 844, 5-20-10)

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1 See Charter Section 6.03.
CHAPTER 703

MINORS

SECTION:

703.01: Curfew

703.01: CURFEW:

Subd. 1. Age and Hour Restrictions

a. Minors Under Sixteen (16): It shall be unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of entertainment and amusement, vacant lots and other unsupervised places in Mounds View between the hours of ten o’clock (10:00) P.M. and five o’clock (5:00) A.M. the following day.

b. Minors Between Sixteen (16) and Seventeen (17): It shall be unlawful for any minor who is sixteen (16) or seventeen (17) years of age to loiter, idle, wander, stroll or play in or upon public streets, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of entertainment and amusement, vacant lots and other unsupervised places in Mounds View between the hours of twelve o’clock (12:00) midnight and five o’clock (5:00) A.M. the following morning. Provided, however, that the provisions of the Section do not apply to a minor accompanied by their parent, guardian or other adult person having the care and custody of the minor, to a minor who is upon an emergency errand or other legitimate business directed by their parent, guardian or other adult person having the care and custody of the minor or where the presence of said minor in said place is connected with and required by some legitimate business, trade, profession or occupation in which said minor is permitted by law to be engaged. (1988 Code §201.01)
Subd. 2. Duties of Parents and Guardians: It shall be unlawful for the parent, guardian or other adult person having charge of a minor under the age of eighteen (18) years to permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, places and public buildings, places of entertainment and amusement, vacant lots and other unsupervised places in Mounds View during the hours prohibited by this Section; provided, however, that the provisions of this subdivision do not apply when the minor is accompanied by their parent, guardian or other adult person having the care and custody of the minor, where the minor is upon an emergency errand or legitimate business directed by their parent, guardian or other adult person having the care and custody of the minor or where the presence of said minor in said place is connected with and required by some legitimate business, trade, profession or occupation in which said minor is permitted by law to be engaged. (1988 Code §201.02)

Subd. 3. Minors in Amusement Places: No person operating or in charge of any place of amusement, entertainment or refreshment shall permit any minor under the age of eighteen (18) years to remain in such place during the hours prohibited by this Section; provided, however, that the provisions of this Section shall not apply when such minor is accompanied by their parent, guardian or other adult person having the care and custody of the minor. (1988 Code §201.03)

Subd. 4. Violation of Provisions: Any person violating any provision of this Section shall be guilty of a misdemeanor. (1988 Code §201.04)

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1 See Chapter 506 of this Code for amusement regulations.