

## CHAPTER 5

## GENERAL REGULATIONS AND LICENSING

### Part 1 Licenses and Permits, General Rule

**501.01. Licenses and permits.** Subdivision 1. General rule. Except as otherwise provided in this code, all licenses and permits granted by the city shall be governed by the provisions of this part.

Subd. 2, **Acts prohibited.** No person shall conduct any activity or use any property for which a license or permit is required by law or this code without a currently valid license or permit for such activity or use.

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

**501.02. Not transferable.** No license issued by the city may be transferred from one person to another without permission of the council. When the council permits the transfer of a license, it may waive any residency requirement, but only for the required term of the license.

**501.03. Revocation.** Any license may be revoked by the council for a violation of the section or chapter under which it is issued. However, the revocation must follow any procedure provided in the section or chapter in question.

**501.04. Appeal.** Any person who has made application which has been denied or not acted upon within 30 days after the application may apply directly to the council for a license. The application to the council shall contain the same information required in the original application, plus any additional information that the council may require or that the applicant may feel is pertinent. The council may grant the license, after hearing, if the requirements of this code are substantially complied with, and in the opinion of the council granting the license would be in the best interests of the public

### PART 2 PEDDLERS

**502.01. License required.** No solicitor, peddler, hauler, or transient vendor of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants shall enter a private residence of the city for the purpose of soliciting orders for the sale of goods, wares, and merchandise, or for the purpose of disposing of or peddling or hauling the same, without first obtaining a license there for, excluding schools, fire department, churches, or bonafide organizations.

**502.02. Application.** Before any license shall be issued to any person to vend, sell, hawk, or peddle goods, the person desiring such license shall file a written application with the clerk. Said application shall show:

The name of the applicant and the persons associated with the applicant in the business;

Type of business for which the license is desired;

The length of time for which said license is to be desired;

A general description of the thing or things to be sold;

The present place of business of the applicant.

**502.03. Issuance fee.** Every application for a license under this ordinance shall bear the written approval of the sheriff's department or mayor after an investigation of the moral character of the applicant. When

the applicant presents to the clerk an application in proper form for any business not prohibited by law, the applicant shall pay a fee as set in the fee schedule to cover the cost of said application.

**502.04. Exclusion by placard.** Any resident of the city who wishes to exclude peddlers or solicitors from premises the resident occupies may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers and Solicitors Prohibited." Such placard shall be at least three and three-quarters inches long and three and three-quarters inches wide and the printing thereon shall not be smaller than 48-point type. No peddler or solicitor shall enter in or upon any premises or attempt to enter in or upon any premises, where such placard or sign is placed and maintained.

**502.05. Defacing placard.** No person other than the person occupying such premises shall remove, injure, or deface such placard or sign.

### **Part 3 Regulating and Keeping of Dogs**

Minnesota Statutes applicable to the control of health measures for animals are hereby adopted by reference and are as enforceable as if recited in full.

**503.01. Definitions.** The following definitions shall apply in the interpretation and application of this ordinance and the following words and terms, whenever they occur in this ordinance are defined as follows:

- a. **Dog** shall mean animal of genus "Canine" or allied genera.
- b. **Owner** shall mean any person, firm or corporation who shall own, harbor, or have custody of the dog, or the parents or guardians of a person under the age of 18 years of age who shall own, harbor, keep or have custody of said dog.
- c. **Animal Control Officers** including all city staff and local law enforcement.
- d. **Animal Shelter** is any premises designated by the City for the purpose of impounding and caring for a dog held under authority of this ordinance.
- e. **Sterilizing** means neutered in the case of male dogs, and spayed in the case of female dogs.
- f. **Dog Licensing** is the process of registering a dog with the City Administrator's Office and obtaining a metallic tag bearing a registration number and is issued to the owner of the dog upon proof of updated rabies vaccination, documentation of sterilization and payment of the licensing fee.
- g. **At large** means off the premises of the owner and not on a leash, cord or chain of not more than six (6) feet in length and not under the direct control of the owner or his agent.
- h. **Restrain.** An animal is considered to be under restraint when it is on the premises of the person harboring or keeping it and all exits are restrictive from the dogs escape from within; or is controlled by a leash not exceeding six feet in length in the hands of one competent to control the dog.
- i. **Leash** means a cord, thong or chain not exceeding six (6) feet in length by which an animal is controlled by the person accompanying it.

**503.02. Keeping of dogs limited.** It shall be unlawful for any person to keep, harbor or have custody or control at any one time of more than two (2) dogs over the age of six months old in any residential dwelling unit or upon such person's premises, whether owned, leased or otherwise occupied or possessed by such person.

**503.03. Appointments.** The City may appoint such person, or persons, as deemed necessary and advisable as the Animal Control Officer, for enforcement of this ordinance of the City of Carlton.

The City shall appoint an Animal Shelter for the City for the purpose of impounding and caring for animals held under authority of this ordinance.

**503.04. Licensing Requirements.** Every owner of any dog more than six (6) months old shall obtain from the City Clerk's Office a license tag and registration number in such form as the City Council shall prescribe. Said license tag shall be firmly attached to the dog's collar at all times. The initial and thereafter two year licensing fee shall be determined by resolution of the City Council according to its current fee schedule. License fees shall be paid to the City Clerk's Office who shall issue new dated license tags

**Subd. 1. Tag and Collar.** Upon payment of the license fee, the City Clerk shall issue to the owner a receipt and a metallic tag for each dog license. 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 the event a dog tag is stolen, lost or destroyed, a duplicate tag will be issued by the Clerk with the replacement fee determined by resolution of the City Council according to its current fee schedule. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee for any reason.

**Subd. 2. Documentation Requirements.** No License shall be granted for any dog that has not been vaccinated against rabies. Said vaccination must have been administered to said dog prior to the issuance of the license, and must still be valid through the expiration date of the license to be issued. The 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. A copy of the certificate must be presented to the City Clerk upon licensing each dog.

Along with documentation of rabies vaccination, documentation of sterilization is required for any dog being licensed that has undergone a sterilization procedure.

**503.05. Running at Large.** It is unlawful for any person who is the owner, or other person in possession of a dog to permit such dog to run at large within the limits of the City. Such running at large shall be deemed prima facie evidence that the owner of any animal is in violation of this ordinance.

**503.06. Impounding.** The Animal Control Officer, Law Enforcement or any City Staff may take up and impound any dog requiring licensing, found in the City without a tag; or any dog that is in violation of this ordinance. Animals shall be impounded and confined in a humane manner at a designated animal shelter. Impounded animals shall be kept for not less than five (5) business days, unless reclaimed by their owners. If by a licensed tag or other means, the dog owner can be identified reasonable attempts will be made to return the dog to the owner prior to impounding. Notwithstanding the provisions of this ordinance, if a violation has occurred, the City Clerk may proceed against the owner for payment of fines and penalties.

**Subd 1. Enforcement.** To enforce this ordinance, the Animal Control Officer, Law Enforcement or any City Staff may enter upon private property where there is reasonable cause to

believe that a dog is on the premises and is not licensed as required by ordinance, or that there is a dog on the premises not confined, restrained, or is creating a nuisance.

Subd. 2. **Treatment during Impoundment.** Any dog impounded in the animal shelter shall be kept in a humane manner and comfort. If the dog is not known or suspected of being diseased and has not bitten a person, it shall be kept for five (5) business days, unless it is sooner reclaimed by its owner.

Subd. 3. **Notice of Impounding.** Upon impoundment of a dog, the Animal Control Officer will post within 24 hours a Notice of Impounding upon the front doors of the Civic Center located at 310 Chestnut Avenue. The Notice of Impounding shall specify breed/color and gender of the dog; the redemption period for claiming said dog; the date, time, and location of said violation, and a description of the violation.

Subd. 4. **Redemption of Impounded Animal** The City shall collect the fines for any ordinance violations as well as the impounding and boarding fees for the animal shelter. Upon payment the owner shall receive a receipt from the City stating that all fees and fines have been collected. This receipt shall be taken by the owner to the animal shelter where the impounded dog maybe claimed.

Subd. 5. **Failure to Pick Up Animal.** Any person, who fails to pick up an impounded dog owned by him/her, shall be in violation of this ordinance. Said owner will be responsible for all charges incurred by his/her animal.

Subd. 6. **Disposal of Unredeemed.** The City shall make a reasonable effort to contact the owner of any dog which has been impounded. If at the end of the impoundment period, no claim of ownership has been received, the unclaimed dog shall be deemed abandoned and shall be disposed of in a humane manner.

**503.07. Dog Creating Nuisance.** The owner or custodian of any dog shall prevent the dog from committing in the City, any act which constitutes a nuisance. A nuisance is defined as any dog that habitually or frequently barks, howls, or cries; is known for biting, snarling, growling or chasing; known for frequenting school grounds, play grounds, playing field, parks; or known to damage, defile, or destroy public or private property. Failure of the owner or custodian of dog to prevent the animal from committing such a nuisance is a violation of this ordinance. The owner or custodian will be subject to fees determined by resolution of the City Council according to its current fee schedule. Any dog which repeatedly is a nuisance maybe impounded and disposed of in a humane manner.

**503.08. Owner Obligation for Proper Care.** No owner shall fail to provide any dog with sufficient good wholesome food, water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care treatment. No person shall beat, treat cruelly, torment or otherwise abuse any dog, or cause or permit any dog fight. No owner of a dog shall abandon such animal.

Subd. 1. **Sanitation.** The owner of any dog shall be responsible for the sanitation of that dog whether on his/her property, private property of others, or public property. No person shall permit any dog under his/her care to defecate upon any park or public grounds unless said person shall promptly clean up such waste and deposit same in adequate sanitary facilities. All animal waste shall be removed daily so as to keep the surrounding area free from obnoxious odors.

**503.09. Penalties.** Violation of any section of this Ordinance shall constitute a misdemeanor. Each individual violation of a section shall constitute a separate violation. Whoever does any act which constitutes a violation may be sentenced as provided by State Law for a misdemeanor violation.

**503.10. Separability of Provisions.** It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

#### **Part 4 Gambling Licensing and Regulations**

**504.01. Purpose.** The purpose of this ordinance is to closely regulate and control the conduct of gambling.

**504.02. Provisions of State Law Adopted.** The provisions of Minnesota Statutes, Chapter 349, and Laws of Minnesota, 1978 Chapter 507 relating to the definition of terms, licensing and restrictions of gambling are adopted and made a part of this ordinance as if set out in full.

**504.03. License Requirement.** No person shall directly or indirectly operate a gambling device or conduct a raffle without license to do so as provided in this ordinance.

**504.04. Persons Eligible For License.** A license shall be issued only to fraternal, religious and veterans' organizations, or any corporation, trust, or association organized exclusively for scientific, literary, charitable, educational or artistic purposes, or any club which is organized and operated exclusively for pleasure or recreation. Such organization must have been in existence for at least three (3) years and shall have at least 30 active members.

**504.05. Application Procedure.** Application for a license shall be made upon a form prescribed by the Council. No person shall make a false representation in an application. The Council shall act upon said application within 180 days from the date of application, but shall not issue a license until at least 30 days after the date of application.

**504.06. Profits.** Profits from the operation of gambling devices or the conduct of raffles shall be used for proper purposes only.

**504.07. Conduct of Gambling.**

Subd. 1. **Gambling Manager.** All operation of gambling devices and the conduct of raffles shall be under the supervision of a single gambling manager to be designated by the organization. The gambling manager shall be responsible for gross receipts and profits from gambling devices and raffles and for their operation. The gambling manager shall be responsible for using profits for proper purpose.

Subd. 2. **Bond.** The gambling manager shall provide a fidelity bond in the sum of \$10,000.00 in favor of the organization conditioned on the faithful performance of his duties.

Subd. 3. Qualifications of gambling manger. The gambling manager shall be an active member of the organization, and shall qualify under state law.

**504.08.** Compensation. No compensation shall be paid to any person in connection with the operation of a gambling device or the conduct of a raffle by a licensed organization. No person who is not an active member of an organization, or the spouse or surviving spouse of an active member, may participate in the organization's operation of a gambling device or conduct of a raffle.

**504.09.** Reporting Requirements.

Subd. 1. Gross Receipts. Each organization licensed to operate gambling devices shall keep records of its gross receipts, expenses and profits for each single gathering or occasion at which gambling devices are operated or a raffle conducted. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchase item or service or other reason for the deduction, and the recipient. The distribution of profits shall be itemized as to payee, purpose, amount and date of payment.

Subd. 2. Separation of funds. Gross receipts from the operation of gambling devices and the conduct of raffles shall be segregated from other revenues of the organization, and placed in a separate account. The person who accounts for the gross receipts, expenses and profits from the operation of gambling devices or the conduct of raffles shall not be the same person who accounts for other revenues of the organization.

Subd. 3. Monthly Reports. Each organization licensed to operate gambling devices or to conduct raffles shall report monthly to its membership, and to the City Clerk, its gross receipts, expenses and profits from gambling devices and raffles, and the distribution of profits. The licensee shall preserve records for three years.

**504.10.** Eligible Premises. Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases, except that tickets for raffles may be sold off the premises. Leases shall be in writing and shall be for a term of at least 12 months. No lease shall provide that rental payments be based on a percentage of receipts. A copy of the lease shall be filed with the City Clerk.

**504.11.** Prizes. Total prizes from the operation of paddle wheels, tipboards and raffles shall not exceed the limits set by the Minnesota Gambling Control Board

**504.12.** Bingo. Nothing in this ordinance shall be construed to authorize the conduct of bingo without acquiring a separate bingo license.

**504.13.** Penalties.

Subd. 1. Criminal Penalty. Violation of any provision of this ordinance shall be a misdemeanor. A person convicted of violating any provision of this ordinance shall be subject to a as set in the Fine Schedule and/or imprisonment not to exceed the maximum as set by Minnesota Statute.

Subd. 2. Suspension and revocation. Any license may be suspended or revoked for any violation of this ordinance. A license shall not be suspended or revoked until the procedural requirements of subdivision 3 have been complied with, provided that in cases where

probable cause exists as to an ordinance violation, the City may temporarily suspend upon service of notice of the hearing provided for in subdivision 3. Such temporary suspension shall not exceed 2 weeks.

Subd. 3. Procedure. A license shall not be suspended under subdivision 2 until notice and an opportunity for a hearing have first been given to the licensee. The notice shall be personally served and shall state the ordinance provision reasonably believed to be violated. The notice shall also state that the licensee may demand a hearing on the matter, in which case the license will not be suspended until after the hearing is held. If the licensee requests a hearing, one shall be held on the matter by the City Council at least one week after the date on which the request is made. If, as a result of the hearing, the City Council finds that an ordinance violation exists, the Council may suspend or terminate the license.

### **Part 5 Ten (10) Percent Charitable Gambling Contribution Fund**

AN ORDINANCE TO ESTABLISH A 10 PERCENT CHARITABLE GAMBLING CONTRIBUTION FUND UNDER MINNESOTA STATE STATUTES SECTION 349.213, SUBDIVISION 1.

THE CITY COUNCIL OF THE CITY OF CARLTON DOES HEREBY ORDAIN:

**505.01.** The City of Carlton does hereby establish a fund to be known as the Lawful Gambling 10 Percent Contribution Fund to be administered by the City of Carlton. Pursuant to Minn. Stat. 349.213, Subd. (1), all organizations conducting lawful charitable gambling within the city limits of the City of Carlton are hereby required to contribute 10 percent of the net profits derived from such lawful gambling activities conducted at premises within the city limits of the City of Carlton to such fund. The City shall from time to time disburse the funds for either (a) lawful purpose as defined in Minn. Stat. 349.12, Subd. 25, or (b) police, fire, or other emergency or public safety related services, equipment, and training, excluding pension obligations.

The fund to be established by the City shall be a separate fund within its own financial records that will account exclusively for all receipts and expenditures under this ordinance. The receipts and expenditures will not be commingled with other city funds. The City will submit an annual report to the Charitable Gambling Control Board and shall submit such other forms as may be required from time to time. All such organizations conducting charitable gambling within the city limits of the City of Carlton shall keep monthly financial records of gambling proceeds and disbursements and shall submit copies of same to the City of Carlton at the same time that the organization remits the amount due to the City. Each organization shall also submit to the City copies of all records required to be submitted to the State of Minnesota Gambling Control Board.

**505.02.** Upon request by the City of Carlton, all organizations conducting lawful charitable gambling within the City of Carlton must provide the City with all relevant records, books, and other documents to insure compliance with this ordinance.

**505.03.** The deadline for submission of such reports and for remitting funds due under this ordinance shall be the last day of the month following the month in which the proceeds were earned.

**505.04.** This ordinance shall take effect commencing with the month of January 2002.

- 505.05.** The City shall establish by resolution a committee of persons who will recommend expenditures of funds collected under this ordinance. The committee's recommendations regarding the expenditure of funds shall be advisory, but shall not be binding upon the City Council for the City of Carlton. Final approval of expenditures shall be made by the City Council for the City of Carlton. The expenditure of funds received by the City under this ordinance shall be made within a reasonable time following receipt of such funds.
- 505.06.** A copy of this ordinance shall be filed with the State of Minnesota Gambling Control Board.
- 505.07.** Violation of this ordinance may be grounds for revocation of an organization's license to conduct lawful gambling activities within the city limits of the City of Carlton.
- 505.08.** The provisions of this ordinance are deemed to be separable, and in the event that any provision is deemed to be invalid by a court of competent jurisdiction, the remaining provisions of the ordinance shall be deemed to continue to full force and effect.

## **Part 6 Lawful Gambling Pull-Tabs**

### **506.01. Pull-tabs.**

Subd. 1. **Scope.** This article shall regulate all pull-tab games operated pursuant to Minnesota Statutes Chapter 349.

Subd. 2. **State Regulations Adopted.** Chapter 7861 of Minnesota rules is hereby incorporated by reference into this section, provided that nothing in said rules shall be deemed to amend or change any provision of the City of Carlton Ordinances. No person shall violate any provision of Chapter 7861 of Minnesota rules or any amendments thereto.

### Subd. 3. **Age Restrictions.**

- (a) No person under the age of eighteen (18) may conduct or participate in the playing of the game of pull-tabs.
- (b) No person shall sell pull-tabs to any person under the age of eighteen (18).
- (c) Proof of age for purchasing pull-tabs may be established only by a valid driver's license or Minnesota identification card or in the case of a foreign national by a valid passport.

### Subd. 4. **Sale of Pull-Tabs.**

- (a) In the playing of pull-tabs, no person shall sell or purchase pull-tabs except on a cash basis. Checks and credit cards and all other forms of consideration shall not be allowed.
- (b) A seller may refuse to sell pull-tabs to any person if the seller believes such sale would be in violation of any law or regulation.
- (c) The seller shall hand the pull-tabs that are purchased to the player. A player shall never be allowed to reach into the container to select pull-tabs.



- (d) Under no circumstances shall a seller assist a player in the opening of pull-tabs.
- (e) No person shall evade or circumvent or attempt to evade or circumvent any of the provisions of this article, or of any State law or regulation, by having someone else purchase pull-tabs for such person.
- (f) No seller or other gambling employee of the organization operating the gambling shall either orally, in writing or otherwise provide any information to any other person about total number of winners played or the number or denominations of winners left in the container, except that the seller may post publicly in clear legible type the number of winners played and the number of winners left in the container.
- (g) No single deal of pull-tabs which had been taken out of play shall thereafter be returned to play.
- (h) In licensed liquor establishments, sale of pull-tabs must cease at least fifteen (15) minutes before sales of alcoholic beverages are required by law to cease.

**506.02. Expenditures and Profits from Pull-tabs.**

Subd. 1. **Required Expenditures.** A licensed Organization conducting lawful gambling within the city limits of the City of Carlton must expend 75% of all of its quarterly expenditures of gross profits for lawful purposes on lawful purposes conducted or located within the City of Carlton's trade area.

Subd.. **"Trade Area" Defined.** For the purposes of this Ordinance the City of Carlton's trade area shall be defined as the legal city limits of the City of Carlton and the legal limits of the Township of Twin Lakes.

Subd. 3. **Required Donation.** Ten percent (10%) of the net profits from the operation of the gambling equipment in the City of Carlton by charitable organizations shall be donated to the City of Carlton in accordance with Part 5; Subsection 505.01 . The donations from monthly profits from each licensee shall be made in a check payable to the City of Carlton and delivered to the City on or before the last day of the following month. This donation shall be included in the computation of the 75% required expenditures under Part 6; Subsection 5046.02 of this ordinance.

Subd. 4. **Records and Reports.** All qualified organizations operating gambling equipment in the City of Carlton shall keep monthly financial records of gambling proceeds and disbursements in the defined trade area and shall submit copies of same to the City monthly.

Subd. 5. **Donation Effective Date.** The provisions of this Ordinance shall take effect for all proceeds from gambling equipment beginning with the month of January 2005.

**506.03. Rent Limitations for Lease Premises.**

Subd. 1. **Leased Premises.** "Leased Premises" means a building or place of business, or a portion of a building or place of business not owned by a gambling organization that is leased in its entirety by a

gambling organization for the use by the organization and its members, which use may include lawful gambling.

Subd. 2. **Annual Rentals.** No licensed gambling organization may pay an annual rental to the lessor of leased premises in excess of the State of Minnesota rules and regulations establishing fair rentals for such leased premises.

**506.04. General Provision**

Subd. 1. **Background Information.** A copy of all applications and reports required by and submitted to the Minnesota Gambling Control Board shall also be submitted to the City of Carlton within seven (7) days after they are submitted to said Board.

Subd. 2. **Filing of Lease Agreement.** Any organization requesting a license for charitable gambling shall file with the City of Carlton a copy of its signed lease agreement prior to or at the same time as filing its request for a gambling license with the State of Minnesota.

Subd. 3. **Limitation of Gambling Licenses.** No organization shall be permitted to conduct gambling in more than two (2) establishments within the City of Carlton.

Subd. 4. **Disapproval.** Nothing contained in this Ordinance shall be deemed to limit the City Council's authority to disapprove a license for lawful gambling.

Subd. 5. **Filing with Gambling Control Board.** This Ordinance shall be filed with the Minnesota Gambling Control Board.

Subd. 6. **Penalties.** Violation of any section of this Ordinance shall constitute a misdemeanor. Each individual violation of a section shall constitute a separate violation. Whoever does any act which constitutes a violation may be sentenced for as provided by State Law for a misdemeanor violation.

**Part 7 Disposal of Garbage and Rubbish**

The Village Council of the Village of Carlton does ordain:

**507.01.** It shall be unlawful for any person, firm, or corporation to fail to dispose of garbage and rubbish which may be or may accumulate upon property owned or occupied by such person, firm, or corporation, at least as often as provided in Section 2 hereof.

**507.02.** All garbage and rubbish located on any property owned or occupied by any person, firm, or corporation, shall be removed from said property at least and not less than once every week.

**507.03** The word "garbage" as used herein shall include only organic refuse resulting from the preparation of food and decayed and spoiled food from any source.  
The word "rubbish" as used herein shall include all inorganic refuse matter such as tin cans, glass, paper, sweepings and ashes.

**507.04.** Every householder or occupant of any dwelling house, boarding house, restaurant or any place of business having garbage to dispose of, who does not otherwise provide for the disposal of such garbage in a sani-manner and in accordance with Section 2 hereof, shall

provide himself with one or more flytight cans sufficient to receive all garbage and rubbish which may accumulate between the time of collection or disposal. Each residential can shall have a capacity of not to exceed thirty-three (33) gallons and shall be provided with a bail or handles and a tight fitting cover. All such cans shall at all times be kept clean and in a good state of repair.

- 507.05.** All garbage must be place in an approved container and no liquids shall be placed in cans unless enclosed in a closed container.
- 507.06.** It shall be unlawful for any person, firm or corporation to expose garbage or rubbish or other offensive matter, in a manner which would cause the premises to become unclean, unhealthy or offensive.
- 506.07.** It shall be unlawful for any person, firm or corporation to burn or dispose of any garbage or rubbish within the corporate limits of the City of Carlton.
- 507.08.** Any person, firm or corporation violating any of the provisions of this ordinance, shall, upon conviction thereof, be subject to a fine as set in the Fine Schedule.

#### **Part 8 Diseased Trees on Private Property**

#### **AN ORDINANCE RELATING TO THE REGULATION OF THE TREATMENT, TRIMMING, AND REMOVAL OF UNSAFE OR DISEASED TREES ON PRIVATE PROPERTY WITHIN THE CITY OF CARLTON**

The City Council of the City of Carlton, Minnesota Ordains as Follows:

- 508.01.** The Public Works Superintendent shall have the authority, and it shall be his duty to order the trimming, treatment or removal of trees, shrubs or plants upon private property when he shall find such action necessary to public safety or to prevent the spread of disease of insects to trees, shrubs or plants located within the city.
- 508.02.** All orders to trim, remove or treat trees, shrubs or plants given pursuant to this section shall be in writing and shall be served by mail upon the owner of the property where such trees, shrubs or plants are located. Such orders shall give the owner of the property not more than twenty days from the date of mailing of such notice to comply with such orders.
- 508.03.** The procedures for the removal and disposal of diseased trees, shall be in direct accordance with those established by the Public Works Superintendent.
- 508.04.** Trees, shrubs or plants which are not removed or treated by the owner within the specified time shall be declared a public nuisance and removed by the City with the costs being borne by the property owner. If not voluntarily paid by such owner, the costs of such trimming, treatment or removal may be recovered by the City by special assessment upon the property of said owner.
- 508.05.** The Public Works Superintendent or his duly authorized agents, in particular the City Tree Inspector, may enter upon private premises at any reasonable time for the purpose of inspecting any trees, shrubs or plants which might harbor such disease or insects.

**508.06.** It is unlawful for any person to transport within the City any bark-bearing elm or diseased wood other than for the direct purpose of authorized disposal.

### **Part 9 Shade Tree Program**

AN ORDINANCE OF THE CITY OF CARLTON, MINNESOTA, ESTABLISHING A SHADE TREE PROGRAM, PROVIDING REGULATION FOR THE CONTROL OF CERTAIN DISEASES AFFECTING TREES, INCORPORATING AGENCY RULES AND REGULATIONS, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF

The City Council of the City of Carlton, Minnesota Ordains as follows:

**509.01.** Regulations Adopted By Reference. Sections 1.0109 through 1.0111 of Minnesota Code of Agency Rules, Department of Agriculture, Shade Tree Program (1978 Edition) together with amendments thereof to date, are hereby adopted by reference and made a part of this Ordinance as if set out here at in full, except as hereinafter provided. A copy of said agency rules herewith incorporated is on file in the Office of the City Clerk.

**509.02.** The stockpiling of bark bearing elmwood within the city limits of the City of Carlton shall be permitted during the period from September 15<sup>th</sup> through April 1 of any given year. Any such wood not utilized by April 1 of any year must then be removed and disposed of as provided by this ordinance and the regulations incorporated thereby.

**509.03.** Where the provisions of this ordinance conflict or are inconsistent with any other ordinance of the City, the provisions of this ordinance shall supersede except in instances where one regulation is more restrictive than another in which case the more restrictive shall apply and control.

**509.04.** Any person who shall violate any provisions of this ordinance shall be, upon conviction thereof, guilty of a misdemeanor, and shall be subject to a fine as set in the Fine Schedule, not to exceed the maximum as set by Minnesota Statutes.

### **Part 10 Curfew**

AN ORDINANCE TO REGULATE THE PRESENCE AND CONDUCT OF JUVENILES ON STREETS, PUBLIC PLACES AND ESTABLISHMENTS, WITHIN THE LIMITS OF THE CITY OF CARLTON, DEFINING DUTIES OF PARENTS OR OTHERS IN CHARGE OF JUVENILES, PROVIDING FOR PROCEDURES AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, The City Council has determined that there has been an increase in juvenile criminal activity and violence, and in potentially gang related activity by persons under the age of 18 in the City of Carlton and,

WHEREAS, Persons under the age of 18 are particularly susceptible as a result of their lack of maturity and experience to participation in unlawful and gang-related activities and are also more likely to be victims of older perpetrators of crime, and

WHEREAS, The City of Carlton has an interest and obligation in providing for the protection of juveniles from other persons, in the enforcement of parental control over and responsibility for children, in the reduction of the incidence of juvenile criminal activities and in protecting its citizenry; and

WHEREAS, A curfew for those under the age of 18 would be in the best interest of the public health, safety, and general welfare and will help diminish the undesirable impact of such conduct on the citizens of Carlton,

The City Council of the City of Carlton Minnesota hereby Ordains:

**510.01.**        Definitions

- (a)        CURFEW HOURS MEAN:
  - (1)        10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, until 6:00 a.m. of the following day, and
  - (2)        11:00 p.m. on any Friday and Saturday until 6:00 a.m. the following day.
  
- (b)        EMERGENCY means an unforeseen combination of circumstance or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
  
- (c)        ESTABLISHMENT means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
  
- (d)        GUARDIAN means;
  - (1)        A person who, under court order, is the guardian of the person of a juvenile; or
  - (2)        A public or private agency with whom a juvenile has been placed by a court of law.
  
- (e)        JUVENILE means any person under 18 years of age.
  
- (f)        OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
  
- (g)        PARENT means a person who is;
  - (1)        A natural parent, adopted parent, or step-parent of another person, or
  - (2)        A person at least 18 years of age and authorized in writing by a parent or guardian to have the care and custody of a juvenile.
  
- (h)        PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, churches, apartment houses, office buildings, transport facilities, and shops.
  
- (i)        REMAIN means to;
  - (1)        Linger or stay; or
  - (2)        Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

**510.2.**            Restrictions

(a)        It shall be unlawful for any juvenile to remain in any public place or on the premises of any establishment within the City during curfew hours.

(b)        It shall be unlawful for any parent or guardian of a juvenile to knowingly permit, or by insufficient control allow, the juvenile to remain in any public place or on the premises of any establishment within the City during curfew hours. The term “knowingly” includes knowledge with a parent or guardian should reasonably be expected to have concerning the whereabouts of a juvenile in the legal custody of the parent or guardian.

(c)        It shall be unlawful for any owner, operator, or any employee of an establishment to knowingly allow a juvenile to remain upon the premises of the establishment during curfew hours.

**510.03.**           Exceptions

(a)        The following shall constitute valid exceptions to the operation of the curfew. That the juvenile was:

- (1)        Accompanied by the juvenile’s parent or guardian; or
- (2)        An errand at the direction of juvenile’s parent or guardian, without any detour or stop, or
- (3)        In a motor vehicle involved in interstate travel; or
- (4)        Engaged in an employment activity, or going to or returning home from employment activity, without any detour or stop; or
- (5)        Involved in an emergency; or
- (6)        On the sidewalk or curb abutting the juvenile’s residence or abutting the residence of a next-door neighbor who did not complain to the police department about the juvenile’s presence; or
- (7)        With the consent of parent or guardian is attending an official school, religious, or other recreational activity supervised by adults or sponsored by the City of Carlton, a civic organization, or another similar entity that takes responsibility for the juvenile, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults or sponsored by the City of Carlton, or civic organization, or another similar entity that takes responsibility, or
- (8)        Is married or had been married and/or legally emancipated.

(b)        It is a defense to prosecution under Section 2 that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

**510.04.**           Enforcement

Before taking any enforcement action under this section, a police officer is authorized and shall ask the apparent offender’s age and reason for being in a public place. The officer shall not issue a citation or make an arrest under the section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception listed in Section 3 is applicable.

**510.05.**        Penalties

(a)        A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

(b)        Any juvenile who is convicted of a violation of this ordinance after the case has been referred for prosecution in the trial court under Minnesota Statute § 260.15 and any adult persons having the care and custody of such minor, is guilty of a petty misdemeanor and shall be punished by a fine as set in the Fine Schedule, not to exceed the maximum as set by Minnesota Statutes.

Severability

**510.06.**        That the terms and provisions of this ordinance are severable. If any provision of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. It is intended that the Curfew Ordinance is to be held inapplicable in such cases, if any, where its application would be unconstitutional.

**Part 11 Skateboard/Recreational Devices**

AN ORDINANCE REGULATING THE USE OF SKATEBOARDS, ROLLER BLADES, ROLLER SKATES/SKIES, OR OTHER RECREATIONAL DEVICES WITHIN THE CITY OF CARLTON

**511.01.**        Purpose. The purpose of this ordinance is to protect the public health and safety arising out of the use of skateboards, roller blades, roller skates, roller skies, or other recreational devices within the City of Carlton.

**511.02.**        Definitions. The following terms as used in this ordination, shall having meanings stated:

- A.        “OPERATE” To ride on or upon or control the operation of skateboards, roller blades, roller skates, roller skies, or other recreational devices.
- B.        “OPERATOR” Every person who operates or is in actual physical control of skateboards, roller blades, roller skates, roller skies, or other recreational devices.
- C.        “Roller blades/roller skates” A shoe with wheels attached or a device with wheels which is designed to be attached to a shoe.
- D.        “Skateboard” A device for riding upon, usually standing, consisting of a piece of material mounted on wheels, usually oblong, mounted on wheels.
- E.        “Roller Ski” A device for riding upon, usually by standing, consisting of a piece of material mounted on wheels, normally operated in pairs, which simulates cross country skiing.
- F.        “Other recreational devices” Any additional devices used as a mode of transportation that are propelled by the operator.

**511.03.**        Observation of Rules of the Road. Any person who operates skateboards, roller blades, roller skates, roller skies, or other recreational devices on streets, roadways or highways

within the city must observe the same rules of the road as required of bicycles pursuant to Minn. Stat. 169.222, Subdivisions 1,2,3,4 and 8.

**511.04.**

Rule of Operation. It shall be unlawful for any person to operate skateboards, roller blades, roller skates, roller skies, or other recreational devices under the circumstances set forth hereafter:

- A. On real property of another without the prior expressed permission to do so by the owner or lawful occupant of said property; or
- B. In a careless, reckless, or negligent manner so as to cause or likely cause:
  - 1) A nuisance; or
  - 2) Endanger the safety of the operator or the safety of another or property; or
  - 3) Harass another person; or
  - 4) Damage the property of another.
- C. In an aggressive manner on public property defined as:
  - 1) Jumping onto, over or from any fixture; or
  - 2) Performing tricks or acrobatics; or
  - 3) Sliding, as opposed to rolling on the wheels, along the surface or edge of any fixture with any part of the skateboard, roller blades, roller skates, roller skies or other recreational device; or
  - 4) Performing any maneuver where the wheels of the skateboard, roller blades, roller skates, roller skies or other recreational device leave the ground, except where necessary to navigate a curb in a crosswalk.
- D. On Chestnut Avenue between the east lot line of 317 Chestnut Avenue and the west lot line of the lot(s) occupied by the Four Seasons Recreational Complex.

**511.05.**

Violations

- A. Any person who violates any paragraph, provision or subdivision of this Ordinance shall be cited and punished as a petty misdemeanor.
- B. Additionally, any Peace Officer or other person duly authorized by the City of Carlton who observes any person violating any of the provisions of this ordinance is authorized:
  - a) To give such person a verbal warning, and
  - b) Upon a second offense, to seize the offender's skateboard, roller blades, roller skates, roller skies or other recreational device and to hold for twenty-four hours from the time of seizure. In case of a minor offender, the article seized shall be returned only to a parent or guardian of such minor offender after twenty four hours have elapsed since the seizure.
  - c) Upon a third offense, the person violating shall be charged with a petty misdemeanor and the offender's skateboard, roller blades, roller skates, roller skies or other recreational device shall be held until the charge has been resolved by the Court. In a case of a minor offender, the article seized shall be returned only to the parent or guardian of such minor offender.

Any person aggrieved by such seizure may petition the City Council for a release of the recreational device. The City Council may release the device upon showing that the offender is likely to thereafter obey the provisions of this ordinance.



The verbal warning described herein may also be given by an adult citizen of the City of Carlton.