

**LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, JUNE 14, 2005
CITY HALL, 7:00 P.M.**

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. CALL MEETING TO ORDER AT 7:00 P. M.

2. ROLL:

Council members:

Christensen _____
Gill-Gerbig _____ Giannetti _____
Mayor Dains _____

Staff: Bakken-Heck _____

3. APPROVAL OF THE AGENDA

4. APPROVAL

- A. Approve minutes for 5/24/05 City Council Meeting
- B. Approv claims totaling \$31,480.98

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

6. CONSENT

- A. Approval of Temporary 3.2 On-Sale Liquor License.
- B. Change Council Meeting time from 7:00 p.m. to 7:30 p.m.

FILE

- 7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS**
- 8. INFORMATIONAL PRESENTATIONS**
- 9. PUBLIC HEARINGS**

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

10. REPORTS

- A. Update on Council Member Appointment
- B. Update on Consolidated Dispatch Issue

11. DISCUSSION

12. ACTION

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

- A. Interview and Appoint Council Member
- B. Adopt Driveway Ordinance Amendment
- C. Adopt Animal Control Ordinance
- D. Set Date for Visit by Ramsey County Commissioner Jan Parker
- E. Set Date for Ehlers and Associates Update and Presentation of Larpenture Avenue Planning
- F. Set Date for St. Anthony PD Annual Report

16. WORK SESSION

- A. Driveway Ordinance
- B. Animal Control Ordinance

17. ADJOURNMENT

**Lauderdale City Council
Meeting Minutes
May 24, 2005**

1. Meeting called to order at 7:05P.M.

2. ROLL

Council present: Christensen, McCloskey, Giannetti, Gill-Gerbig and Mayor Dains

Staff present: Administrator Bakken-Heck and Assistant to the Administrator Bownik

3. APPROVAL OF THE AGENDA

A. *Approval of Agenda.* Motion by McCloskey, second by Christensen to approve the agenda. Roll: Yes: all. Motion carried.

4. APPROVAL

A. *Approval of Minutes.* Motion by Gill-Gerbig, second by McCloskey to approve the minutes of the May 10, 2005 City Council meeting. Motion carried unanimously.

B. *Approval of Claims totaling \$47,541.42.* Motion by McCloskey, second by Christensen to approve the claims totaling \$47,541.42. Motion carried unanimously.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS

A. *Commendation presented to Council Member Jeff McCloskey.* Mayor Dains thanked McCloskey for his years of public service as a council member and member of the refuse task force. He asked Council member Christensen to read the Resolution of Commendation presented to Council Member McCloskey.

Mayor Dains provided an opportunity for other Council members to say a few words about Council member McCloskey.

8. INFORMATIONAL PRESENTATIONS

9. PUBLIC HEARINGS

10. REPORTS

- A. *First Quarter Financial Report.* Assistant to the Administrator Jim Bownik presented the council with information on the City's financial standing for the first quarter of 2005. Bownik stated there is nothing unusual or out of the ordinary and that revenue and expenditures are in line with where they should be for this period.

The Council accepted the report on a motion by council member Giannetti and a second by council member Gill-Gerbig. The motion carried with all voting yes.

11. DISCUSSION

12. ACTION

- A. *Emergency 911 dispatch resolution.* City Administrator Bakken-Heck presented information on the 911 consolidated dispatch issue. He informed the Council that both Roseville and Falcon Heights adopted similar ordinances. The affect on the city's residents is an increase in the County property tax to support the consolidated center. Bakken-Heck stated the idea is a good one and the city should support this effort, however, the funding formula needs to be reconsidered.

Council member Christensen moved adoption of Resolution Number 05-01 Resolution Regarding Consolidated E-911 Dispatch In Ramsey County. Resolution seconded by Giannetti and carried on a roll-call vote with all members voting yes.

- B. *Corporate resolution changing signatories.* Mayor Dains asked for a motion on a house cleaning item that removes former Administrator Getschow as a signatory and adding new Administrator Bakken-Heck as a signatory. Moved by council member Gill-Gerbig and seconded by council member Giannetti to remove Rick Getschow as a signatory and add Brian Bakken-Heck. Carried on unanimous roll call vote.

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

- A. *Street Issues.* Council member Gill-Gerbig told the council a resident spoke to her about concerns he has about the condition of the roads that were reconstructed in 2000. He indicated the roads are developing cracks and is suggesting the city look into the feasibility of seal coating or filling the cracks to ensure the integrity of the road. It was the consensus of the council to have staff review the situation with the city engineer and take necessary steps to correct problems if they exist.

15. SET AGENDA FOR NEXT MEETING

No items for the June 14th agenda were suggested or identified

16. WORK SESSION

- A. *Parking Issues.* Administrator Bakken-Heck described the issue to the council. He said staff has differing interpretations regarding the driveway and front yard parking issue. The conflict is determining what constitutes the side yard and front yard. Bakken-Heck indicated one opinion holds that side yard space means the entire vehicle must be on the side yard, whereas the other holds that as long as the driveway extends beyond the front plane of the house, the driveway is conforming. Bakken-Heck also said conflicts appear to exist in the various codes and ordinances addressing parking and driveways. Staff is looking for the Council's intent and direction regarding this issue.

The council discussed the issue and all recalled the discussion on the issue focusing on improving the parking/driveway area of those residents who had dirt areas in front of their house where vehicles were parked, to provide additional off-street parking for residents, and to ensure there was not parking in the boulevard (right-of-way).

Council indicated it was not the intent to require homeowners to construct a parking surface that went all the way to the back of the home, but rather to have a parking/driveway surface made of concrete, bituminous, rock, or other structurally sound surface and that the surface extend approximately 18 to 20 feet beyond the curb-cut and apron.

Bakken-Heck summarized his understanding of the Council's intent and direction to 1) bring back revised codes and ordinances so the language is conforming; 2) include a distance requirement of 20 feet beyond the driveway apron; and 3) to reinforce the original intent that parking/driveway spaces off the street are constructed of appropriate material.

- B. *Selection of New Council Member.* The Mayor thanked the Administrator for providing the options and stated he preferred to solicit interested residents and conduct interviews in order to select a new council member.

Following additional discussion, the Council directed staff to post an announcement soliciting interested residents to fill the vacancy. The timeline is to result in the Council conducting interviews of candidates prior to the June 28 Council Meeting.

17. ADJOURNMENT

Motion by Christensen, second by McCloskey, to adjourn. Motion carried unanimously. Meeting adjourned at 8:25 p.m.

CITY OF LAUDERDALE

Claims for Approval

June 14, 2005 City Council Meeting

<u>Payroll</u>		
06/03/05 Payroll:	Check # 7808-7817	\$8,581.09
06/03/05 Payroll:	EFT: Federal Withholding Taxes/FICA	\$3,219.01
06/03/05 Payroll:	EFT: PERA	\$1,098.22
06/03/05 Payroll:	EFT: ICMA Retirement Fund	\$1,590.38
May 05 Payroll:	EFT: State Withholding Taxes	\$840.71
<u>Vendor Claims</u>		
06/14/05 Claims:	Check # 17538-17568	\$16,151.57

Subtotal of Claims From Above **\$31,480.98**

Total Claims for Approval	\$31,480.98
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CITY OF LAUDERDALE

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name AFSCME				
017538	6/14/05	061405 6/14	\$80.90	5/05 union dues
Search Name AFSCME			\$80.90	
Search Name AMERIPRIDE				
017539	6/14/05	061405 6/14	\$50.54	paper towels, etc
Search Name AMERIPRIDE			\$50.54	
Search Name CARTRIDGECARE INC.				
017540	6/14/05	061405 7145	\$73.83	toner for printer
Search Name CARTRIDGECARE INC.			\$73.83	
Search Name CEMSTONE				
017541	6/14/05	061405 283333	\$853.94	rec rock for ballfield
Search Name CEMSTONE			\$853.94	
Search Name CINTAS				
017542	6/14/05	061405 6/14	\$79.89	5/26, 6/2, 6/9 pw uniforms
Search Name CINTAS			\$79.89	
Search Name CITY OF ROSEVILLE				
017543	6/14/05	061405 4879	\$164.08	5/05 technical services
Search Name CITY OF ROSEVILLE			\$164.08	
Search Name EAST HENNEPIN AUTO SERVICE INC				
017544	6/14/05	061405 6/14	\$23.22	tractor fuel
017544	6/14/05	061405 6/14	\$2.58	tractor fuel
Search Name EAST HENNEPIN AUTO SERVICE INC			\$25.80	
Search Name EUREKA RECYCLING				
017545	6/14/05	061405 689	\$1,318.81	5/05 recycling services
Search Name EUREKA RECYCLING			\$1,318.81	
Search Name GLENWOOD INGLEWOOD				
017546	6/14/05	061405 6/14/05	\$43.94	5/05 water delivery
Search Name GLENWOOD INGLEWOOD			\$43.94	
Search Name HOME DEPOT CRC				
017547	6/14/05	061405 9587630	\$12.78	lacrosse net maint supplies
017547	6/14/05	061405 9587630	\$27.67	wheel barrow handles
Search Name HOME DEPOT CRC			\$40.45	
Search Name HUGHES & COSTELLO				
017548	6/14/05	061405 6/14/05	\$850.00	6/05 legal fees
017548	6/14/05	061405 6/14/05	\$64.00	6/05 legal fees
Search Name HUGHES & COSTELLO			\$914.00	
Search Name KENNEDY & GRAVEN				
017549	6/14/05	061405 66080	\$5,138.50	4/05 legal fees
017549	6/14/05	061405 66080	\$111.06	4/05 legal fees

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name KENNEDY & GRAVEN			\$5,249.56	
Search Name LILLIE SUBURBAN NEWS				
017550	6/14/05	061405 6/14/05	\$799.70	5/05 rv review delivery
Search Name LILLIE SUBURBAN NEWS			\$799.70	
Search Name LMC				
017551	6/14/05	061405 22032	\$25.00	land use class
017551	6/14/05	061405 22032	\$15.00	safety class
Search Name LMC			\$40.00	
Search Name NAPA AUTO PARTS				
017552	6/14/05	061405 404879	\$10.68	fluids for truck
Search Name NAPA AUTO PARTS			\$10.68	
Search Name NORTH STAR BANK, PETTY				
017553	6/14/05	061405 6/14/05	\$24.03	certified mail
017553	6/14/05	061405 6/14/05	\$14.98	coffee
017553	6/14/05	061405 6/14/05	\$15.99	reception for mccloskey
017553	6/14/05	061405 6/14/05	\$19.48	mileage
017553	6/14/05	061405 6/14/05	\$30.00	bms training
017553	6/14/05	061405 6/14/05	\$5.00	parking- elections meeting
017553	6/14/05	061405 6/14/05	\$29.16	mileage
017553	6/14/05	061405 6/14/05	\$30.00	aspa meeting
Search Name NORTH STAR BANK, PETTY			\$168.64	
Search Name OFFICE MAX				
017554	6/14/05	061405 2508j130	\$59.87	general office supplies
Search Name OFFICE MAX			\$59.87	
Search Name PARK HARDWARE HANK				
017555	6/14/05	061405 6/14/05	\$25.14	padlock for biffy
017555	6/14/05	061405 6/14/05	\$93.98	lawn maintenance supplies
017555	6/14/05	061405 6/14/05	\$25.66	lawn maintenance supplies
Search Name PARK HARDWARE HANK			\$144.78	
Search Name PARK SERVICE				
017556	6/14/05	061405 6/14/05	\$15.33	5/05 truck fuel
017556	6/14/05	061405 6/14/05	\$137.93	5/05 truck fuel
Search Name PARK SERVICE			\$153.26	
Search Name POSTMASTER				
017557	6/14/05	061405 6/14/05	\$111.00	stamps for office
Search Name POSTMASTER			\$111.00	
Search Name RAMSEY CO LEAGUE OF LOCAL GOVT				
017558	6/14/05	061405 6/14/05	\$152.75	2005 membership dues
Search Name RAMSEY CO LEAGUE OF LOCAL GOVT			\$152.75	
Search Name RAMSEY COUNTY, PROP REC & REV				

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
017559	6/14/05	061405 isdp4025	\$54.00	computer training
017559	6/14/05	061405 prrel163	\$129.71	elections support, maintenance
017559	6/14/05	061405 risk827	\$2,315.90	5/05 health benefits
017559	6/14/05	061405 prrlg443	\$649.43	if administration
Search Name RAMSEY COUNTY, PROP REC & REV			\$3,149.04	
Search Name RAPIT PRINTING				
017560	6/14/05	061405 106333	\$46.86	business cards
Search Name RAPIT PRINTING			\$46.86	
Search Name SCHARBER AND SONS				
017561	6/14/05	061405 1461	\$1,419.35	tractor repairs- front axel
Search Name SCHARBER AND SONS			\$1,419.35	
Search Name SPRINT PCS				
017562	6/14/05	061405 6/14/05	\$0.85	5/05 pw cell phone
017562	6/14/05	061405 6/14/05	\$0.86	5/05 pw cell phone
Search Name SPRINT PCS			\$1.71	
Search Name ST PAUL POSTMASTER				
017563	6/14/05	061405 6/14/05	\$300.00	3q05 newsletter postage
Search Name ST PAUL POSTMASTER			\$300.00	
Search Name STEICHENS SPORTING GOODS				
017564	6/14/05	061405 212425	\$301.40	lacrosse nets for park
Search Name STEICHENS SPORTING GOODS			\$301.40	
Search Name TWIN CITY INDUSTRIAL MOTOR REP				
017565	6/14/05	061405 23398	\$104.15	bathroom exhaust fan
Search Name TWIN CITY INDUSTRIAL MOTOR REP			\$104.15	
Search Name TWIN CITY SAW COMPANY				
017566	6/14/05	061405 11262	\$24.45	chain saw supplies
Search Name TWIN CITY SAW COMPANY			\$24.45	
Search Name WASTE MANAGEMENT				
017567	6/14/05	061405 6/14/05	\$32.50	6/05 garbage service
017567	6/14/05	061405 6/14/05	\$32.49	6/05 garbage service
Search Name WASTE MANAGEMENT			\$64.99	
Search Name XCEL ENERGY				
017568	6/14/05	061405 6/14/05	\$40.60	5/05 city hall utilities
017568	6/14/05	061405 6/14/05	\$13.53	5/05 city hall utilities
017568	6/14/05	061405 6/14/05	\$111.80	5/05 city hall utilities
017568	6/14/05	061405 6/14/05	\$37.27	5/05 city hall utilities
Search Name XCEL ENERGY			\$203.20	

CITY OF LAUDERDALE

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
			\$16,151.57	

FILTER: (([Period] in(6) and [Act Year] = '2005') and [Tran Nbr] in(20,21,22,23,25) and ([Vendor Nbr]>0))

CITY OF LAUDERDALE

MEMORANDUM

TO: Mayor and Council Members
FROM: Kevin Walsh, Deputy Clerk
SUBJECT: Temporary 3.2 % Liquor License
DATE: June 14, 2005

BACKGROUND

Karen Doherty, 1926 Malvern Street, is requesting a limited on-sale 3.2 % liquor license on July 23, 2005 at the Lauderdale Community Park. Karen will be hosting a family reception in celebration of a wedding of approximately 60-75 people from 3:00 p.m. until 8:00 p.m.

Lauderdale City Code states that a limited on sale license may be issued to any person, bona fide club or organization, or for the conduct of an organized activity in a public park. The license permits 3.2% liquor for a period of no more than twelve (12) consecutive hours during one day of any license year.

The fee for a limited on sale license is thirty dollars.

COUNCIL ACTION REQUESTED

Consider approving a temporary 3.2% liquor license for Karen Doherty on July 23, 2005.

May 31, 2005

Lauderdale City Council
1891 Walnut Street
Lauderdale, MN 55113

Dear Lauderdale City Council,

I have reserved the city park for a Family picnic to celebrate a marriage on July 23rd, 2005. There will be about 75 people in attendance, ages newborn to 80. We plan to barbeque and just hang out together. We are requesting that each person bring their own beverage, and in the past some people have brought a can of beer to enjoy with their dinner. We held a similar event in the park last year with no problems. As we would like to continue with this tradition, we are respectfully requesting permission to have alcoholic beverages in the park that day. As this is a family event, we are not anticipating any excessive use of alcohol, just casual consumption.

Thank you for considering our request.

Thank you,

Karen Doherty
1926 Malvern Street
Lauderdale, MN 55113

Lauderdale City Council Memorandum

Council Meeting Date: June 14, 2005
To: Mayor and City Council
From: Brian Bakken-Heck, City Administrator
Agenda Item: **Council Meeting Change Time**

BACKGROUND:

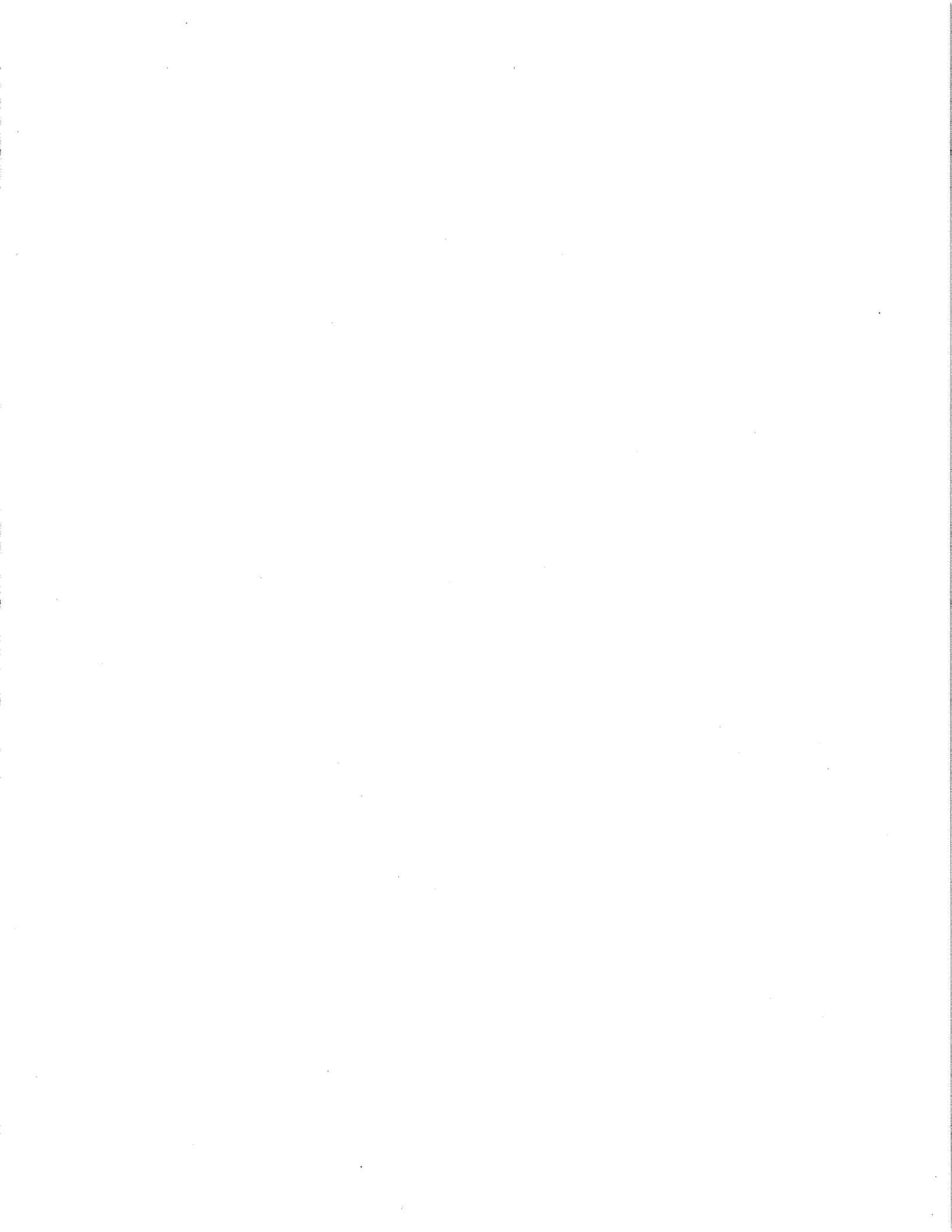
At the last meeting, the Mayor suggested changing the meeting time back to 7:30. The consensus agreed with this suggestion.

ENCLOSURES:

None

COUNCIL ACTION REQUESTED:

Move to change the meeting time from 7:00 p.m. to 7:30 p.m. beginning with the next meeting, June 28.

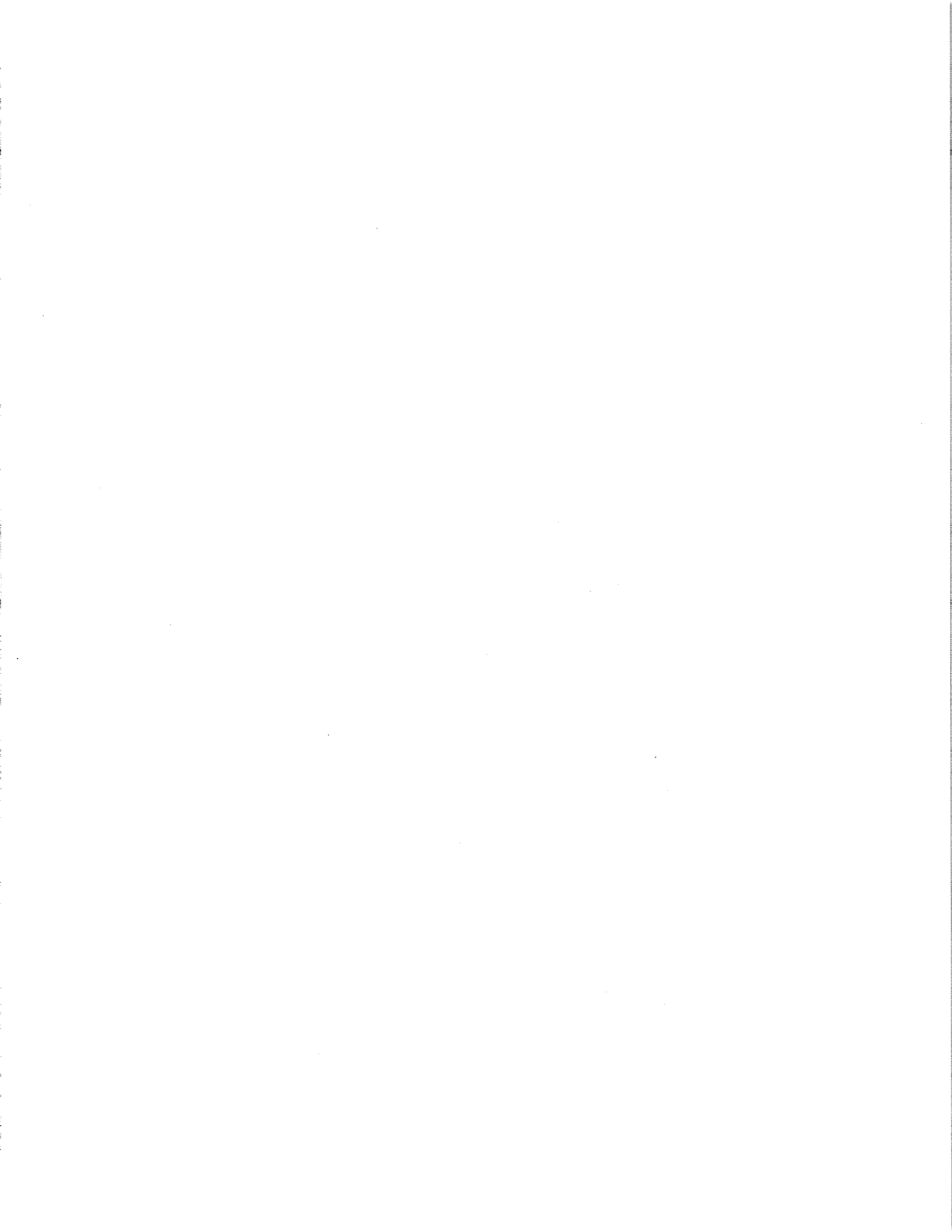


Lauderdale City Council Memorandum

To: Mayor and City Council
From: Brian Bakken-Heck, City Administrator
Date: June 14, 2005
Subject: **Council Vacancy Update**

The City received one letter of interest to date for the open council seat. One resident called for information on the seat but we have not received any further correspondence.

Residents have until June 17 to submit letters of interest.



Lauderdale City Council Memorandum

To: Mayor and City Council
From: Brian Bakken-Heck, City Administrator
Date: June 14, 2005
Subject: **Consolidated 911 Center**

Several city Administrators signed on to a letter sent to the County expressing their dissatisfaction with the County's decision and strongly advocating for reconsideration of the funding mechanism for this service.

I did not sign on to the letter as I felt it was a bit too strong even though I agree with some of the points made. I drafted a separate letter to send along with the City's resolution on the issue, which I attached.

Lauderdale City Council Memorandum

Council Meeting Date: June 14, 2005
To: Mayor and City Council
From: Brian Bakken-Heck, City Administrator
Agenda Item: **Driveway and Parking Ordinances'**

BACKGROUND:

The Council discussed the inconsistencies in the two ordinances that pertain to driveways and parking in the City as described by staff. The crux of the issue hinged on the interpretation among staff regarding "side yard" and "front yard" parking. Staff presented the issues to the Council for clarification as to their intent.

Following discussion, Council directed staff to provide necessary amendments to the ordinances so they were consistent and presented the Council's intent.

Chapter 1, Title 6 amendments include purpose statement, modifications to the definition of a driveway, clarification of permitted exterior and boulevard parking, and impoundment under the Penalty section.

Chapter 10, Title 9 amendments include purpose statement, scope statement, allowable surfaces, driveway length, and enforcement.

Additions or new language are underlined and language or sections to be deleted are marked out.

ENCLOSURES:

Chapter 10, Title 9 – Driveway Requirements
Chapter 1, Title 6 - Parking Restrictions

COUNCIL ACTION REQUESTED:

Review the proposed changes and provide staff with additional direction as needed.

CHAPTER 10

DRIVEWAY REQUIREMENTS

SECTION:

- 9-10-1: Purpose
- 9-10-2: Scope
- 9-10-3: Driveway Permit Required
- 9-10-4: Application and Site Plan for Driveway Permit
- 9-10-5: Driveway Permit Fees
- 9-10-6: Driveway Construction Standards
- 9-10-7: Revocation of Permit
- 9-10-8: Enforcement

9-10-1: **Purpose:** The purpose of these requirements is to control the location, ~~and~~ construction or reconstruction of driveways and curb cuts in order that traffic hazards be reduced and ~~that~~ adequate street drainage be maintained. It is also the purpose and intent of these requirements to maintain the city's positive appearance.

9-10-2: **Scope:** These requirements shall apply to all new driveway construction, ~~and to repairs and changes to existing driveways,~~ and to existing non-conforming driveways upon improvement to the subject property.

9-10-3: **Driveway Permit Required:** No driveway shall be constructed or re-constructed in any location without first obtaining a Driveway Permit.

9-10-4: **Application and Site Plan for Driveway Permit:** Any person desiring a Driveway Permit shall present a written application to the City Building Official describing the improvements to be made. This application shall be accompanied by a site plan drawn to scale showing the location of the driveway with respect to property lines, the width of the driveway, type of construction material used, driveway angle, distance between adjacent driveways, and, if applicable, the driveway's distance from a street intersection.

9-10-5: **Driveway Permit Fees:** The Driveway Permit fee shall be prescribed, from time to time, by City Council resolution on file with the City Administrator.

9-10-6:

Driveway Construction Standards:

A. Surface: All driveways shall be surfaced with one of the following materials:

1. Bituminous. A plant-mixed machine-laid bituminous material conforming to Minnesota Department of Transportation (MNDOT) Specification No. 2331, Mixed Designation 41WEA5055X, which have been approved by the City Engineer. However, should it subsequently become necessary to repair or replace such bituminous surfacing in the right of way area in whole or in part, the owner of property serviced by such bituminous driveway shall pay all costs of such repairs or replacements.

2. Concrete. Concrete specifications approved by the City Engineer may also be used for such driveway surfacing. However, should it subsequently become necessary to repair or replace such concrete surfacing in the right of way area in whole or in part, the owner of property serviced by such concrete driveway shall pay all costs of such repairs or replacements.

3. Gravel. ~~Gravel~~ driveways existing on the date of the adoption of this Ordinance, may also be maintained as gravel driveways, and be constructed of four inches (4") of crushed Class 5 limestone gravel compacted into place after initial excavation. Prior to placing gravel, the driveway shall be excavated to result in the final gravel surface matching the grade of the adjacent yard.

B. Width:

1. Community Business (B-1), Neighborhood Business (B-2), and Industrial (I-1) Zones: Driveway widths, on site and at the curb cut, shall not exceed thirty-six feet (36').

2. Multiple Residential (R-3) Zones: Driveway widths, on site and at the curb cut, shall not exceed thirty feet (30').

3. Suburban Residential (R-1) And Urban Residential (R-2) Zones: Driveway widths, on site and at the curb cut, shall not exceed twenty-four feet (24').

C. Driveway Length: —All street-accessed driveways shall extend a minimum of twenty (20) feet beyond the back edge of the apron inclusive of parking space or spaces and provide access for vehicles to a parking space or spaces, carport, garage, dwelling or other structure ~~in~~ toward the side or rear of the property. ~~Driveways existing on the~~ ~~date of the adoption of this Ordinance need not be directed to the side or~~ ~~rear of the property, but p~~ Parking shall not be allowed in the public right of way.

D. Distance Between Driveways: The minimum distance between curbs of driveways shall be ten feet (10') in any R-2 and R-3 district, and twenty feet (20') in any B-1, B-2, and I-1 district.

E. Distance From Intersection: No driveway or curb cut shall be less than twenty feet (20') from any street intersection, except that in Industrial (I-1) Zones, the minimum distance shall be fifty feet (50').

F. Driveway Angle: The minimum driveway angle from a two (2) way access shall be ninety (90) degrees. The minimum driveway angle from a one-way street shall be thirty (30) degrees.

G. Setback: Driveways in any R-2, R-3, B-1, B-2, and I-1 district, except driveways which are shared by two (2) or more adjacent property owners, shall not be located within five feet (5') of any side or rear lot line. In the R-1 district, there is no setback requirement for driveways from the side yard lot line, but no part of the driveway may encroach onto neighboring properties.

H. Control Of Traffic: Where commercial land uses are adjacent to residential districts, driveways shall be located, whenever feasible, to reduce the amount of traffic entering residential areas.

I. Street Access: For properties having frontage on two streets, access shall be provided via the street with the least traffic wherever feasible in order to reduce the number of curb cuts on more heavily traveled streets.

J. State And County Highway Requirements: If the proposed driveway is to be constructed so that it opens onto any street designated as a State or County highway or street, all additional specifications of the

appropriate highway departments will apply. The applicant must also obtain approval from these other applicable jurisdictions.

K. Shared Driveways: If two (2) or more driveways are shared, the portion of the driveway on each property shall comply with maximum driveway width requirements.

L. Licensed Contractor: All work done within the right of way of the street shall be done by a regularly licensed contractor under the supervision of the proper City employee.

9-10-7: **Revocation of Permit:** The permit issued may be revoked at any time after its issuance for failure to comply with the conditions of this section or the directions of the City relative to the work covered by the permit.

9-10-8: **Enforcement:** The enforcement of this ordinance will occur as the City progresses with its planned street and utility improvements and provides curb cuts throughout the City. ~~These improvements are scheduled to begin in 2000.~~ Non-conforming driveways currently existing shall come in to conformance with this ordinance upon property improvement or street repair or maintenance.

CHAPTER 1

PARKING RESTRICTIONS¹

SECTION:

- 6-1-1: Purpose
- 6-1-2: Definitions
- 6-1-3: Powers Of City Council
- 6-1-4: General Parking Restrictions
- 6-1-5: Special Parking Allowances
- 6-1-6: Seasonal Parking Restrictions
- 6-1-7: Penalty

6-1-1: PURPOSE:

A. To help establish the most efficient, equitable and safe use of the City's roadways, highways, and to increase off-street parking. It is also the intent of the City to ensure that parking spaces are well defined and constructed and maintained in accordance with the City's building and zoning ordinances.

~~B. To enable the City Council to achieve the above. (Ord. 16, 4-27-1993)~~

6-1-2: DEFINITIONS:

Any term used in this Chapter and defined in Minnesota Statutes section 169.01 has the meaning given to it by that section. The following words shall have the meanings ascribed to them in this Section:

BOULEVARD: The property owned by the City which is between the edge of the roadway and the homeowner's property line.

DRIVEWAY: A private roadway constructed in accordance with Chapter 10, 9-10-6 providing access for vehicles to a parking space or spaces directed toward the side or rear yard of the property, or to a in the side or rear yard of the property, garage, dwelling or other structure in the side or rear of the property. (Ord. 16, 4-27-1993)

1. M.S.A. § 412.211, subd. 6.

6-1-3: POWERS OF CITY COUNCIL:

The City Council may designate, by resolution, no parking or limited parking zones within the City for the purpose of facilitating snow removal or street maintenance, aiding emergency vehicle access or the unimpeded flow of traffic, or promoting any other public purpose. The City Council shall cause signs to be posted at the zones which indicate the applicable limitations on parking. The City Council may include the entire City within a zone, may limit application of the zone regulations to specific times of the year or climatic conditions, and shall provide for placing appropriate signs generally throughout a zone. (Ord. 48, 11-24-1986)

In addition, the City Council may, by resolution, designate certain streets or portions of streets as no parking or as zones for parking by physically handicapped persons and may limit the hours and dates in which the restrictions apply. The City shall mark by appropriate signs each zone so designated. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except as permitted by State law. (Ord. 16, 4-27-1993; 1996 Code)

6-1-4: GENERAL PARKING RESTRICTIONS:

A. Obstruct Pickup And Delivery Of Mail: No person shall park a vehicle upon any street or highway so as to obstruct the pickup and delivery of mail by postal employees.

B. Prohibited Parking: No person shall park a vehicle upon any street or highway at times when, and in locations where, such parking is prohibited.

C. Time Limitations For Trucks: No truck with a capacity of over two (2) tons shall be parked on any street for more than ninety (90) minutes, or for the time necessary to load or unload such truck.

D. Three Day/Thirty Day Maximum: No vehicles hereinafter described may be parked upon any public street within the City for three (3) consecutive days or a total of more than thirty (30) days during any calendar year.

1. House Trailer, Mobile Home, Or Recreational Vehicles:
House trailer, mobile home, vacation trailer, vacation bus, boat trailer, or similar recreational vehicle.

2. Construction Equipment And Machinery: Construction equipment or machinery except when such construction equipment or machinery is necessarily located at such place to make road or utility repairs.

E. Permitted Exterior Parking:

1. Front Yards: Exterior parking in front yards shall be limited to the driveway or parking space or spaces, thereon only currently licensed and operable vehicles twenty feet (20') or under, with a passenger capacity of nine (9) or less, and passenger vehicles or non-commercial trucks not exceeding three-quarter ($\frac{3}{4}$) one ton GVW, may be parked.

2. Side And Back Yards: Exterior parking for vehicles over twenty feet (20') or commercial trucks with a GVW of one (1) ton or more and commercial trailers as defined in Minnesota Statutes Chapter 168 shall may only occur in the side and back yards and only if currently licensed and operable and the parking space or spaces are accessed from a driveway as defined in this section and conforms to section 9-10-6.

F. Parking On Boulevards: No vehicle shall be parked on any boulevard adjacent parallel to a public street.

G. Parking in Excess of 3 days - Abandoned Vehicles: If any vehicle is left standing on a public street for a period in excess of 3 days, then the vehicle may be deemed abandoned and a traffic impediment, and a police officer is authorized to issue a fine and/or to provide for the removal of the vehicle.

6-1-5: SPECIAL PARKING ALLOWANCES:

A. Handicapped Parking: No person shall park, obstruct or occupy with a motor vehicle any parking space, on public or private property, designed and posted as parking space for handicapped persons pursuant to the State Building Code, or Rules and Regulations of the State Fire Marshall, or pursuant to Minnesota Statutes section 169.346 unless such vehicle has prominently displayed upon it an insignia or certificate issued by the Division of Vehicles in the State Department of Public Safety pursuant to Minnesota Statutes section 169.345 subdivision (3).

B. Fire Lanes:

1. Authority To Establish: The Fire Chief or his designate is hereby authorized to order the establishment of fire lanes on public or private property as may be necessary in order that the travel of fire equipment may not be interfered with, and that access to fire hydrants or buildings may not be obstructed.

2. **Erection Of Signs:** When a fire lane has been established, it shall be marked with a sign or signs bearing the words "No Parking - Fire Lane" or similar message.

a. **Public Property:** When the fire lane is on public property or public right of way, the sign or signs shall be erected by the City.

b. **Private Property:** When on private property, the signs shall be erected by the owner at his own expense within thirty (30) days after he has been notified of the order. Failure to erect the sign or signs within such period is a misdemeanor. (Ord. 16, 4-27-1993)

3. **Obstruction Prohibited:** After a sign or signs have been erected in accordance with subsection B2 of this Section, no person shall park a vehicle or otherwise obstruct the fire lane.

4. **Fire Hydrant Or Fire Appliance:** No person shall keep posts, fences, growth, or other material nor park any vehicle near any fire hydrant or fire appliance that would prevent such hydrant or appliance from being immediately discernible or in any other manner deter or hinder the Fire Department from being able to gain immediate access to a fire hydrant or fire appliance. (Ord. 68, 3-15-1978)

6-1-6: SEASONAL PARKING RESTRICTIONS

A. **Restrictions After Two-Inch Snowfall:** No person shall park any vehicle on any street for a period of forty eight (48) hours, commencing immediately after two inches (2") or more of continuous snowfall, or until snow removal has been completed on that street, whichever occurs first. (Ord. 16, 4-27-1993)

6-1-7: PENALTY:

A. **Fine:** Any person convicted of violating any provision of this Chapter, not otherwise stated, is guilty of a petty misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this Code.

B. **Impoundment:** If a vehicle is parked or left standing on a street or boulevard in violation of any resolution adopted by the City Council pursuant to this Chapter or any part of this Chapter not otherwise specified, the vehicle may be removed and impounded by or at the direction of the City and the expense thereof may be charged by the City against the owner of the vehicle. The cost of removing and storing the vehicle, in addition to any fine imposed for violation of this Chapter, shall be paid before the vehicle is restored to the owner. (Ord. 16, 4-27-1993; 1996 Code)

C. Additional Remedies: Removal of a vehicle by or under the direction of the City pursuant to this Chapter shall not prevent prosecution of the owner thereof for violation of this or any other ordinance.

D. Violation; Penalty: Any person violating any provision of this Chapter shall be guilty of a misdemeanor. Each day a violation continues shall constitute a separate offense. (Ord. 48, 11-24-1986)

Lauderdale City Council Memorandum

Council Meeting Date: June 14, 2006
To: Mayor and City Council
From: Brian Bakken-Heck, City Administrator
Agenda Item: **Animal Control Ordinance**

BACKGROUND:

A judges ruling parts of the City of St. Anthony's ordinance unconstitutional prompted review of Lauderdale's Animal Control ordinance. During this process, another issue arose resulting in further analysis of this ordinance.

The first issue involves noise, Chapter 3, section 5, paragraph 6(d). The ordinance provides for a subjective assessment of noise. The court ruled there must be an objective standard by which to measure noise. We propose to amend the ordinance to include a definition of "unreasonable length of time". Our definition will be consistent with the City of St. Anthony to make it easy for the officers or others responding to such complaints. The objective standard of a specific time provides an expectation to the animal owner and neighbors. The proposed length of time, five (5) minutes of continued noise, is from the St. Anthony ordinance.

The second issue involves dangerous animals, Chapter 3, section 5, paragraph 6(i) and paragraph 10(b). Paragraph 8(i) states an individual may keep a dangerous animal as long as the animal remains confined within a building or secure enclosure and cannot have the animal out of the enclosure without a muzzle. Paragraph 10(b) says the city does not allow dangerous animals. These two provisions are inconsistent and contradictory.

An animal classified as dangerous under state statute must meet certain requirements. The City can provide for additional requirements or prohibit them. Prohibiting dangerous animals may be harder to enforce as State law allows them if the owner meets certain conditions. The city could add requirements to state requirements such as what is already included in the ordinance.

ENCLOSURES:

Animal Control Ordinance with amendment to section 5, paragraph 6(d)

COUNCIL ACTION REQUESTED:

Review amended language and provide direction on second issue.

CHAPTER 3

ANIMAL CONTROL¹

SECTION:

- 5-3--1: Definitions
- 5-3--2: Enforcement
- 5-3--3: Exemptions
- 5-3--4: Certain Domesticated Animals
 - 5-3--4-1: Permit Required
 - 5-3--4-2: Application; Fees
 - 5-3--4-3: Hearing
 - 5-3--4-4: Term Of Permit; Renewal
 - 5-3--4-5: Revocation
 - 5-3--4-6: Home Occupation
 - 5-3--4-7: Penalty
- 5-3--5: Dogs And Cats
 - 5-3--5-1: License And Registration; Exceptions
 - 5-3--5-2: Vaccination Required
 - 5-3--5-3: Licensing Procedures
- 5-3--6: Regulations
- 5-3--7: Impoundment
- 5-3--8: Rabies Control
- 5-3--9: Biting Animals To Be Quarantined
- 5-3-10: Potentially Dangerous Animals
- 5-3-11: Summary Destruction
- 5-3-12: Penalty !2R!

5-3-1: DEFINITIONS:

As used in this Chapter, except as otherwise provided, the following terms shall have the respective meanings ascribed to them:

!DEF! ANIMAL: Any nonhuman mammal, reptile, amphibian, or bird, domestic or nondomestic, including dogs and cats.

ANIMAL, DOMESTIC: Animals kept within the home as pets, such as dogs, cats, household birds, and similar animals.

AT LARGE: An unattended animal on public property; or an unattended animal on private property without the consent of the property owner.

CAT: Any domesticated feline animal, male or female, whole or neutered.

DANGEROUS ANIMAL: Any animal that has committed any of the acts set forth below:

- A. Without provocation, inflicted substantial

1. M.S.A. §§ 18.021 et seq., chapters 356 and 347, §§ 561.07, 609.227, and 609.605.

bodily harm on a human being on public or private property;

B. Killed a domestic animal without provocation; or

C. Been found to be a potentially dangerous animal, and after the owner has been notified that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of human or domestic animals.

DOG: Any canine animal, male or female, whole or neutered.

ENCLOSURE: Any structure, except a dwelling, designed to securely enclose and prevent an animal from escaping therefrom and/or designed to provide the animal with shelter and protection from the weather.

OWNER: Any person, firm, corporation, organization or department processing, harboring, keeping, having an interest in or having custody or control of an animal.

POTENTIALLY DANGEROUS ANIMAL: Any animal that has committed any of the acts set forth below:

A. When unprovoked, bites a human or domestic animal;

B. When unprovoked, chases a person upon the streets, sidewalks or any other public property in an apparent attitude of attack; or

C. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

RESTRAINED: On a leash of not more than six feet (6') in length and in the custody of a person of sufficient age to adequately control the animal, in a vehicle, or confined to the owner's property by enclosure or fencing, or absolute voice command.

SUBSTANTIAL BODILY HARM: Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member. (Ord. 12, 7-27-1993) !DEFEND!

5-3-2: ENFORCEMENT:

A. Animal Control Officer; Law Enforcement Agency: The provisions of this Chapter shall be enforced by an Animal Control Officer and/or the members of a law enforcement agency which has a contract for such duties with the City.

B. Interference: No person shall, in any manner, interfere with or hinder an Animal Control or law enforcement officer in the discharge of their duties.

C. Right Of Entry: For the purpose of discharging the duties imposed by this Chapter, any Animal Control Officer and/or law enforcement officer is empowered to enter upon private property. (Ord. 12, 7-27-1993)

5-3-3: EXEMPTIONS:

The following provisions of this Chapter shall not apply in the following circumstances:

A. Unless specified herein, the provisions of this Chapter shall not apply to animals used or confined at hospitals, clinics, or businesses operated by licensed veterinarians.

B. Section 5-3-5-2 relating to vaccination requirements shall not apply to any animal belonging to a nonresident of the City and kept within the City for not longer than thirty (30) days, provided all such animals shall, at all times while in the City, be restrained by the owner.

C. Sections 5-3-10 and 5-3-11 relating to dangerous animals and potentially dangerous animals shall not apply to dogs under the control of a law enforcement officer.

D. Subsections 5-3-6A and 6C shall not apply to raptors possessed by licensed falconers holding valid State and Federal Falconry Permits so long as the conditions of the permit are being satisfied. (Ord. 12, 7-27-1993)

E. Section 5-3-4 shall not apply to licensed kennels, pet stores, or veterinary clinics. (Ord. 84, 11-19-1985)

5-3-4: CERTAIN DOMESTICATED ANIMALS:

5-3-4-1: PERMIT REQUIRED:

It shall be unlawful to keep or maintain roosters, bees or any horse, cow, pony, mule, donkey, pig, goat, sheep, or other large domesticated animal, other than a dog, without first having obtained a permit therefor. It shall also be unlawful to keep or maintain more than two (2) chickens, ducks, geese, turkeys, pigeons, rabbits, chinchillas, minks, nutrias, or guinea pigs without first having obtained a permit therefor. All of the aforementioned are hereinafter referred to as "animals". (Ord. 84, 11-19-1985)

5-3-4-2: APPLICATION; FEE:

A. Application: Any person desiring a permit required by Section 5-3-4-1 shall make application to the City Council.

B. Required Information: The application shall contain the name and address of the applicant, the address of the premises upon which the animal are to be kept, the number, species and, except in the case of bees, the sex of such animal, and a statement regarding any property damage or physical injuries caused by such animal or animals in the past.

C. Additional Information: The City Council may also require submission of such additional information or material as it deems necessary or convenient to administer this Section.

D. Initial And Renewal Permit Fees: The applicant shall pay to the City Administrator such initial permit fee and renewal permit fee as shall be established from time to time by Council resolution.

E. Hearing Date; Notice Of Hearing: Upon submission of the initial application, the City Administrator shall set a date for a hearing on the application before the City Council and shall notify the owners of all properties located within two hundred feet (200') of the subject premises of the date and time of the hearing. (Ord. 84, 11-19-1985)

5-3-4-3: HEARING:

A. Testimony And Evidence: At the hearing scheduled on the application, the City Council may take such testimony or receive such documents or information as it deems appropriate.

B. Potential Hazard Or Nuisance: No permit shall be issued if the City Council finds that such animal or animals, because of their number, size, proximity to other properties, history of vicious or destructive actions, or inherent characteristics are or are likely to become either a nuisance or a hazard to the public health or safety.

C. Bees: In the case of bees, no permit shall be issued unless the hive or hives are to be located at least three hundred feet (300') from any other property. (Ord. 84, 11-19-1985)

5-3-4-4: TERM OF PERMIT; RENEWAL:

Permits shall be valid until December 31 of the year of issuance and shall be renewed annually. (Ord. 84, 11-19-1985; 1996 Code)

5-3-4-5: REVOCATION:

The City Council may revoke a permit prior to its expiration if it finds that the terms or conditions of the permit have been

violated or if the animal or animals have become either a public nuisance or a hazard to the public health or safety. Nothing herein shall be construed to prohibit or constrain any action allowed by law designed to prevent the spread of disease or the imminent damage to persons or property caused by such animal or animals. (Ord. 84, 11-19-1985)

5-3-4-6: HOME OCCUPATION:

Nothing contained in Section 5-3-4 shall be construed as permitting anyone to keep or maintain animals for sale or as a part of a business, unless otherwise licensed or permitted. (Ord. 84, 11-19-1985)

5-3-4-7: PENALTY:

Any person who violates the provisions of Section 5-3-4 shall be guilty of a misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 84, 11-19-1985; 1996 Code)

5-3-5: DOGS AND CATS:

5-3-5-1: LICENSE AND REGISTRATION; EXCEPTIONS:

All dogs and cats within the City shall be licensed, except the following:

- A. Dogs and cats less than six (6) months of age;
- B. Dogs and cats whose owners are temporary visitors within the City for thirty (30) days or less; and
- C. Dogs being used by law enforcement officers. (Ord. 12, 7-27-1993)

5-3-5-2: VACCINATION REQUIRED:

It shall be unlawful for any dog or cat owner to keep or maintain any dog or cat older than six (6) months of age unless it has been vaccinated with an anti-rabies vaccine by a licensed veterinarian. No license or license renewal shall be issued except upon compliance with this Section. (Ord. 12, 7-27-1993; 1996 Code)

5-3-5-3: LICENSING PROCEDURES:

- A. Application: Except as herein provided, within thirty (30) days after acquiring possession of a dog or cat five (5) months or older, the owner of the dog or cat shall make application for

a dog or cat license. The application shall be on forms provided by the City Administrator. The applicant shall also present proof of vaccination to the City Administrator prior to the issuance or renewal of a license.

B. License Fee: The license fee for each dog or cat must be submitted with the application. The fee will be established by City Council resolution.

C. Term Of License: A license shall be annually issued for a period of time not to exceed the expiration date of the rabies vaccination.

D. Issuance: Upon completion of the application form, receipt of the license fee and receipt of the proof of vaccination, the City Administrator shall cause a dog or cat license to be issued to the applicant for a particular dog or cat.

E. Receipt And Tags: The City Administrator shall cause a license fee receipt to be issued to the applicant along with a metallic tag. The applicant shall cause the tag to be affixed permanently by a metal fastening device to the collar of the licensed dog or cat in such a manner that the tag may be easily observed.

F. Duplicate Tag: If a tag is lost, a duplicate may be issued by the City Administrator upon presentation of a receipt showing payment of the initial license fee and upon payment of an additional fee for each duplicate tag.

G. Change Of Address: An applicant who has obtained a dog or cat license shall notify the City Administrator of applicant's address changes within the corporate limits of the City within ten (10) days of any address change.

H. Counterfeit Tags: No person shall counterfeit or attempt to counterfeit the dog or cat license tags. (Ord. 12, 7-27-1993)

5-3-6: REGULATIONS:

A. Confinement: Except as herein provided, the owner of an animal within the City shall cause such animal to be confined to the individual's property by adequate fencing, leash, or absolute voice command.

B. Female In Estrus: The owner of a female dog or cat in heat shall confine such animal to the owner's property or any veterinary hospital/clinic, in such manner that such female dog or cat cannot come into contact with other animals, except for intentional breeding purposes.

C. Leash Required: The owner of an animal within the City shall cause such animal to be restrained by a leash, chain or a cord of not more than six feet (6') in length and in the custody of a person of sufficient age to adequately control the animal at all times while in a public place including but not limited to school

yards, playground, parks or streets.

D. Noise: The owner of any animal within the City shall be responsible for preventing the animal from becoming a nuisance. A nuisance shall be defined as barking, baying, crying, or howling in any manner, which can be heard by any person, including Animal Control or any law enforcement officer, from a location outside of the building or premises where the animal is being kept for an unreasonable length of time. For the purposes of this ordinance, "unreasonable" means repeated noise from the animal over at least a five (5) minute period of time with one (1) minute or less laps of time between each animal noise during the five (5) minute period.

E. Feces: Cleaning up litter:

1. The owner of an animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

2. The owner of an animal shall not permit such animal to be on public property or the private property of another without having in the owner's immediate possession, a device for the removal of feces and a proper receptacle on the property of such animal owner.

F. Care Of Animals: The owner of an animal within the City shall provide said animal with sufficient, wholesome food and water; proper shelter and protection from weather; veterinary care when needed to prevent suffering; and with humane care and treatment.

G. Abuse: No person shall beat, torment, or otherwise abuse an animal or cause or permit an animal fight.

H. Number Allowed: No person shall allow residentially zoned property to be used for maintaining more than two (2) like domestic animals over six (6) months of age.

I. Dangerous Animals: The owner shall confine within a building or a secure enclosure, every potentially dangerous animal, and shall not take such animal out of such building or secure enclosure, unless such animal is securely muzzled.

J. Guard Dog Warning Signs: A person who uses a dog for security purposes within the City shall post a warning notice at the entrance of the premises. (Ord. 12, 7-27-1993; 1996 Code)

5-3-7: IMPOUNDMENT:

A. Seizure: Subject to the provisions of this Section, animals found in violation of this Chapter may be seized by the Animal Control Officer, impounded in a designated animal shelter, and confined therein in a humane manner for a period of not more than five (5) business days or until claimed by the animal's owner, whichever occurs first.

1. Entry Of Private Dwellings: Animal Control Officers are not authorized to enter private dwellings for the purpose of seizing animals.

2. Notice Of Seizure: Before seizing an animal from the private property of its owner, the Animal Control Officer shall make a reasonable attempt, taking into consideration the time of day and nature of the violation, to notify the owner that the animal is being seized because it was observed by the Animal Control Officer to be in violation of the provisions of this Chapter.

3. Written Notice: When an animal is seized from the private property of its owner and the Animal Control Officer has been unable to notify the owner of the reason for seizing the animal, the Animal Control Officer shall leave a written notice affixed to the dwelling unit, in a conspicuous manner, indicating the day and time the animal was seized; the reason for seizing the animal; and the address of the shelter where the animal can be found.

4. Notice Of Impoundment: Immediately upon impounding the animal, reasonable efforts shall be made to notify the owner and inform the owner of the animal's confinement and the procedures for release of the animal to the owner.

B. Redemption: An animal which is not redeemed within five (5) business days after impounding may be disposed of in any manner provided by law. Any animal which is not claimed by the owner or sold, shall be euthanized and disposed of in a sanitary manner by the Animal Control Officer.

C. Title: The title of all animals seized and held at the animal shelter may be transferred to the Humane Society after the legal detention period has expired and the animals have not been claimed by their owners.

D. Impoundment Fees: Any animal impounded hereunder may be reclaimed by the owner of such animal within five (5) business days after such impoundment. Before the owner shall be permitted to recover possession of the animal, the owner shall pay the Animal Control Officer all required fees and costs of impoundment. (Ord. 12, 7-27-1993)

5-3-8: RABIES CONTROL:

A. State Law Adopted: The Minnesota Health Laws and Regulations are hereby adopted in cases of rabid animals which have bitten any person or animals suspected of being rabid.

B. Duty Of Physician To Report: It shall be the duty of every physician to report to the City the names and addresses of persons treated for bites inflicted by animals together with other information helpful in rabies control.

C. Duty Of Veterinarian To Report: It shall be the duty of every licensed veterinarian to report to the City his diagnosis of any animal observed by him as a rabies suspect.

D. Issuance Of Proclamation: Whenever the prevalence of rabies or hydrophobia renders such action necessary to protect the public health, safety and welfare, the Mayor shall issue a proclamation ordering every person owning or in possession of a dog to confine it securely to other premises unless it is muzzled so that it cannot bite. No person shall violate this proclamation. (Ord. 12, 7-27-1993)

5-3-9: BITING ANIMALS TO BE QUARANTINED:

Whenever an animal has bitten a person, or whenever a known or suspected rabid animal is picked up by the Animal Control Officer or law enforcement officer, such animal shall be confined for a minimum of ten (10) days as follows:

A. Confinement At Owner's Residence: Upon proof of a current rabies vaccination, the owner of the animal may, with the consent of the Animal Control Officer, quarantine the animal at the owner's residence provided that such animal shall not be permitted to come in contact with other animals or persons and, provided further that the animal shall be muzzled and on a leash not to exceed four feet (4'), and in control of a competent person when taken from the place of confinement for sanitation purposes.

B. Confinement At Animal Shelter Or Veterinary Clinic: If no proof of a current rabies vaccination is provided, or if the Animal Control Officer does not consent to confinement of the animal to the owner's residence, the animal shall be quarantined at the animal shelter or a licensed veterinary clinic at the expense of the owner.

C. Permission To Remove Required: A quarantined animal shall not be removed from the place of confinement without the written permission of the Animal Control Officer.

D. Confinement Enclosure: A quarantined animal shall be confined in an enclosure constructed of materials suitable to prevent the animal from escaping. All openings to the enclosure shall be locked at all times and the animal shall not be removed from the enclosure unless the animal is muzzled on a leash not exceeding four feet (4') in length and in control of a competent person. (Ord. 12, 7-27-1993)

5-3-10: POTENTIALLY DANGEROUS ANIMALS:

A. Additional Fee And Proof Of Insurance: The owner of a potentially dangerous animal shall pay an additional annual fee as determined by Council resolution and shall provide the City Administrator annually with proof of liability insurance which

covers damages that may be caused by such animal.

B. Dangerous Animals Prohibited: It shall be unlawful for any person to keep or harbor a dangerous animal in the City. (Ord. 12, 7-27-1993)

5-3-11: SUMMARY DESTRUCTION:

Whenever an Animal Control Officer has reasonable cause to believe that a particular animal represents a clear and immediate danger to the residents of the City because it is infected with rabies or because it is a dangerous animal, the Animal Control officer, after making reasonable attempts to impound such animal, may summarily destroy the animal. (Ord. 12, 7-27-1993)

5-3-12: PENALTY:

Any violation of this Chapter is a misdemeanor. Each day on which such violation continues shall constitute a separate offense. (Ord. 12, 7-27-1993)

