

## CHAPTER 5 MUNICIPAL REGULATION AND LICENSING

### 5.101. Licenses and Permits.

- Subdivision 1. General Rule. Except as otherwise provided in the code, the provisions of this chapter shall govern all licenses and permits granted by the city.
- Subdivision 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.
- Subdivision 3. Application. Every application for a license shall be made to the Clerk-Administrator on a form provided by him/her. It shall be accompanied by payment to the Clerk-Administrator of the prescribed fee. If, after investigation, the Clerk-Administrator is satisfied that all requirements of law and this code have been met, he/she shall present the application to the council for action or, if the license or permit does not require approval, he/she shall issue the license or permit.

### 5.102. Fees.

- Subdivision 1. Fee Established. License fees are in the amounts established in the governing sections of this chapter or as otherwise provided in this code. The license and permit fees as set forth in the various sections of this code are the official and controlling provisions.
- Subdivision 2. Prorated Fees. License fees shall not be prorated unless otherwise specified by this code or by law.
- Subdivision 3. Refunds. License fees shall not be refunded in whole or in part unless otherwise specified by this code or by law.

### 5.103. Duration of License.

Unless otherwise specified, a license shall be valid for a calendar year or the part of the year for which it is issued and shall expire on December 31.

### 5.104. Transfers.

No license issued under this code may be transferred to any other person. Where a license relates to specific premises, the license shall not be changed to another location without approval of the council or other licensing authority.

### 5.105. Inspection.

- Subdivision 1. Authorized Personnel. Any city official or employee having a duty to perform with reference to a license under this code and any police officer may inspect and examine any licensee, his/her business, or premises to enforce compliance with applicable provisions of this code. Subject to the provisions of Section

5.105., Subdivision 2, he/she may, at any reasonable time enter any licensed premises or premises for which a license is required in order to enforce compliance with the code.

Subdivision 2. Search Warrants. If the licensee objects to the inspection of his/her premises, the city official or employee charged with the duty of enforcing the provisions of this code shall procure a valid search warrant before conducting the inspection.

**5.106. Duties of Licensee.**

Subdivision 1. Compliance Required. Every licensee and permittee shall have the duties set forth in the section.

Subdivision 2. Inspection. He/She shall permit at reasonable times inspections of his/her business and examination of his books and records by authorized officers or employers.

Subdivision 3. Compliance with Law. He/She shall comply with laws, ordinances, and regulations applicable to the licensed business, activity, or property.

Subdivision 4. Display of License. He/She shall display the license or other insignia given him as evidence of the license in a conspicuous place on the premises, vehicle, or device to which the license relates. If the license is not so related, the license shall be carried on the licensee's person whenever he/she is carrying on the licensed activity.

Subdivision 5. Unlawful Disposition. The licensee shall not lend or give to any other person his/her license or license insignia.

**5.107. Suspension or Revocation.**

The council may suspend for a period not exceeding 60 days or revoke any license or permit for violation of any provision of law, ordinance, or regulation applicable to the licensed or permitted activity or property. Except where mandatory revocation is provided by law without notice an hearing and except where suspension may be made without a hearing, the holder of the license or permit shall be granted a hearing upon at least 10 days notice before revocation or suspension is ordered. The notice shall state the time and place of the hearing and the nature of the charges against the licensee.

General Sanitation Regulations

**5.201. Public Drink Cups and Roller Towels Prohibited.**

No person, firm, or corporation shall permit the use of a common drinking cup or endless roller towel in any public place, conveyance, or building.

**5.202. Offense Smells.**

No person, firm or corporation shall permit or suffer to be, or remain upon his premises or upon any lands or premises occupied or used by or under his control, any outhouse, privy, vault, sewer, private drain, sick or unsound flesh, meat, fish, skin, carcass, garbage or any unwholesome or offensive substance, liquid or thing whatever, which is offensive, nauseous, hurtful, dangerous, unhealthy, or uncomfortable to or for the neighborhood in which it is located.

**5.203. Disposal of Filth.**

No person, firm, or corporation shall leave, deposit, place, or cause to be placed, left or deposited within or upon any street, alley, lane, avenue, or public place any dead animal or any animal, vegetable, excrement, garbage, or other substance which is offensive, or which by decomposition may become offensive or unhealthy, nor shall any such substance or material be left on any private property or grounds.

**5.204. Accumulation of Garbage.**

No person shall allow to accumulate any manure or rubbish--which is likely to become breeding places for flies, mosquitoes, or vermin.

**5.205. Vaults and Garbage Cans.**

No person shall allow the location of privy vaults and garbage cans, which are not fly tight on his/her property.

**5.206. Polluted Water.**

No person shall pollute or allow to be polluted any public wells, cisterns, streams, lakes, canals, or other body of water by sewerage, industrial wastes, or other substances.

**5.207. Penalty.**

Any person violating any provision of sections 5.201 to 5.208 shall be fined \$250.

**5.208. City Park Garbage Container and Dumpsters.**

The public dumpsters and garbage containers in the city park are reserved for disposal of incidental waste from persons using the park, boat landings, public camping area and ballfield. No person shall dispose of residential garbage, dead animal carcasses, and construction or demolition debris in the public dumpsters and garbage containers.

Cats and Dogs

**5.301. Running at Large Prohibited.**

No person may allow any dog or cat to run at large within the limits of the City at any time. This restriction shall not prohibit the appearance of any dog or cat upon streets or public property when the dog or cat is on a leash.

**5.302. Licenses.**

Subdivision 1. License Required. No person shall keep any dog or cat within the City without securing a license therefore from the Clerk-Administrator, who shall keep a record of all licenses issued and shall issue a metal tag for each license.

Subdivision 2. License Fees; Expiration. The annual license fee shall be: \$10.00 for each dog or cat. Licenses shall expire on the 1<sup>st</sup> day of June following their issuance.

Subdivision 3. Affixing Tag. The owner shall permanently affix the tag to the collar of the dog or cat so licensed in such a manner that the tag may be easily seen. The owner shall see that the tag is constantly worn by the animal.

### **5.303. Dog or Cat Nuisances.**

Subdivision 1. Noise. The owner or custodian of any dog or cat shall prevent the animal from committing any act in the City that constitutes a nuisance. No person shall own, keep or harbor any dog or animal which habitually barks or howls, or which by frequent and habitual howling, yelping, barking or other behavior causes noise, disturbance or annoyance to persons residing in the neighborhood or the vicinity. A dog or cat causing a noise, disturbance or annoyance for a period of five (5) minutes with no more than fifty (50) minutes of silence within a one-hour period is defined as a nuisance.

Subdivision 2. Other Nuisances. The following shall be a Nuisance for a dog or cat:

- a) to run at large or to cause damage or injury to any person, private property or domestic pet or animal, except in defense of the animal's owner and property of the animal's owner;
- b) to snarl at or bite persons or other animals except in defense of the animal's owner or the property of the animal's owner; or
- c) to chase vehicles or interfere with persons walking or riding horseback or chasing automobiles, bicycles, motorcycles, ATV's, snowmobiles or other vehicles on public sidewalk or highways.

Subdivision 3. Notices. An owner shall be advised in writing that a complaint has been filed charging violation of this section and ordering that the violation be abated within 24 hours. If such order is not complied with, a criminal citation may be issued to the owner of the dog or animal alleging a violation of the provisions of this Chapter and the City's nuisance ordinance, as set out in Chapter 8 of this Code. The City may also pursue any civil action under State, County or this Code for abatement or relief of nuisance.

### **5.304. Impounding.**

Subdivision 1. The animal control officer shall impound any dog or cat found unlicensed or running at large. Notice of the impounding shall be given to the owner of such animal, if known. The Notice shall state if the dog or cat is not claimed within five days of the posting of the notice, it will be destroyed. In case the owner is unknown, such officer shall post notice at the City Hall. If such dog or cat is not claimed within the time specified and all fees and charges paid,

the animal control officer shall destroy such animal and dispose of its carcass. The animal control officer and all other police officers of the City are hereby authorized and empowered to destroy any dog or cat found in violation of this code whenever such animal cannot be safely taken up and impounded. The animal control officer shall house and feed in a humane manner any dog held at the pound.

Subdivision 2. Reclaiming. The fee for reclaiming an impounded animal is as follows:

First Offense - \$50.00 plus the costs of capture and impound (\$25.00 refundable upon proof of proper license and vaccination).

Second Offense – Flat \$50.00 plus the costs of capture and impound

Subdivision 3. Designated Pound. Instead of maintaining its own pound, the City Council may, by resolution, designate a private pound and contract with its owner for service as the City's pound.

Subdivision 4. Animal Control Officer.

The City chief of police shall be the animal control officer unless or until the City Council appoints another person to that office.

#### **5.305. Vaccination Required.**

The owner of any dog or cat kept with the city must supply such animal with an annual vaccination for rabies and show proof of current vaccination with purchase of the license required by this code

#### **5.306. Penalty.**

Any person violating any provision of Sections 5.301. to 5.305. shall be guilty of a misdemeanor and subject to and administrative fine of \$50.00.

#### **5.307 Dangerous Dogs.**

Subdivision 1. Attack by dog. It shall be unlawful for any person's dog to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

Subdivision 2. Destruction of dangerous dog. The animal control officer shall have the authority to order the destruction of dangerous dogs in accordance with the terms established by this ordinance.

Subdivision 3. Definitions. For the purpose of Sections 5.301 to 5.308, the terms defined in this section have the meanings given them.

(1) Dangerous dog. "Dangerous dog" means any dog that has:

- (a) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (b) killed a domestic animal without provocation while off the owner's property; or
- (c) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(2) Potentially dangerous dog. “Potentially dangerous dog” means any dog that:

- (a) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (b) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's 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.

(3) Proper enclosure. Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the dog from escaping and to provide protection for the dog from the elements. A proper enclosure does not include an electronic confinement system, a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the dog from exiting. The enclosure shall not allow the dog out in any way without human assistance. A pen or kennel shall meet the following minimum specification:

- (a) Have a minimum overall floor size of 32 square feet.
- (b) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one-and one-quarter-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be pressure treated wood, 2 inch dimension lumber, suitable for installation below grade, and be buried a minimum of 18 inches in the ground.
- (c) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.

(d) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the dog is in the pen or kennel.

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

(5) Owner. “Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

(6) Substantial bodily harm. “Substantial bodily harm” has the meaning given it under Minnesota Statutes section 609.02, subdivision 7a, now or as amended.

(7) Great bodily harm. “Great bodily harm: has the meaning given it under Minnesota Statutes, section 609.02, subdivision 8, now or as amended.

(8) Animal control authority. “Animal control authority” means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Subdivision 4. Designation as potentially dangerous dog. The animal control officer shall designate any dog as a potentially dangerous dog upon receiving such evidence that such potentially dangerous dog has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in subdivision 3, subparagraph (2). When a dog is declared potentially dangerous, the animal control officer shall cause one owner of the potentially dangerous dog to be notified in writing that such dog is potentially dangerous.

Subdivision 5. Evidence justifying designation as dangerous. The animal control officer shall have the authority to designate any dog as a dangerous dog upon receiving evidence of the following:

(1) that the dog has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in subdivision 3, subparagraph (1).

(2) That the dog has been declared potentially dangerous and such dog has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in subdivision 3, subparagraph (1).

Subdivision 6. Authority to order destruction. The animal control officer, upon finding that a dog is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the dog be destroyed based on a written order containing one or more of the

following findings of fact:

- (1) The dog is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
- (2) The owner of the dog has demonstrated an inability or unwillingness to control the dog in order to prevent injury to persons or other animals.
- (3) The animal control officer may destroy the dog, without a written order, if the owner of the dog fails to reclaim the dog.

Subdivision 7. Procedure. The animal control officer, after having determined that a dog is dangerous, may proceed in the following manner:

- (1) The animal control officer shall cause at least one owner of the dog to be notified in writing or in person that the dog is dangerous and may order the dog seized or make such orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the City Council for a review of this determination.
  - (a) If no appeal is filed, the orders issued will stand or the animal control officer may order the dog destroyed.
  - (b) If an owner requests a hearing for determination as to the dangerous nature of the dog, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the animal control officer or city clerk's office shall be admissible for consideration by the city council without further foundation. After considering all evidence pertaining to the temperament of the dog, the city council shall make an order as it deems proper. The city council may order that the animal control officer take the dog into custody for destruction, if such dog is not currently in custody. If the dog is ordered into custody for destruction, the owner shall immediately make the dog available to the animal control officer.
  - (c) No person shall harbor a dog after it has been found to be dangerous and ordered into custody for destruction.

Subdivision 8. Stopping an attack. If any police officer or animal control officer is witness to an attack by a dog upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent injury to the victim.

Subdivision 9. Notification of new address. The owner of a dog which has been identified as dangerous or potentially dangerous must notify the animal control officer in

writing if the dog is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any.

### **5.308 Dangerous dog requirements**

Subdivision 1. Requirements. If the City Council does not order the destruction of a dog that has been declared dangerous, the City Council may, as an alternative, order all of the following:

- (1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in Section 5.307 subd 3.
- (2) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous dog on the property as specified in Minnesota Statutes 347.51, now or as amended.
- (3) Provide and show proof annually of public liability insurance in the minimum amount of \$300,000.
- (4) If the dog is taken outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration. The dog shall not be left unattended outside the proper enclosure.
- (5) The dog must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statutes 347.51, now or as amended from time to time.

Subdivision 2. Seizure. The animal control officer shall immediately seize any dangerous dog if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

Subdivision 3. Reclaiming animals. A dangerous dog seized under Section 5.308, subdivision 2 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal control officer that each of the requirements under Section 5.308, subdivision 1 is fulfilled. A dog not reclaimed under this section within 14 days may be disposed of as provided under Section 5.307, Subdivision 6 and the owner is liable to the City for costs incurred in confining the dog.

Subdivision 4. Subsequent offenses. If an owner of a dog has subsequently violated the provisions under Section 5.307 with the same dog, the dog must be seized by the animal control officer. The owner may request a hearing as defined in section 5.307, subdivision 7. If the owner is found to have violated the provisions for which the dog was seized, the animal control officer shall order the dog destroyed in a proper and humane manner and the owner shall pay the costs of confining the dog. If the person is found not to have violated the provisions for which the dog was seized, the owner may reclaim the animal under the provisions of Section 5.308, subdivision 3. If the dog is not yet reclaimed by the owner within 14 days after the date the owner is notified that the dog may be reclaimed, the dog may be disposed of as provided under section 5.307.subdivision 6 and the owner is liable to the City for the costs incurred in confining, impounding and disposing of the animal.

### Chickens

**5.351 Number Allowed.** It shall be unlawful for any person to keep more than eighteen adult chickens in the City of Hendricks. A person may hatch a clutch of eggs and keep a brood of chicks for not more than 16 weeks at which time the total flock must be reduced to 18 or fewer birds. All chickens kept in the City must be kept in accordance with the regulations set out in the City Code. Any person wishing to keep chickens within the City of Hendricks shall first obtain a license from the City Administrator.

**5.352 Roosters Prohibited.** No person shall keep roosters within the City of Hendricks. Only female chickens shall be allowed to be kept within the City. Juvenile male chickens may be kept until such time as they begin crowing.

**5.353 Coops/Enclosures.** All chickens shall be kept in appropriate structures or pens of sufficient size to accommodate the number of chickens present, shall have access to water at all times, and shall be properly fed. All chicken coops shall be located not less than 5 feet from the owner's property line, and not less than 15 feet from a neighboring house including any garage attached to that house. Chickens shall not be allowed on the boulevard.

**5.354 Owner Responsible for Proper Control and Maintenance.** The owner of any chickens kept in the City of Hendricks is responsible for insuring they remain on the owner's property, that any coops on the property are properly cleaned and maintained, that all chicken litter is properly disposed of and not stockpiled on their property, and to prevent odors from the chickens or chicken litter from affecting neighboring property owners. Any chicken which dies shall be promptly removed from the property.

**5.355 Conditional Permit.** The City Council may, in appropriate circumstances, and subject to conditions and time limits imposed by the Council, allow a person to keep more than eighteen chickens or to keep roosters on their property. Any person seeking a conditional use for keeping chickens must apply for such conditional use and provide evidence of sufficient waste management and noise and odor controls so their keeping of the additional animals will not

adversely affect neighboring property owners as part of that application.

**5.356 Enforcement/Penalty.** Any person violating any provision of Sections 5.351 to 5.355, or violating the terms of any conditional permit under section 5.355, shall be guilty of a misdemeanor and/or subject to an administrative fine of \$50.00. In addition to any criminal penalties, the City animal official may confiscate and impound or destroy any chicken running at large. In the event a chicken is impounded, and the owner can be identified, then the owner shall pay an appropriate impounding fee to recover the bird.

**5.357 Nuisance.** Keeping chickens in violation of the terms of the Hendricks City Code is and shall be a nuisance which may be addressed and remedied in the same manner as any other public nuisance, and the costs of any such necessary enforcement may be assessed against the violating property owner's property for payment with their real estate taxes.

### Animals in General

**5.401 Prohibited Animals.**

No person shall keep any hog, pig, or swine, cattle, horses, mules, sheep, goats, poultry, turkeys, ducks, geese, deer, other livestock or exotic animal except as specifically permitted by other provisions of the City Code, within the City limits. A person wishing to keep any animal prohibited by this section within the City of Hendricks may apply for a permit for consideration by the City Council which may consider the application and deny the application or approve it with specific conditions including but not limited to required fencing, manure or odor control, and limits on the types, numbers and location of animals kept.

**5.402. Diseased Animal.**

No person shall knowingly allow any diseased animal owned by him/her to run at large in the City.

**5.403. Dead Animals.**

All carcasses of animals shall be buried or otherwise disposed of in a sanitary manner within 24 hours after the death of the animal.

**5.404. Penalty.**

Any person violating any provision of Sections 5.401. to 5.403., shall be guilty of a misdemeanor and subject to an administrative fine of \$100.00.

### Peddlers and Solicitors

**5.501. Definitions.**

For the purpose of this Chapter, the terms defined herein shall have the following meanings:

Subdivision 1. "Peddler" means any person, firm, or corporation who goes from dwelling to dwelling, from place to place, or from street to street, conveying or transporting goods, wares, merchandise, or personal property of any nature whatsoever or offering or exposing them for sale.

- Subdivision 2. "Solicitor" means any person, firm, or corporation who goes from dwelling to dwelling, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares, merchandise, or personal property of any nature whatsoever, or for services to be performed, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, and whether or not the individual is collecting advance payments. Such definition includes any person, firm or corporation, who hires, leases, occupies, or uses any building, structure, or vacant lot, parking lot, stationary motor vehicle, trailer, or other place within the City for the primary purpose of exhibiting samples and taking orders.
- Subdivision 3. "Transient Merchant" means any person, individual, firm, or corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in this state, either in one locality or in traveling from place to place in this state, selling goods, wares and merchandise; and who for the purpose of carrying on such businesses, hire, lease, occupy, or use any building, structure, or vacant lot, parking lot, stationary motor vehicle, trailer, or other place within the City for the exhibition and sale of such goods, wares, and merchandise.

**5.502. License Required.**

- Subdivision 1. No peddler, solicitor, or transient merchant shall sell or offer for sale any goods, wares, or merchandise within the City of Hendricks unless a license for said activities shall first be secured as provided in this Chapter.
- Subdivision 2. Any peddler, solicitor, or transient merchant dealing with merchandise of any kind to be delivered to customers in Minnesota directly from points outside of Minnesota shall be exempt from the payment of the license fee, but shall be required to register with the City.
- Subdivision 3. Any person soliciting money, donations, or financial assistance of any kind for any religious, charitable, or political organization or selling merchandise for a fee on behalf of such an organization shall be exempt from the payment of the license fee, but shall be required to register with the City.

**5.503. Exclusions.**

This section does not apply to persons engaged in the following activities:

1. Calling upon householders at the request of said householders.
2. Selling solely literature of any kind.
3. Persons selling goods to retail or wholesale stores, or who call exclusively on commercial, industrial, or professional establishments to sell their products or services for use solely by such establishments, and not for the personal use of the employees or customers of such establishments.
4. The conduct of "garage sales" or "rummage sales."

5. Vendors as a preliminary step to the establishment of a regular route service for the sale and delivery of such commodities or the providing of such services to regular customers.
6. School-aged students selling items for fundraisers.
7. Persons selling products of the farm or garden occupied and cultivated by themselves.
8. The annual Buffalo Ridge Two-Cylinder tractor show, the annual Syttende Mai celebration, and the annual Fourth of July celebration.

#### **5.504. Application.**

The application for a license or registration shall be made on a form provided by the City. In addition to any information required by the application, the applicant shall show the following:

1. The name, permanent home address, and telephone number of the applicant and all persons associated with the applicant in the applicant's business, and the address of the place of business or the firm or corporation that the applicant represents.
2. The type of business and a written description of the nature of the business and the goods or services to be sold or solicited.
3. If employed, the name and address of the employer.
4. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, involving activities licensed under this Chapter, the nature of the offense and the punishment or penalty assessed therefore.
5. If a vehicle is to be used, a description of the vehicle together with license number and state of registration.
6. The drivers license number of the applicant and all persons listed in subparagraph 1. above.
7. In the case of transient merchants, written proof of permission by the owner of the premises to use the property of the owner for transient sale, together with the owner's name, address, and telephone number.
8. The names of at least three municipalities in which the applicant has conducted businesses within the previous twelve months.

#### **5.505. Investigation and Issuance.**

Subdivision 1. There will be a fourteen (14) day waiting period between the application and issuance of the license, during which period of time the Chief of Police shall make such investigation of the applicant's business and moral character as he/she shall deem necessary for the protection of the public good. The Clerk-Administrator may issue the license when the foregoing investigation is completed.

Subdivision 2. The issuance of a license shall be denied if it appears that the applicant has been convicted of a felony, misdemeanor involving dishonesty, or a violation of Minnesota Statutes, Chapter 329 (as amended from time to time), or of this Chapter.

**5.506. Duration of License.**

All licenses issued pursuant to this section, 5.501. – 5.514., shall expire at midnight, December 31<sup>st</sup> in the year when issued. All licenses shall be non-transferable.

**5.507. License Fees.**

Fees for licenses shall be the sum of \$25.00.

**5.508. Use of Streets.**

No peddler or solicitor shall have any exclusive rights to any location in the public streets, nor shall any be permitted in a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

**5.509. Exhibition of License.**

All licenses issued under this chapter, including those issued to company representatives, shall be carried by the licensee upon the person or in the case of a transient merchant, conspicuously posted in the merchant's place of business. Such license shall be shown at the request of any citizen.

**5.510. Prohibited Practices.**

No peddler, transient merchant, or solicitor shall:

1. Sell or solicit before the hours of 9:00 a.m. or after 8:00 p.m. unless a previous appointment has been made.
2. Enter in or upon any premises, or attempt to enter in or upon any premises, where a sign, plaque, or placard is conspicuously posted bearing the notice, "Peddlers or Solicitors Prohibited," or language similar thereto. Such signs shall have letters a minimum of 1/2 inch high.
3. Obstruct the vision at the intersection of any street or highway in whole or in part in any unsafe manner, as determined by the City in its sole discretion.
4. Occupy any public right-of-way for the purpose of advertising and/or conducting business.
5. Occupy any public property for the purpose of advertising and/or conducting business unless approved by the City Council.

**5.511. Revocation of License.**

Licenses issued under the provisions of this section may be revoked if the City Council after notice and hearing for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for license.
2. Fraud, misrepresentation, or false statement made in the course of carrying on his/her business as a peddler, solicitor, or transient merchant.

3. Any violation of this section.
4. Conviction of any crime or misdemeanor.
5. Conducting the business of a peddler, solicitor, or transient merchant in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to health, safety, or general welfare of the public.

Notice of a hearing for revocation of a license shall be given by the Clerk-Administrator in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last know address at least five days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three days prior to the date set for hearing.

**5.512. Appeal.**

Any person aggrieved by the action of the Chief of Police or the Clerk-Administrator in the denial of a license as provided in this Chapter may appeal to the City Council. Such appeal shall be taken by filing with the City Council within fourteen days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The City Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in Section 5.511. of this Chapter.

**5.513. Reapplication.**

No licensee whose application has been revoked shall make an application until at least six months have elapsed since the last revocation.

**5.514. Penalty.**

Any person who violates any provision of this section is guilty of a misdemeanor and subject to an administrative fine of \$50.00.

General Cemetery Welfare

**5.601. Interments.**

All interments in lots shall be restricted to members of the immediate family of the lot owner. Permission in writing from a lot owner must accompany all requests for permits to bury the bodies of persons not members of the immediate family of the lot owner. Such permission shall not be for remuneration. All excavations shall be made under the direction of the superintendent, when graves are requested to be dug by the superintendent or his agents. At least twenty-four hours notice shall be given, and the outside dimensions of the case to be used and the location shall be specified. No interment may be made in the cemetery unless all laws, ordinances, rules, and regulations regarding interments have been complied with.

**5.602. Disinterments.**

Written permission of the lot owner and the next of kin shall be filed with the superintendent, a permit from the health officer shall be secured and presented, and the required fees paid before any grave may be opened for any purpose. This section is not applicable when disinterment is ordered by duly authorized public authority.

**5.603. Conditions of Lot Purchase.**

All lots shall be sold subject to the provisions of sections 5.601. to 5.613. The purchaser shall expressly agree in the deed conveying the lot that his rights are subject to such reasonable rules and regulations as the council may adopt. No lot shall be used for any purpose other than the burial of a human remains and the placing of appropriate memorials.

**5.604. Purchase of Lots.**

Upon full payment of the purchase price of a lot, the clerk will issue a cemetery deed conveying the lot, executed by the mayor and clerk, and the deed shall be recorded in the records of the City. If the purchase price is not paid in full, a contract be signed by the purchaser and approved by the council. The contract shall state the amount paid and terms for payment of the balance. The price of cemetery lots shall be determined by resolution of the council. This price includes perpetual care.

**5.605. Transfer of Lots.**

No cemetery lot or fraction of a lot may be resold or otherwise disposed of, except by will, without the approval of the council, and the City retains the first option to repurchase the cemetery lot at the original sale price. No lot will be permitted to be resold, disposed of, or otherwise used until the purchase price and all unpaid charges, including charges for permanent or special care, have been paid in full. Lot owners may not allow interments to be made on their lots for remuneration. Lots or fractions of lots may not be subdivided without consent of the Council.

**5.606. Monuments and Markers.**

Every monument and marker shall be placed in the space shown on the cemetery plot as directed by the superintendent. No monument or marker may be placed unless the superintendent has approved the location and the full purchase price of the lot has been paid. No marker may be placed until the price of the space used for burial and all burial fees have been paid. No monument or marker may be constructed of limestone, sand stone, wood, or other materials, which will not assure relative permanence.

**5.607. Foundations.**

All monuments and markers shall be placed on foundations of solid masonry at a depth and size determined by the superintendent. The base area of foundations shall not exceed 3 inches above the ground surface.

**5.608. Installation of Monuments and Markers.**

Persons engaged in placing monuments and markers shall provide adequate planning to protect turf and shall remove materials, equipment, and refuse immediately upon completion of the work. Ropes and cables may be attached to trees or other objects only on approval of the superintendent. The lot owner is responsible for any failure to abide by this regulation and shall pay for any charges or damages resulting.

**5.609. Permanent Care.**

Lots or fractions of a lot are now sold to include permanent care as explained in section 5.604. Lots purchased before permanent care became effective and where special care is being paid may pay up permanent care. The cost is the same per burial spot, but credit is given for all care payments that have been paid and for the original cost of the lot.

**5.610. Improvements.**

Plants, shrubs, and flowers may be placed on cemetery lots in areas designated by the superintendent. No trees or vines may be planted, nor any fences erected. The City reserves the right to remove any tree, shrub, vine, plant, or flower, which may become unsightly, dangerous, or not in keeping with the landscape design of the cemetery.

**5.611. General Regulations.**

1. No person may discharge any firearm or have possession of any firearm within the cemetery grounds without the permission of the superintendent.
2. No person may obstruct any drive or path in the cemetery or in any way injure, deface or destroy any structure grave, flower, tree, or other thing in the cemetery.
3. No person may remove any object from any place in the cemetery or make any excavation without the consent of the superintendent.
4. No person may drive any vehicle faster than a walk within the cemetery or drive over any path or roadway not authorized by the superintendent.
5. No person may disturb the quiet of the cemetery by noise or improper conduct of any kind.
6. No person may enter or leave the cemetery except at the gates provided.
7. No person may use the cemetery grounds or any road therein as a public thoroughfare, nor drive any vehicle through the cemetery ground except for purpose relating to the cemetery.
8. No child may be permitted within the cemetery unless in the control of an adult.
9. No person may allow any animal to run at large in the cemetery.
10. No person may loiter at any time, nor be in the cemetery without permission of the superintendent at any time between the hours of sunset to 7 a.m.
11. The gravedigger is responsible for filling any settlement up to one year. After one years time, the City will assume responsibility.

**5.612. Removal of Flowers, Wreaths, and Plants.**

Any person desiring to keep flowers, wreaths or plants that said person put on a grave or graves for Memorial Day must remove these flowers, wreath and plants within two (2) weeks after Memorial Day. After two (2) weeks they may be removed by the superintendent and destroyed. No permanent planting of flowers or plants is allowed at any time.

**5.613. Penalty.**

Any person violating any provision of sections 5.601. to 5.612. shall be guilty of a misdemeanor. and subject to an administrative fine of \$50.00.