

CHAPTER 7. NUISANCES, REGULATIONS AND OFFENSES

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📖 Section 700 - Foot and Bicycle Races

700.01 Permit Required. No person, firm, partnership, association, corporation, company or organization of any kind (hereinafter collectively referred to as “person”) shall engage in, aid, form or start any foot, roller blades or bicycle race (“race”) within the City unless a race permit shall have been obtained from the Chief of Police. Provided, however, that this section shall not

apply to students participating in educational activities if the activities shall be under the immediate direction and supervision of proper school authorities.

700.02 Application. Any person seeking the issuance of a race permit shall file an application with the Chief of Police on forms provided by the Chief of Police. A non-refundable permit fee shall be submitted with the application. The permit fee for all applications shall be as set by the Fee Schedule, as it may be amended from time to time.

700.02.1 Filing Period. An application for a race permit shall be filed with the Chief of Police not less than 45 days before the date on which it is proposed to conduct the race.

700.02.2 Contents. The application for a race permit shall set forth the following information:

700.02.2.1. The name, address and telephone number of the person seeking to conduct the race;

700.02.2.2. If the race is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the principal officer of the organization and of the individuals authorized to act on behalf of the organization;

700.02.2.3. The name, address and telephone number of the individual or individuals who shall be the race director(s); that is, the individual or individuals who shall be responsible for the conduct of the race;

700.02.2.4. The name, address and telephone number of each sponsor, if any, of the race, and of the individuals authorized to act on behalf of each sponsor;

700.02.2.5. The date when the race shall be conducted;

700.02.2.6. The proposed route of the race including the starting point and ending point;

700.02.2.7. The approximate number of persons who shall take part in the race;

700.02.2.8. The time when the race shall start and the time when the race shall end;

700.02.2.9. A statement as to whether the race shall occupy all or only a portion of the width of the streets proposed to be traversed;

700.02.2.10. The location of the assembly area for the race and the dispersal area for the race; and

700.02.2.11. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit shall be issued.

700.02.3 Late Applications. The Chief of Police, where good cause shall be shown, may, in his or her sole discretion, consider an application for a race permit which shall be filed less than 45 days before the proposed date of the race.

700.02.4 Insurance. No application shall be considered unless the applicant for a race permit shall provide to the Chief of Police, at the time the application shall be filed, a certificate of insurance evidencing that applicant shall have obtained an insurance policy with a combined single limit of coverage of at least the statutory limit of liability for municipalities that provides coverage against all claims and liabilities arising from the race and that names the City as an additional insured under the policy.

700.02.5 Indemnity Agreement. No application for a race permit shall be considered unless the applicant for the race permit and each sponsor of the race shall execute and deliver to the Chief of Police an indemnity agreement in form and substance acceptable to the City Attorney.

700.02.6 Consent by Other Governmental Bodies. No application for a race permit shall be considered unless the applicant for the permit under this section shall provide to the Chief of Police written consent from all governmental entities, other than the City, that have jurisdiction over any of the streets that make up the route of the race.

(Ord. 2005-09, passed 4-18-05; Am. Ord. 2008-11, passed 12-15-08)

700.03 Standards for Issuance. The Chief of Police shall issue a race permit when, from a consideration of the application and from such other information as he or she may otherwise obtain, he or she finds that:

700.03.1. The conduct of the race shall not substantially interrupt the safe and orderly movement of traffic contiguous to its route.

700.03.2. The conduct of the race shall not require the diversion of so great a number of police officers of the City to properly police the race and the areas contiguous to the race as shall prevent normal police protection to the City.

700.03.3. The concentration of persons at the assembly and dispersal points shall not unduly interfere with proper fire and police protection to areas contiguous to the assembly areas.

700.03.4. The conduct of the race shall not interfere with the movement of firefighting equipment en route to a fire.

700.03.5. The conduct of the race shall not be reasonably likely to cause injury to persons or property, provoke disorderly conduct or create a disturbance.

700.03.6. The race shall not be held for the sole purpose of advertising any business.

700.03.7. The race shall, as its primary purpose, benefit a charitable or non-profit organization.

700.04 Notice of Disapproval or Approval.

700.04.1. The Chief of Police shall act upon the application for a race permit within ten working days after the filing of the application. If the Chief of Police disapproves the application, he or she shall mail to the applicant, within ten working days after the date the application was filed, a notice of the disapproval, which shall state the reasons for his or her decision to deny the permit.

700.04.2. If the Chief of Police approves the application, he or she shall mail to the applicant, within ten working days after the date the application was filed, a race permit.

700.05 Appeal Procedure. Any person aggrieved by the grant or denial of a permit, by the modification of a permit, or by the imposition of any conditions or limitations on the permit by the Chief of Police shall have the right to appeal any such action of the Chief of Police to the City Council by filing a notice of appeal specifying the grounds therefor with the City Clerk, within ten days after the notice required to be given by the Chief of Police under 700.04 shall be mailed. The City Council shall consider the appeal at its next regularly scheduled meeting.

700.06 Contents of Permit. A permit shall contain the following information:

700.06.1. That permission shall be granted to conduct the race in accordance with the application, except to the extent modified or conditioned by the terms of the permit;

700.06.2. Any conditions or limitations imposed on the permit by the Chief of Police or any modifications to the race as proposed; and

700.06.3. Other information as the Chief of Police shall deem necessary for the proper enforcement of this section.

700.07 Duties of Permittee. A permittee under this section shall comply with all permit directions and conditions and with all applicable laws and ordinances.

700.08 Public Conduct During Race.

700.08.1. No persons shall unreasonably hamper, obstruct, impede or interfere with any race or with any person participating in a race.

700.08.2. No driver of a motor vehicle shall drive between persons participating in a race when the persons are in motion.

700.08.3. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along the streets to be traversed during the race or any part thereof. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

700.09 Revocation of Permit. The Chief of Police shall have the authority to revoke a race permit issued under this section if he or she determines that the terms and conditions of this section cannot be met by the permittee for the race.

700.10 Consent to Permit. No permit issued by the Chief of Police under this section shall be effective until the permittee and all sponsors of the race shall execute and deliver to the Chief of Police an acceptance of any conditions placed on any race permit and an agreement to abide by all of the terms and conditions of the permit and this section in form and substance acceptable to the City Attorney.

📖 **Section 710 - Open Burning**

710.01 Open Burning Prohibited; Declared to be a Nuisance.

710.01.1. No person shall conduct any open burning within the City without first obtaining an open burning permit. For purposes of this section, “open burning permit” shall mean an open burning permit issued pursuant to the regulations of the DNR.

710.01.2. No person shall conduct any open burning within the City for which an open burning permit has been issued except in accordance with all of the terms and conditions of the open burning permit. Open burning for which no open burning permit has been issued or open burning conducted in violation of the terms and provisions of an open burning permit shall be hereby declared to be public nuisances.

710.01.3. Proper City officials may summarily abate the public nuisances without notice to any party.

710.02 No City Liability. This section shall not be construed as imposing on the City or any official, agent or employee of the City any liability or responsibility for damages to any person or property arising out of burning performed pursuant to the Minnesota Rules or Minnesota Statutes.

710.03 Purpose and Intent. The purpose of this section shall be to conform to the laws of the State of Minnesota and to disallow the burning of rubbish, leaves and garbage within the City limits and to otherwise bring the provisions of this section into compliance with the present state laws and regulations.

📖 **Section 720 - Requiring Keys to Be Removed from Unattended Vehicles**

720.01 Keys to Be Removed from Unattended Vehicles. No person shall leave a motor vehicle unattended on any street, alley, used car lot or unattended parking lot without first stopping the engine, locking the ignition and removing all ignition keys from the vehicle.

720.02 No Mitigation of Offense of Stealing Motor Vehicle; Civil Litigation. Any violation of the provisions contained in this section shall not mitigate the offense of stealing a motor vehicle in which a person failed to remove the ignition keys, nor shall the violation be asserted as a defense in any civil action for theft of the motor vehicle or for the insurance thereon, nor shall the violation have any other bearing in any civil litigation.

720.03 Authority of Police Office. Whenever any police officer shall find any such motor vehicle standing in violation of the provisions of 720.01, the police officer shall be authorized and directed to remove from the motor vehicle the keys left in the motor vehicle and deliver the keys to the officer in charge at police headquarters.

Section 730 - Firearms and Other Dangerous Weapons

730.01 Unlawful Discharge. It shall be unlawful for any person to discharge any firearms, explosives, ammunition, air guns of any kind, bows and arrows, except as permitted by Section [740](#), or other weapon within or into the City limits. Subject to all applicable provisions of law, shotguns without slugs may be discharged within City limits, except the discharge of a firearm is prohibited on or within three hundred feet (300') of the ordinary high water mark of Mogie Lake. It shall further be unlawful to throw any deadly missile into or within any public or private place where there is any person, livestock or property to be endangered, although no injury actually results.

730.02 Concealed Weapons. It shall be unlawful for any person to carry concealed in any manner on his or her person any weapon of the kind commonly known as a sling-shot, sand-club, metal knuckles, switch-blade, dagger, dirk, firearm or other dangerous weapon, except a person may carry a concealed firearm if such person has a valid permit to carry a concealed firearm pursuant to Minnesota Statutes 624.714, as it may be amended from time to time.

730.03 Prohibited Weapons. It shall be unlawful for any person to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a sling-shot, sand club or metal knuckles.

730.04 Minors. No minor age 14 or under shall handle, or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. Any minor having attained the age of 15 shall be the holder of a valid firearm safety permit. Anyone born on or after January 1, 1980, must have a safety certificate, or equivalent, or other evidence of successfully completing a hunter safety course to hunt or trap in the City.

730.05 Exceptions. The provisions of this section shall not apply to any of the armed forces of the United States of America, or to any member thereof, while engaged in the performance of duty in compliance with any of the articles of war of the United States, a statute of the United States, or any regulation, rule or order duly promulgated and issued under authority of the United States; nor to the militia of the State of Minnesota, or any member thereof, while in the performance of duty prescribed by law; nor to any sheriff, police officer, constable, marshal, highway patrol officer or any other officer authorized by law to possess and carry firearms; nor

to any gun club or shooting gallery of duly licensed as such by the City nor to the holding of exhibitions of sportsmanship or to other contests involving the use of firearms where the exhibitions or contests shall be held in and upon public grounds owned by the City under the regulations, restrictions and safeguards as the City may provide.

(Am. Ord. 2016-54, passed 10-3-16) (Am. Ord. 2016-57, passed 11-7-16)

📖 Section 740 - Hunting Deer by Bow and Arrow

740.01 Definitions.

740.01.1. “Bow and arrow” means a bow and arrow or a bow and arrow drawn, held or released by a mechanical device.

740.01.2. “Hunt” or “hunting” means the taking, pursuing, stalking, chasing, driving or tracking of deer while in possession of a bow and arrow.

740.02 Prohibition Against Hunting; Discharge of Bow and Arrow. Except as hereinafter provided, it shall be unlawful to hunt or to discharge any bow and arrow within the City limits.

740.02.1. Hunting or the discharging of a bow and arrow is permitted within the following areas of the City as herein regulated upon securing a permit to do so from the City. Application for such permit shall be obtained from the Chief of Police or his or her designated representative. The permitted areas, subject to the limitations set forth in 740.02.1.6 are as follows:

740.02.1.1. Any unplatted portion of the City lying west of the LaVaque Road;

740.02.1.2. Any contiguous tract of five (5) acres or more lying east of the LaVaque Road or any contiguous tract of five (5) acres or more lying west of LaVaque Road within a platted subdivision. For purposes of this section and section 740.02.1.1 contiguous means parcels of property with any common boundary, including a single point.

740.02.1.3. The application for the permit shall be in writing, accompanied by a fee as set from time to time by the City Council payable to the City of Hermantown, addressed to the Chief of Police, and shall state:

740.02.1.3.1. The purpose for requesting the permit;

740.02.1.3.2. The length of time for which the permit is requested which shall not be greater than the bow hunting deer season established by the State of Minnesota;

740.02.1.3.3. The type of bow and arrow to be discharged; Only Disabled persons with a valid permit and MN DNR archery license may hunt with crossbows as defined by MN DNR,

740.02.1.3.4. Other information as may be deemed necessary by the City; and

740.02.1.3.5. Proof of a valid license to hunt with a bow and arrow issued by the appropriate authority.

740.02.1.4. The granting of the permit shall be solely in the discretion of the City and shall be invalid unless executed by the Chief of Police or his or her designated representative. The Chief of Police may, in his or her discretion, deny any permit if he or she believes that the issuance of such permit would constitute or create a safety hazard. The Chief may, in his or her discretion, limit the number of permits issued and/or restrict hunting on additional parcels of land. Any person obtaining a permit shall have the permit on his or her person while carrying a bow and arrow in the above described permitted area.

740.02.1.5. Any person employing a bow and arrow and who is engaged in the hunting of deer shall, in addition to complying with this section comply with all the rules and regulations relating to the hunting with bows and arrows as established by the laws of the state.

740.02.1.5.1. No permanent or portable tree or ground stand may be located within 50 feet of the border of the land which they have permission to hunt without the permission of the adjacent landowner. If the hunter has permission from the adjacent landowner, the hunter may erect a permanent or portable tree or ground stand within 50 feet of the property line for which the hunter has a permit.

740.02.1.6. No bow and arrow shall be discharged in any of the following areas within the permitted hunting areas:

740.02.1.6.1. Within any industrial park in the City;

740.02.1.6.2. Within 250 feet of any dwelling or other building occupied by or for human habitation or the storing of animals without that property owners consent;

740.02.1.6.3. Within 500 feet of any property owned by Independent School District No. 700, Hermantown Schools;

740.02.1.6.4. On any land owned by the City of Hermantown except those lands which are deemed to be non-restricted by the Chief of Police;

740.02.1.6.5. On any land owned by the City of Duluth; and/or

740.02.1.6.6. Within 100 feet of a publicly maintained City trail or improved public roadway.

740.02.1.7. No hunting of bears with a bow and arrow shall be allowed within the City.

740.02.1.7A. No hunter shall attempt to shoot a deer that is beyond the effective range of the bow being discharge by that particular hunter.

740.02.1.7B. Each hunter must repair or pay for any damage to the property of another that arises from his/her hunting activities.

740.02.1.8. No carcass or entrails shall be allowed to remain in open view to the public.

740.02.1.9. Any hunter that is successful in taking a deer with a bow and arrow within the City shall report that fact to the Chief of Police or his or her designated representative within 24 hours after taking the deer. In addition to any other remedies available to the City, no permit shall be issued to any hunter who has failed to report the taking of a deer in any prior year.

740.02.1.9.1. In addition to reporting harvested deer to the Chief of Police or his or her designated representative, the hunter must also register his/her harvested deer with the Minnesota Department of Natural Resources through the Big Game Registration process as prescribed by Minnesota State Law.

740.02.1.10. A hunter may only hunt on land which the hunter has written permission to hunt. The prescribed permission slip, which is provided by the Police Department at the time of permit issuance, and the City of Hermantown Archery Permit, must be on the hunter's person at all times while afield. If a hunter is combining properties to meet minimum acreage limits, the hunter must have permission slips from all combined properties.

740.02.1.11. The City of Hermantown requires hunters to first harvest, register through the State of Minnesota - DNR Big Game Registration Process, and report to the Chief of Police and/or his or her designee one (1) antlerless deer (as defined by the State of Minnesota - "those without an antler at least three inches long") prior to being allowed to harvest an antlered buck. Harvesting more than one antlerless deer is encouraged. The Chief of Police and/or his or her designee will also check hunter records through the State of Minnesota registration process to confirm the harvest of an antlerless deer.

740.02.1.12. The City of Hermantown hunt shall run concurrent with the State of Minnesota's archery hunting season.

740.03 Exceptions.

740.03.1. The provisions of this section shall not apply to the discharge of any bow and arrow when discharged within a "bow and arrow" practice range or facility nor shall it prohibit the safe practice on a person's personal property.

740.03.2. The provisions of this section shall not prohibit the use of any bow and arrow in the lawful defense of the person, property, family or in the defense or enforcement of the laws of the City, county, state or United States.

740.03.3. The provisions of this section shall not prohibit the taking of deer by the Chief of Police or his or her designee by the use of any bow and arrow or any other weapon authorized by the Chief of Police or his or her designee, provided, that such taking of deer is made in compliance with all other applicable State laws, rules or regulations.

740.03.4. Youth Hunters. Hunters under the age of 14 years of age will receive a free City of Hermantown Archery Permit. These free permits are only valid when the youth hunter is accompanied by an adult that possesses a valid City of Hermantown Archery Permit. A youth permit will be valid for the duration of the archery hunting season even if the hunter turns 14 before the archery season ends. Hunters under the age of 14 that wish to hunt without a valid adult hunter must purchase a regular City of Hermantown Archery Permit.

740.03.5. Resident Hunters. Hunters residing in the City of Hermantown and hunting on their own property will receive a reduced price City of Hermantown Archery Permit. A resident wishing to apply for a reduced price resident permit must produce a current driver's license with a valid City of Hermantown address. The fee for the resident permit shall be set by the City Council by ordinance.

(Am. Ord. 2017-10, passed 1-8-18)

740.04 Chief of Police to Report.

740.04.1. Annually in February during the term of this section, the Chief of Police shall provide a report to the Council with respect to the operation and effect of this section.

740.04.2. This report shall include the number of deer taken, a description of any incidents, conflicts or problems that occurred with respect to this section during the preceding bow-hunting season, and any recommendations for the modifications or the continuation of this section.

740.05 Penalty.

740.05.1. Any violation of this section shall constitute a misdemeanor under the Hermantown Code of Ordinances and shall entitle the Chief to permanently terminate the hunters privilege to hunt within the City of Hermantown.

(Am. Ord. 2005-05, Sec. 740.01, 740.02, 740.03, 740.04, passed 3-7-05; Am. Ord. 2008-03, Sec .740.01, 740.02, 740.03, 740.04, 740.05, passed 3-17-08; Am. Ord. 2008-11, Sec. 740.02, passed 12-15-08; Am. Ord. 2013-05, Sec. 740.02, 740.03, passed 7-15-13)

📖 Section 750 - Theft

750.01 Definitions. For purposes of this section, the following words or phrases shall have the meanings ascribed to them in this section:

750.01.1. "Movable property" shall be property whose physical location can be changed, including without limitation things growing on, affixed to or found in land.

750.01.2. "Property" shall mean all forms of tangible property, whether real or personal, without limitation including documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl and heat supplied by pipe or conduit by municipalities or public utility companies.

750.01.3. “Property of another” shall include property in which the actor shall be co-owner or shall have a lien, pledge, bailment or lease or other subordinate interest, and property of a partnership of which the actor shall be a member, unless the actor and the victim shall be husband and wife. It shall not include property in which the actor shall assert in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, set-off or counterclaim.

750.01.4. “Value” shall mean the retail market value at the time of the theft, or if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft.

750.02 Acts Constituting Theft. No person shall do any of the following:

750.02.1. Intentionally and without claim of right take, use, transfer, conceal or retain possession of movable property of another without his or her consent and with intent to deprive the owner permanently of possession of the property;

750.02.2. Having a legal interest in movable property, intentionally and without consent, take the property out of the possession of a pledge or other person having a superior right of possession, with intent thereby to deprive the pledge or person permanently of the possession of the property;

750.02.3. Find lost property and, knowing or having reasonable means of ascertaining the true owner, appropriate it to his or her own use or to that

of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to him or her; or

750.02.4. Intentionally obtain property or services, offered upon the deposit of a sum of money or token in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner.

Section 760 - General Provisions

760.01 General Provisions.

760.01.1 Public Health and Safety Hazards. When the City removes or eliminates public health or safety hazards from private property under City ordinance, the administrative officer responsible for doing the work shall keep a record of the cost of such removal or elimination against each parcel of property affected and annually deliver such information to the City Clerk.

760.01.2 Installation and Repair of Service Lines. Whenever the City installs or repairs water service lines serving private property, the City Clerk shall keep a record of the total cost of the installation or repair against the property.

760.01.3 Personal Liability. The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of such service. As soon as the service has been completed and the cost determined, the City Clerk, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Clerk.

760.01.4 Damage to Public Property. Any person driving any vehicle, equipment, object or contrivance upon any street, road, highway or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of such vehicle, equipment or object or contrivance; or as a result of operating, driving or moving any vehicle, equipment, object or contrivance weighing in excess of the maximum weight permitted by statute or this code. When such driver is not the owner of such vehicle, equipment, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. Section 514.67, as it may be amended from time to time.

760.01.5 Assessment.

760.01.5.1. On or before September 1 of each year, the City Clerk shall list the total unpaid charges for each type of current service and charges under this section against each separate lot or parcel to which they are attributable under this section.

760.01.5.2. The City Council may then spread the charges against property benefitted as a special assessment under M.S. Section 429.01, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

760.02 Tree Diseases.

760.02.1 Declaration of Policy. The City Council determines that the health of the elm and oak trees within the City is threatened by fatal diseases known as Dutch Elm and Oak Wilt diseases, and other trees may be threatened by other epidemic diseases of shade trees. The City Council further determines that the loss of elm, oak and other trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the City Council to control and prevent the spread of those diseases and this section is enacted for that purpose.

760.02.2 Designated Enforcement Officer. It shall be the duty of the officer designated by the City Council to coordinate, under the direction and control of the City Council, all activities of the City relating to the control and prevention of Dutch Elm disease and Oak Wilt disease and other epidemic diseases of shade trees. Such officer shall recommend to the City Council the

details of a program for the control of such diseases, and perform the duties incident to such a program adopted by the City Council.

760.02.3 Trees Constituting Nuisances Declared. The following are public nuisances whenever they may be found within the City:

760.02.3.1. Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi (Buisman) Moreau* or which harbors any of the elm bark beetles *Scolytus Multistriatus (Eichh.)* or *Hylungopinus Rufipes (Marsh)*;

760.02.3.2. Any dead elm tree or part thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;

760.02.3.3. Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;

760.02.3.4. Any dead oak tree or part thereof which in the opinion of the designated officer constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide;

760.02.3.5. Any other shade tree with an epidemic disease.

760.02.4 Inspection and Investigation. As often as practical, the designated officer shall inspect all public and private premises within the City which might harbor any plant pest as defined in M.S. Section 18.46 (13), as it may be amended from time to time, to determine whether any condition described in 760.02.3 exists thereon. The designated officer shall investigate all reported incidents of infestation of Dutch Elm fungus, elm bark beetles, Oak Wilt fungus or any other epidemic disease of shade trees.

760.02.5 Entry on Private Premises. The designated officer or his or her duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned.

760.02.6 Abatement of Nuisance. It is unlawful for any person to permit any public nuisance as defined in 760.02.3 to remain on any premises the person owns or controls within the City. Such nuisances may be abated in the manner prescribed by this section. In abating a nuisance defined in 760.02.3, the designated officer shall cause the infected tree or wood to be sprayed, removed, burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of epidemic diseases such as Dutch Elm disease and Oak Wilt disease. The designate officer shall also take such other steps as are necessary to prevent root graft transmission of the diseases. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

760.02.7 Procedure for Removal of Infected Trees and Wood.

760.02.7.1 Action by Designated Officer. Whenever the designated officer finds with reasonable certainty that the infestation defined in 760.02.3 exists in any trees or wood in any public or private place in the City, the designated officer shall in writing notify the owner of the existence of a nuisance, which notice shall state that the owner has 60 days to abate the nuisance and avoid City action. A copy of the notice shall be transmitted to the City Clerk for the information of the City Council. If within the 60-day period the property owner has not abated the nuisance, the designated officer shall report all the facts surrounding the unabated nuisance to the City Council.

760.02.7.2 City Council Action. Upon receipt of the designated officer's report required in 760.02.7.1, the City Council shall by resolution order the nuisance abated. Before action is taken on such resolution, the City Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the City Council shall hear property owners with reference to the scope and desirability of the proposed project. The City Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

760.02.7.3 Record. The designated officer shall keep a record of the costs of abatement done under this section and shall report monthly to the City Clerk or other appropriate officer all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

760.02.7.4 Assessment. On or before September 1 of each year, the City Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment under M.S. Section 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection the following year along with the current taxes.

760.02.8 Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the designated officer or his or her agents while they are engaged in the performance of duties imposed by this section. However, it is a defense to prosecution that the interference alleged consisted of constitutionally protected speech only.

📖 Section 770 - Nuisances

770.01 Nuisance Defined.

770.01.1. Whoever by his or her act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance:

770.01.1.1. Maintains or permits a condition which unreasonably annoys, injures or endangers the health and welfare of the public; or

770.01.1.2. Maintains or permits a condition that unreasonably annoys, injures or endangers the peace and safety of the public.

(Am. Ord. 2014-07, passed 8-4-2014)

770.02 Definitions. The following words and phrases when used in this Section 770 shall have the meanings ascribed to them in this section unless the context otherwise clearly indicates.

770.02.1. “Attractive Nuisance” shall mean a condition that may attract individuals onto property which would expose such individual to risk, peril or danger.

770.02.2. “City” shall mean The City of Hermantown

770.02.3. “City Council” shall mean the City Council of the City.

770.02.4. “Designated City Official” shall mean the City Administrator or his/her designee.

770.02.5. “Notice of Nuisance” shall mean the notice provided pursuant to Section 770.06.

770.02.6. “Property” shall mean the property on which a nuisance is located.

770.02.7. “Property Owner” shall mean the fee owner of record of the Property as shown on the records of the St. Louis County Auditor for real estate taxes.

770.02.8. “Special Assessment Statute” shall mean Chapter 429 of the Minnesota Statutes, as it may be amended from time to time.

(Am. Ord. 2014-07, passed 8-4-2014) (Am. Ord. 2016-47, passed 4-4-16)

770.03 Nuisances Affecting Health and Welfare. The following are hereby declared to be nuisances affecting public morals and decency:

770.03.1. Exposed accumulations of decayed or unwholesome food or vegetable matter;

770.03.2. Diseased animals running at large;

770.03.3. Ponds or pools of stagnant water;

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

770.03.5. Accumulations of manure, refuse or other debris;

770.03.6. Privy vaults and garbage cans which are not rodent-free or fly-tight or emit foul and disagreeable odors;

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

770.03.8. Noxious weeds and other rank growths of vegetation upon public or private property;

770.03.9. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

770.03.10. Public exposure of people having a contagious disease; and

770.03.11. A trade or business or any other condition or thing that unreasonable annoys, injures or endangers the health and welfare of the public.

(Am. Ord. 2014-07, passed 8-4-2014)

770.04 Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting peace and safety:

770.04.1. Trees, hedges, billboards, fences, or other obstructions, which prevent people from having a clear view of all traffic within 25 feet of approaching an intersection;

770.04.2. Wires, limbs of trees, or other items, which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

770.04.3. Unusual noises and annoying vibrations, which offend the peace of persons of ordinary sensibilities;

770.04.4. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds except under such conditions as are permitted by this code, the Hermantown Zoning Code or other applicable law;

770.04.5. Interferes with, obstructs or renders dangerous for passage any public highway or right-of-way, or waters used by the public;

770.04.6. Antenna or telecommunication towers, as are defined in Section 1905 of the Hermantown Zoning Code, which are erected or maintained in a dangerous manner;

770.04.7. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;

770.04.8. Hanging signs, awnings and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

770.04.9. Allowing rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any public sidewalk;

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

770.04.11. Waste water cast upon or permitted to flow upon streets or other public properties;

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

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

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

770.04.15. The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any property when passing over such substance;

770.04.16. The depositing of garbage or refuse on a public right-of-way or on adjacent private property; and/or

770.04.17. The outside storage of dumpsters or refuse containers that are six (6) cubic yards or larger in any residential zone district for use in a commercial business;

770.04.18. A trade or business or any other condition or thing that unreasonably annoys, injures or endangers the peace and safety of the public; and/or

770.04.19. Any condition on a Property which constitutes an Attractive Nuisance.

770.05 Duties of City Officers. The Designated City Official may apply and enforce any provision of this Section relating to Nuisances. The Designated City Official shall have the power to inspect private premises and take all reasonable actions to prevent or abate Nuisances.

770.06 Abatement of Nuisances and Assessment.

770.06.1 Investigation of Nuisance. Whenever a complaint shall be received by the Designated City Official regarding the existence of any Nuisance, the Designated City Official may cause an investigation of the alleged Nuisance. After the investigation, the Designated City Official shall determine whether a Nuisance exists.

770.06.1.1 Notice of Nuisance Violation. Upon determining that a Nuisance exists, the Designated City Official shall prepare a written Notice of Nuisance, which shall be mailed by certified and regular mail to the Property Owner.

770.06.1.2 Contents of Notice of Nuisance. The Notice of Nuisance shall contain the name of the Property Owner, his/her address (if known), the address of the Property containing the Nuisance and a description of the Nuisance, and the time frame within which the Nuisance must be abated at the Property Owner's expense. In determining the time within which the Nuisance must be abated, the Designated City Official shall consider, among other factors, the following:

770.06.1.2.1 The severity of the threat to public health and welfare or peace and safety;

770.06.1.2.2 The magnitude of the Nuisance; and

770.06.1.2.3 The number of persons affected by the Nuisance.

The Notice of Nuisance shall further state that if the Nuisance is not abated within the time frame provided in Notice of Nuisance, the City may enter onto the Property for the purpose of abating the Nuisance and that the cost incurred by the City may be collected by a special assessment as against the Property or otherwise collected as provided in this Section 770 or other applicable law.

770.06.2 Time to Respond. The Property Owner shall abate the Nuisance, at the Property Owner's expense, within the period of time contained in the Notice. The Designated City Official shall cause an inspection of the Property containing the Nuisance to be made after the last day for abatement stated in the Notice of Nuisance within such time as may be reasonable and practical.

770.06.3 Appeal. The Property Owner shall have a right to appeal the Notice of Nuisance within ten (10) days after the mailing by certified and regular mail of the Notice of Nuisance by filing a written appeal with the Designated City Official. The Designated City Official shall cause the matter to be placed on the agenda at the next regularly scheduled City Council meeting. The City Council shall consider the appeal and make a final decision, supported by finding of fact with respect to the Notice of Nuisance and the appeal.

770.06.4 District Court. The determination made by the City Council may be appealed to the District Court within thirty (30) days after notice of the decision is mailed to the Property Owner by certified and regular mail.

770.06.5 Enforcement/Abatement/Assessment. If the Nuisance is not abated within the given time as specified in the Notice of Nuisance and no appeal is taken or if an appeal is taken and a decision on the appeal has been made, the Designated City Official may order the Nuisance to be abated. The City shall thereafter abate or cause the Nuisance to be abated. The cost of abating the Nuisance shall be determined and a resolution prepared containing the name of the Property Owner, the address and legal description of the Property, the costs incurred by the City abating the Nuisance, determining that the amount incurred is proposed to be assessed against the Property and calling a public hearing with respect to the proposed assessment. The assessment proceedings shall be conducted in accordance with the Special Assessment Statute.

770.06.6 Payment of Assessment. Upon passage by the City Council of a resolution approving the assessment, the City Clerk shall send a bill for the assessment to the Property Owner. The Property Owner may then pay the bill in full prior to its submission to the St. Louis County Auditor. If the Property Owner fails to pay the assessment prior to its submission to the St. Louis County Auditor, the City shall forward the assessment information to the St. Louis County Auditor to create a special assessment against the Property in accordance with the Special Assessment Statute. The resolution shall be submitted to the St. Louis County Auditor by November 15 of the year in which the resolution was adopted for assessment of the costs as a special assessment against the property with the real estate taxes. The special assessment may be collected in a single annual installment, or spread over a period of up to ten equal annual installments, to be determined at the sole discretion of the City Council.

770.06.7 Expenses Allowed. City expenses included in the assessment procedure include the costs of the abatement, publication costs of any notices, posting and service of notices, City costs and expenses including legal fees, allowance for City employee time, overtime and expense of any equipment used. Such costs shall be compiled and prepared for presentation to the City Council by the Designated City Official.

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

770.06.9 Remedies Cumulative. Any remedies or penalties provided in this section are cumulative and in addition to any other remedies, either in law or equity, that may be available to the City.

770.06.10 Violation of a Misdemeanor. A violation of this Section, upon conviction thereof, shall constitute a misdemeanor.

(Am. Ord. 2014-07, passed 8-4-2014) (Am. Ord. 2016-47, passed 4-4-16)

770.07 Recovery of Cost.

770.07.1 Personal Liability. The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City

Clerk or other official designated by the City Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

770.07.2 Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under M.S. Section 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

770.08 Public Nuisances Affecting the Comfort or Repose of the Public. The following are hereby declared to be nuisances affecting the comfort or repose of the public.

770.08.1. The outside storage of dumpsters in any residential zone district for rent, sale or use in a commercial business.

(Ord. 2005-11, passed 2-6-06)

📖 **Section 780 - Unlawful Smoking**

780.01 Unlawful Smoking. Intentionally smoking in a building, area or common carrier in which “no smoking” notices have been prominently posted, or when requested not to by the operator of the common carrier, is prohibited.

780.02 Prohibited Smoking. Intentionally smoking anywhere smoking is prohibited by the Minnesota Clean Indoor Air Act.

(Am. Ord. 2013-13, passed 11-18-13)

📖 **Section 790 - Minors**

790.01 Definitions. In this section:

790.01.1. “Curfew hours” shall be 11:00 p.m. on any day until 5:00 a.m. of the following day.

790.01.2. “Emergency” shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

790.01.3. “Establishment” shall mean any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

790.01.4. “Guardian” shall mean:

790.01.4.1. A person who, under court order, is the guardian of the person of a minor; or

790.01.4.2. A public or private agency with whom a minor has been placed by a court.

790.01.5. “Minor” for purposes of these regulations only, shall mean any person under 16 years of age.

790.01.6. “Operator” shall mean any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association, partnership or limited liability company, the officers of a corporation and the managers of a limited liability company.

790.01.7. “Parent” shall mean a person who is:

790.01.7.1. A natural parent, adoptive parent, or step-parent of another person; or

790.01.7.2. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

790.01.8. “Public place” shall mean any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

790.01.9. “Remain” shall mean to:

790.01.9.1. Linger or stay; or

790.01.9.2. Fail to leave a premises or location when requested to do so by a police officer or the owner, operator, or other person in control of the premises or location.

790.01.10. “Serious bodily injury” shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

790.02 Restrictions.

790.02.1. It shall be unlawful for any minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

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

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

790.03 Exceptions.

790.03.1. The following shall constitute valid exceptions to the operation of the curfew. That the minor was:

790.03.1.1. Accompanied by the minor's parent or guardian;

790.03.1.2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;

790.03.1.3. In a motor vehicle involved in interstate travel;

790.03.1.4. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

790.03.1.5. Involved in an emergency;

790.03.1.6. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

790.03.1.7. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a civic organization, or another similar entity that takes responsibility for the minor;

790.03.1.8. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

790.03.1.9. Married or had been married.

790.03.2. It is a defense to prosecution under Section 790.02 that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

790.04 Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 790.03 is present.

790.05 Penalties.

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

790.05.2. Any minor who is convicted of a violation of this section and any adult person having the care and custody of such minor, is guilty of a petty misdemeanor and shall be punishable by a fine not to exceed \$200.

(Ord. 2001-08, passed 7-16-01)

📖 Section 795 - Obstruction of/and Fleeing a Public Officer

795.01 Definitions.

795.01.1. The term "peace officer" or "public official" means any duly authorized individual authorized by law or a department, agency, municipality to conduct or engage in investigations of or prosecutions of the laws of United States, State of Minnesota, or the Code of Ordinances of the City of Hermantown.

795.01.2. The term "misleading conduct" means:

795.01.2.1. Knowingly making a false statement;

795.01.2.2. Intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact, and thereby creating a false impression by such statement;

795.01.2.3. With the intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;

795.01.2.4. Knowingly using a trick, scheme, or device with intent to mislead.

795.02 Offense(s).

795.02.1. No person shall intentionally do an act which he or she should reasonably expect will obstruct or interfere with, or induce another to obstruct or interfere with a peace officer or other public official in discharging or attempting to discharge a duty of his or her office. For purposes of this section, the duties of the public officer shall include, but not necessarily be limited to:

795.02.1.1. Apprehending a criminal or suspected criminal;

795.02.1.2. Serving legal process, executing or serving an arrest warrant or search warrant;

795.02. 1.3. Transferring a criminal or suspected criminal;

795.02.1.4. Investigating a crime which has been committed or conduct which the police officer or public official reasonably believes may constitute a crime or violation of Hermantown City Code or other regulation; and,

795.02.1.5. Directing vehicular or pedestrian traffic or controlling a crowd of people.

795.02.2. No person shall flee from a police officer or police vehicle in disregard of any visible or audible notice to halt given by or from such police officer or police vehicle when such person knows or reasonably should know the same to be a police officer or police vehicle.

795.02.3. No person shall physically resist arrest by a peace officer or aid another in physically resisting an arrest by a peace officer, regardless of whether or not such arrest is lawful.

795.02.4. No person shall resist, obstruct, interfere with, or induce another to resist, obstruct or interfere with, a lawful citizen arrest.

795.02.5. No person shall intentionally engage in misleading conduct directed at a police officer or public official in the course of an investigation or the exercise of the police officer's or public official's official duties.

795.03. Penalty. Person convicted of violating this section is guilty of an ordinance violation and shall be punished by a fine of \$300 together with the appropriate surcharge and library fee or other fine as recommended by the City Council from time to time in adopting by resolution a recommended fine schedule for single and multiple occurrence offenses of the Hermantown City Code.

(Ord. 2002-07, passed 10-21-02)

📖 Section 796 – Prohibition of Possession of Knives and Paintball Guns on School Property

796.01 Short Title and Definitions.

796.01.1 Short Title. This section shall otherwise be known as the "Prohibition of the Possession of Knives and Paintball Guns on School Property."

796.01.2 Definitions. The following words shall have the following meanings:

796.01.2.1. "Knife or knives" are any cutting instrument, tool, or object consisting of a sharp blade, cutting edge, or sharpened point which may be attached to a handle in a fixed, folding, or moving position.

796.01.2.2. "Paintball gun" is a device designed and manufactured to propel, by air, gas, or spring, an encapsulated gelatin ball or other projectile containing paint, water-soluble dye, or other marking liquid or any solid projectile.

796.01.2.3. "School property" is defined as being:

796.01.2.3.1. A public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school;

796.01.2.3.2. A child care center licensed under M.S. Chapter 245A during the period children are present and participating in a child care program;

796.01.2.3.3. The area within a school bus when that bus is being used by a school to transport one or more elementary, middle, or secondary school students to and from school-related activities, including curricular, co-curricular, non-curricular, extracurricular, and supplementary activities; or,

796.01.2.3.4. That portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school-related use.

(Ord. 2005-08, passed 4-4-05)

796.02 Offense.

796.02.1 Offense. A person violates this section if they knowingly possess a knife or paintball gun on school property contrary to the provisions of this section.

(Ord. 2005-08, passed 4-4-05)

796.03 Exceptions.

796.03.1 Exceptions. This section shall not apply to the following:

796.03.1.1. Licensed peace officers, military personnel, or students participating in military training, who are on-duty, performing official duties;

796.03.1.2. City or school district employees performing official duties;

796.03.1.3. A gun or knife show held on school property;

796.03.1.4. Persons with written permission of the principal or other person having general control and supervision of the school or the director of a child care center;

796.03.1.5. Persons possessing and using knives and/or paintball guns in connection with a lawful and sanctioned school activity; or

796.03.1.6. Persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

796.03.1.7. The knowing possession of following shall not be considered a violation of this section:

796.03.1.7.1. Fingernail clippers or manicuring tools; and,

796.03.1.7.2. Scissors.

(Ord. 2005-08, passed 4-4-05)

796.04 Posting.

796.04.1 Posting. Signage will be posted on school property advising that the possession of knives or paintball guns are prohibited on school property by this section.

(Ord. 2005-08, passed 4-4-05)

796.05 Penalties.

796.05.1 Ordinance violation. Person convicted of this section is guilty of a petty misdemeanor ordinance violation.

796.05.2 Penalty. A person convicted of violating this section is subject to the maximum statutory petty misdemeanor fine together with the appropriate surcharge and library fee. Or other fine as recommended by the City Council from time to time in adopting by resolution a recommended fine schedule for single and multiple occurrence offenses of the Hermantown City Code.

(Ord. 2005-08, passed 4-4-05)

796.06 Miscellaneous.

796.06.1 Severability. If any section, subsection, sentence, clause or phrase of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have adopted the section and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

(Ord. 2005-08, passed 4-4-05)

📖 **Section 797 – Panhandling**

797.01. No person shall in a public place, or a place of business, and while there solicit contributions of money, or goods, or services to be used for the pecuniary gain or support of the solicitor or another.

797.02 The provisions of this Section do not apply to a person representing a bona fide charitable organization.

797.03 No person while soliciting such contributions shall continue to seek contributions from a person who has expressed a desire not to contribute.

797.04 Funds found on such person in violation of this Section may be seized by law enforcement and subject to forfeiture.

797.05 Penalties.

797.05.1 Ordinance violation. A person convicted of this section is guilty of a misdemeanor ordinance violation.

797.05.2 Penalty. A person convicted of violating this section is subject to a fine as determined by the Fine Schedule for Single and Multiple Occurrence Offenses of the City of Hermantown Code of Ordinances and Title 2 of the Hermantown City Code together with the appropriate Court surcharge and library fee.

(Am. Ord. 2013-07, passed 9-16-13)

📖 **Section 798 – Disorderly Conduct**

798.01 Acts Constituting Disorderly Conduct. No person shall do any of the following:

798.01.1 Commit or suffer to be committed in any apartment or other dwelling owned, occupied or controlled by him, any rioting, quarreling, fighting, reveling, shouting, loud music or electronically amplified noise, or disorderly conduct which disturbs or annoys another person in a neighboring apartment or other dwelling, or in a neighboring building, or lawfully in the vicinity of said neighboring dwelling or building;

798.01.2 No person within any public or private place shall take part in or incite or encourage any brawling, shouting, dancing, or noise production, which unreasonably disturbs others lawfully in the vicinity;

798.01.3 No person within any public or private place shall commit or attempt to commit an assault or battery, nor shall any person encourage or incite or assist another to commit an assault or battery;

798.01.4 No person shall engage in offensive, obscene or abusive language, or in boisterous or noisy conduct tending reasonably to arouse alarm, anger or resentment in another.

798.02 Penalties.

798.02.1 Ordinance violation. A person convicted of this section is guilty of a misdemeanor ordinance violation.

798.02.2 Penalty. A person convicted of violating this section is subject to a fine as determined by the Fine Schedule for Single and Multiple Occurrence Offenses of the City of Hermantown Code of Ordinances and Title 2 of the Hermantown City Code together with the appropriate Court surcharge and library fee.

(Am. Ord. 2013-08, passed 9-16-13)

📖 Section 799 – Designated Predatory Offender Residency Restrictions

799.01 Purpose and Intent. The City of Hermantown intends to serve the city’s compelling interest to promote, protect and improve the health, safety, and welfare of Hermantown citizens under this Section. It is the express intent of the City Council to further that interest by: creating areas around locations where children regularly congregate in concentrated numbers, within which certain predatory offenders are prohibited from establishing temporary or permanent residence.

799.02 Findings. The City Council finds that repeat predatory offenders present a real threat to the public safety and especially to that of children. Certain predatory offenders are likely to use physical violence and present a high risk to repeat their offenses, and most such predatory offenders have committed many more offenses and have many more victims than are ever reported and prosecuted. This makes dealing with the danger posed to the public safety and especially that of children by those certain predatory offenders extremely important.

799.03 Definitions. For purposes of this section the following definitions will apply unless the context or intent clearly requires a different meaning:

799.03.01 “Designated predatory offender” is any person who is required to register as a predatory offender under Minnesota Statutes 243.166 and who has been categorized as a Level III predatory offender under Minnesota Statutes 244.052, Subd. 3, a successor statute, or a similar statute from another state, in which that person’s risk assessment indicates a high risk of

re-offense, and who has been convicted of or pled guilty to a predatory offense involving a minor.

799.03.2 “Permanent residence” is a place where a person abides, lodges, or resides for 14 or more consecutive days.

799.03.3 “Temporary residence” is a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person’s permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person’s permanent residence.

799.03.4 “School” is a public or nonpublic preschool, elementary or secondary school.

799.03.5 “Licensed child care center” is a group child care center currently licensed by the St. Louis County, Minnesota, public health and human services department.

799.03.6 “Public park/playground” is a city-owned, improved outdoor area designed, equipped, and set aside for children’s play and includes in that area such facilities as play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation and related structures.

799.04 Prohibited Acts.

799.04.1 Prohibited location of residence. It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2,000 feet of any of the following:

799.04.1.1 School;

799.04.1.2 Licensed child care center;

799.04.1.3 Public park/playground.

799.04.2 Measurement of distance. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of the properties listed in Section 799.04.1 above.

799.04.3 Exceptions. This Section does not apply under the following circumstances:

799.04.3.1 The designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes 243.166 and 243.167, or a successor statute, prior to the date of enactment of this ordinance;

799.04.3.2 The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult;

799.04.3.3 The designated predatory offender is a minor;

799.04.3.4 The designated predatory offender has demonstrated they no longer pose the same degree of risk to the community and have been granted a risk level reduction by the End of Confinement Review Committee, pursuant to Minnesota Statutes 244.052, Subd. 3 (i);

799.04.3.5 The schools, licensed child care center or public playground within 2,000 feet of the person's permanent residence was opened after the designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes 243.166 and 243.167, or a successor statute;

799.04.3.6 The residence is also the primary residence of the designated predatory offender's parent, grandparents, siblings or spouse, and was their residence prior to the date of enactment of the Ordinance;

799.04.3.7 The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to the date of enactment of the Ordinance.

799.05 Penalty. Any person who violates this section shall be punished according to the laws of the State of Minnesota. A violation of this Section shall constitute a misdemeanor. If the matter is not charged criminally or if there are extenuating circumstances warranting leniency, it may be treated as an administrative offense in the discretion of the prosecuting attorney, with a financial penalty commensurate with that of a petty misdemeanor as then provided by Minnesota Statute. Each day a person maintains a residence in violation of this ordinance constitutes a separate violation.

799.06 Severability. The provisions of this Section are severable and if any provision of this Section or application of any provision of this Section due to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Section shall not be affected thereby.

(Am. Ord. 2018-05, passed 8-13-18)