

500 General Regulations

501. Collection and Disposal of Solid Waste

501.01 Policy. It is the policy of the City of Detroit Lakes to provide its residents with a safe, reliable, and ecologically sound method of Solid Waste disposal at a reasonable cost.

501.02 Definitions. For the purpose of this Ordinance, the following definitions shall apply:

a. Bulky Waste. A large appliance, piece of furniture, or waste material from a source other than construction debris or hazardous waste with a weight or volume greater than appropriate or allowed for in waste containers. Bulky waste does not include tires, batteries, waste oil, or yard waste.

b. City. Means the City of Detroit Lakes, Minnesota.

c. Commercial. Any retail business, service establishment, office, wholesale business, and related warehouses and storage and apartment buildings.

d. Construction Debris. Waste building materials resulting from construction, remodeling, repair, or demolition operations.

e. Garbage. Any organic wastes normally produced from the handling and preparation of foods and decayed and spoiled food from any source.

f. Hazardous Waste. Waste designated as hazardous by the United States Environmental Protection Agency or appropriate state agency.

g. Industrial. Any business involved in manufacturing, assembling, packaging, fabricating, or processing.

h. Recyclables. Recyclable materials including aluminum cans, brown paper sacks, unbroken glass bottles and jars, news-papers, plastic bottles and jugs (No. 1 PET or No. 2 HDPE), and tin cans. Recyclables shall also include specifically defined items which may from time to time be designated by resolution of the City Council.

i. Recycling Center. A facility for depositing recyclable materials that complies with Becker County's approved Waste Management Plan.

j. Residential. All single family and two-family dwellings or buildings used for and as residences or dwelling places on a permanent or seasonal basis.

k. Rubbish. All inorganic materials such as cans, bottles, paper, ashes, sweepings, and other similar wastes.

l. Solid Waste. Discarded waste materials in a solid or semi-liquid state including, but not limited to, recyclables, garbage, rubbish, tires, batteries, yard wastes, bulky wastes, waste oil,

and construction debris.

m. Transfer Station. An approved waste disposal facility that complies with Becker County's approved Waste Management Plan.

n. Yard Waste. Organic plant materials collected from yards or gardens including leaves, grass clippings, vines, and stalks.

501.03 Prohibiting Collection. It shall be unlawful for any person, firm, or corporation to carry on the business of collecting or hauling garbage, rubbish, recyclables, or solid waste in the City of Detroit Lakes without first obtaining a license to do so.

501.04 Licensing of Collectors.

Subdivision 1. Application Process. Any person, firm, or corporation desiring to obtain a license to collect garbage, rubbish, recyclable materials, or solid waste in the City pursuant to Section 501.03 of this Ordinance shall make application to the City Administrator. The application shall, at a minimum, contain the following:

- a) The name and address of the applicant;
- b) If the applicant is a corporation, names and addresses of each Director and Officer and each stockholder of the corporation. If the applicant is a partnership or a joint venture, names and addresses of managing partners, general partners, management committees, and limited partners;
- c) A description of each piece of equipment to be used in the collection;
- d) A schedule of proposed pick-up dates;
- e) A list of rates to be charged for services;
- f) The place to which refuse is to be hauled;
- g) The manner in which refuse is to be hauled;
- h) A description of the type of container to be used to receive and contain refuse between collections;
- i) The location of the principal site from which applicant will conduct business, including address and legal description;
- j) Information concerning applicant's experience in the collection, hauling, and disposal of solid waste;
- k) List of date, name, and place, if any, where applicant has ever had a license revoked or rejected by municipal, state, or federal authority;
- l) List date and places, if any, where the applicant has been convicted for the violation of any law of the United States or of any state, or for the violation of any municipal ordinance; and
- m) Names and addresses of at least three business references with brief statement of the nature and extent of the business relations.

Each application shall be submitted to the City Administrator and will be forwarded to the City Council for their review. The Council has the authority to approve or reject any and all applications.

Subdivision 2. Insurance. Solid Waste Collectors shall obtain all insurance required herein. All such insurance contracts shall be maintained throughout the life of this license, and shall be so evidenced by insurance certificates filed with the City.

Insurance specified herein shall be minimum requirements, and the solid waste collector is responsible for providing any additional insurance deemed necessary to protect the solid waste collector's interest from other hazards or claims in excess of the minimum coverage. The liability of the solid waste collector to the City is not limited to the solid waste collector's insurance coverage.

The amounts of such insurances are as follows:

Description of Policy	Limits of Liability
Worker's Compensation	Statutory
Comprehensive General Liability including contractual:	
Bodily Injury	\$1,000,000 aggregate \$500,000 per occurrence
Broad Form Property Damage	\$500,000 per occurrence
Personal Injury	\$500,000 per occurrence
Automobile including owned, non-owned and hire vehicles:	
Bodily Injury/Property Damage	\$750,000 combined limit

Subdivision 4. License Fees. All license fees are payable in advance at the time of issuance of a license in accordance with Section 210.01 of the City Code.

501.05 Charges for Solid Waste Collection Services

Subdivision 1. Residential and Commercial Charges. Every licensed solid waste collector in the City of Detroit Lakes shall charge all of its customers for solid waste collection service based on the weight or volume of garbage and rubbish collected. Such volume based charge system to be approved by the City Council. Volume based fees shall be effective by March 1, 1992. Collectors of mixed solid waste shall not impose a greater charge on their customers who recycle than on those who do not recycle.

Subdivision 2. Miscellaneous Charges. A separate fee may be charged for bulky waste construction debris, yard waste, tires, batteries, and waste oil disposal. The user of such services shall be billed separately by the solid waste collector.

Subdivision 3. Report Fee Schedule to the City. Every licensed solid waste collector in the City of Detroit Lakes shall provide the City Administrator with a schedule of all its collection fees at least annually in January of each year and at any time there is a rate change.

501.06 Solid Waste Collection Required.

Subdivision 1. Prohibited Disposal. No person, corporation, business entity, or commercial

establishment shall bring solid waste into the City of Detroit Lakes for disposal.

Subdivision 2. Unauthorized Use Prohibited. No person shall dump or place solid waste in or by the garbage cans, dumpster, or other waste container without the permission of the owner, tenant, or other person who has control over the container.

Subdivision 3. Prohibited Deposit. No solid waste materials shall be deposited on any street, alley, or public place or upon any private property except in proper containers for collection. No person shall throw or deposit any solid waste in any stream, lake, or other body of water.

Subdivision 4. Contract Required. Every residential household or commercial establishment is required to contract with a licensed solid waste collector for solid waste collection service; however, upon approval by the Council, a residential household or commercial establishment may be exempt from the requirement to have solid waste collection service if the household or commercial establishment ensures that an environmentally safe alternative is used.

501.07 Containers.

Subdivision 1. Container Requirements. All solid waste must be presented for collection in properly closed refuse bags or refuse bags placed inside covered reusable containers. Containers shall be water tight and impervious to insects and rodents. Any apartment building, business, or commercial/industrial establishment may provide a bulk or box type container provided that such containers are maintained in a safe and sanitary condition.

Subdivision 2. Maintenance of Containers. Each container shall have a tight fitting cover and shall have two handles on opposite sides of the container. Whenever a container, from wear, tear, or otherwise, shall leak or if the can or cover is so damaged that the cover does not fit tightly, or if the container or cover has dangerously sharp or jagged edges, a new container shall be provided by the owner.

Subdivision 3. Containers for Recyclables. Recyclables shall be set out in recycling containers initially provided to each dwelling by the City of Detroit Lakes. Persons whose recycling container is lost, stolen, or destroyed or who desire additional containers shall be required to purchase said containers.

501.08 Anti-Scavenging Provision. All recyclable materials are private property. No person shall collect, carry off, or dispose of recyclable materials which are set out for collection in the recycling containers.

501.09 Separation of Solid Waste.

Subdivision 1. All persons, businesses, and commercial establishments in the City of Detroit Lakes are encouraged to separate their solid waste into the following categories:

1. Recyclables;
2. Garbage and rubbish;

3. Construction debris;**
4. Yard waste;**
5. Bulky waste;
6. Tires;
7. Batteries;
8. Waste oil; and
9. Household hazardous waste**

** Not allowed in County Transfer Station

Subdivision 2. All recyclables presented for collection must be in the following condition:

1. Aluminum must be free of dirt and liquid, but need not be crushed;
2. Tin cans must be rinsed, have paper labels removed, and be flattened, if possible;
3. Glass must have all metal or plastic lids and rings removed. Paper labels need not be removed and glass must not be broken. All colors of glass can be placed in a single container;
4. Newspapers must be kept dry and stored so as not to blow about; and
5. Plastics must have all lids and rings removed and need to be rinsed and flattened, if possible, and secured so as not to blow about.

501.10. Duties and Obligation of Licensed Collectors. A licensed collector of garbage, rubbish, recyclables, or solid waste operating in the City of Detroit Lakes must comply with the following operational requirements:

1. The licensee shall comply with all federal, state, county, and local laws and regulations.
2. To collect at least once weekly the refuse and garbage from all its residential and commercial customers.
3. To collect from its customers twice each month at least four types of recyclables set out for collection in the containers initially provided by the City to each residential unit. Recyclables to be collected include, but are not limited to, newspaper, glass, aluminum and tin cans, and plastic bottles and jugs (No. 1 PET or No. 2 HDPE).
4. To collect twice each month, from May 1 to November 1, the yard waste set out for collection by its customers.
5. To collect all residential solid waste made available to them, by their customers, at the curbside or in the alley behind the residences if such alley is available.
6. To collect and transport bulky wastes and to coordinate such special pickups with the customer.

7. To keep all equipment used in the performance of this contract in a clean and sanitary condition.

8. To use an enclosed truck or trailer for solid waste collection.

9. To dispose of garbage and rubbish at the transfer station and to transport recyclable materials to a recycling center.

10. Solid waste collectors shall not landfill or incinerate any recyclable materials or deliver such materials to any person or business for the purposes of landfilling or incinerating said material.

11. To comply with all environmental, hazardous waste, and waste disposal laws of the local, state, and federal governments and shall hold the City harmless from any and all claims and actions arising out of the violation of any of those rules and regulations and from any costs involved in the defense of any civil or criminal claims.

12. To notify each customer in writing at least once per year of the proper placement of refuse, recyclables, and yard waste for collection.

13. To notify customers in writing of any rate changes.

14. To submit an annual report to the City that identifies separately the weight, in tons, of refuse, recyclables, yard waste, and special pick-up materials that were collected by the licensee from Detroit Lakes sources. The report shall also identify the weight of each type of collected recyclable derived via actual weighing of each individual material or through the application of recyclable waste stream percentages acceptable to Becker County. The report shall distinguish residential collection tonnage from commercial/industrial tonnage and shall also include a brief description of the methodology used in computing the reported weights. The City reserves the right to request additional relevant information from the licensee as deemed necessary in order to plan for and evaluate its waste disposal system.

15. To report fee schedule to the City annually in January and at any time there is a rate change.

501.11 Dates and Times of Solid Waste Recyclable Collection.

All solid waste, and recyclables shall be set at curbside or other location agreed to between customer and the solid waste collector on the times and dates agreed to between the customer and solid waste collector. All reusable containers must be removed from the curbside as soon as possible after pick up.

501.12 Required Destination of Solid Waste and Recyclables.

Subdivision 1. All garbage and rubbish collected and picked up within the City of Detroit Lakes shall be hauled and transported to the Transfer Station.

Subdivision 2. All recyclables collected and picked up in the City of Detroit Lakes shall be transported to a Recycling Center. Recyclables shall not be landfilled or incinerated or given

to another person for the purpose of landfilling or incinerating.

Subdivision 3. Yard waste only may be taken to the compost site as designated from time to time by action of the Becker County Board of Commissioners or the City. No plastic bags or other containers shall be deposited at the compost site and no other solid waste shall be dumped or disposed of at said site. In addition the City may establish special collection dates for the collection of leaves and brush in the spring and fall of the year.

Subdivision 4. All other solid waste such as bulky waste, construction debris, batteries, tires, and waste oil shall be disposed of by the contractor or individuals in deposit sites approved by the City of Detroit Lakes, Becker County, the State of Minnesota and/or the Federal Government. Hazardous wastes shall also be properly disposed of in accordance with all applicable laws.

501.13 Penalties for Violation of Ordinance.

Subdivision 1. Any violation of the provisions of this Ordinance shall constitute a misdemeanor.

Subdivision 2. Each day on which such violation continues shall constitute a separate offense.

501.14 Provisions Severable. The provisions, sections, and subdivisions of this Ordinance are severable, and in the event that the court shall find any section or part thereof to be invalid for any reason, such finding shall not affect any other section or part thereof.

501.15 Effective Date. This Ordinance shall become effective on January 1, 1992.
Amended: 11/05/91 Ord. 68

502. Dogs and Cats

502.01 License Required. No person shall own, keep, harbor any dog or cat over the age of three months within the city unless a license has first been secured. Licenses shall be issued by the city administrator for a fee as set forth in Section 210. Each person owning, keeping or harboring a dog or cat shall pay the license fee imposed to the city administrator on or before the first day in January in each year, upon acquiring ownership or possession of any unlicensed dog or cat. Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog or cat to be licensed has been given a vaccination against rabies within a period of one year preceding the application for license.

502.02 Receipts. Upon payment of the license fee, the city administrator shall execute a receipt in duplicate, the original of which shall be delivered to the person who pays the fee, and the duplicate retained in the records of the city.

502.03 Tags. The city administrator shall also procure a sufficient number of suitable metallic tags, the shape of which shall be different for each license year, and he shall deliver one appropriate tag to the owner when the fee is paid. The owner shall cause the tag to be affixed by a permanent metal fastener to the collar of the dog or cat.

502.04 Running at Large.

Subdivision 1. Prohibited. No person who owns, keeps, or harbors any dog or cat, whether licensed or not, shall permit or allow the dog or cat to run at large.

Subd. 2. Leash. The provisions of Subdivision 1 shall not prohibit the appearance of any dog or cat upon the streets, public places, or public property of the city when the dog or cat is on a leash and is kept under the control of an accompanying person.

Subd. 3. Beach. No dog or cat running at large or on a leash shall be permitted or allowed upon the city beaches.

502.05 Enforcement. Any dog or cat not licensed as required by 502.01, or any dog or cat in violation of 502.04 may be impounded pursuant to 502.07.

502.06 Dog Pound and Dog Catcher. The council shall, from time to time, designate a place as city dog pound where suitable arrangements are made for keeping and maintaining any dogs or cats which may be seized or taken into custody by any officer of the city, pursuant to this chapter. The council shall, from time to time, appoint an official dog catcher and poundmaster, who shall have the authority of a police officer of the city insofar as necessary or proper in the enforcement of this chapter. Such dog catcher and poundmaster shall subscribe an oath and give each bond as the council may determine. They shall have such compensation as the council shall determine.

502.07 Impounding.

Subdivision 1. Procedure. The animal control personal or the police officers of the

city may impound any dog or cat found without the license tag required by 502.03, any dog or cat harbored or kept in violation of this code, and any dog or cat running at large or otherwise in violation of 502.04. Any dog or cat impounded shall be immediately delivered to the pound master, and the Public Works Department shall be notified immediately. The Public Works Department shall give written notice of the impounding to the owner of the dog or cat, or if the owner is unknown or cannot be found, he shall post notice of the impounding in one or more conspicuous places in the city. The notice shall describe the dog or cat by sex, color, and breed, and shall include a statement that if the dog or cat is not redeemed on or before a specified date, which shall be not less than five business days after giving notice, except in the case of a feral cat (a cat which exhibits behavior indicating fear and/or aggressiveness towards humans and does not show signs of having received domestic care from humans recently) which shall be for three days, the dog or cat will be destroyed or otherwise disposed of.

Subdivision 2. Redemption. Any impounded dog or cat may be redeemed by the owner by the date specified pursuant to Subdivision 1 by paying an impound fee as set forth in Section 210, plus the daily boarding charge for each day. No unlicensed dog or cat shall be released by the pound master unless a license is first procured. A rabid dog or cat may not be redeemed but shall be destroyed immediately.

Subdivision 3. Disposal. Any impounded dog or cat not redeemed by the date specified pursuant to Subdivision 1 may be sold. Any impounded dog or cat not redeemed or sold shall be humanly disposed of by the pound master. Amended 1/12/2010 Ord. NO. 339

502.08 Bites. Whenever any person owning, possessing, or harboring any dog or cat shall learn that the dog or cat has bitten any human being, the person shall immediately impound said dog or cat in a place of confinement where it cannot escape or have access to any human being or other animal, and shall also immediately notify the chief of police. Whenever the chief of police shall learn that any human being has been bitten by any dog or cat he shall ascertain the identity of such dog or cat, and the person owning, possessing, or harboring it, and shall immediately direct the person to forthwith confine the dog or cat. Any dog or cat so confined shall be kept continuously so confined for a period of fourteen days from the day the dog or cat bit a human being. The chief of police shall cause the confined dog or cat to be periodically inspected for rabies by a qualified person. If the dog or cat is found to be rabid, it shall be immediately destroyed.

502.09 Muzzling. If the mayor determines that such action is necessary to protect the public health and safety because of the prevalence of rabies, the mayor may issue a proclamation ordering every person owning, keeping, or harboring a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. Every person owning, keeping, or harboring a dog shall comply with the proclamation. Any dog off the owner's premises may be summarily destroyed by the dog catcher or police officers, during the period of time fixed in the proclamation.

502.10 Potentially Dangerous and Dangerous Dogs

Subdivision 1. Definitions. The City of Detroit Lakes hereby adopts by reference the definitions provided in Minn. Stat. 347.50 as now in effect or as may be hereafter amended.

Subdivision 2. Dangerous Dogs. The Owner of a dangerous dog must comply with the requirements of Min. Stat. 347.50 through 347.54 as now in effect or as may be hereafter amended.

Subdivision 3. Procedure For Designating A Dog As Potentially Dangerous Or Dangerous.

- A. Authorized Personnel. "Authorized personnel" as used in this section, shall mean a Detroit Lakes Animal Control Officer or the Chief of Police (or designee).
- B. Authority. Authorized Personnel shall have the authority based upon their professional judgment to designate a dog as potentially dangerous or dangerous as defined in state law or in this section.
- C. Notice of Designation. Upon a designation by Authorized Personnel that a dog is potentially dangerous or dangerous, the city shall provide notice of the designation to the dog's Owner by serving a designation notice upon the Owner in the same manner as provided for service of civil process or by certified mail with return receipt requested. Mailed notice shall be effective two days after mailing to the Owner's last known address. The designation notice shall include the following:
 - 1. A description of the dog designated as potentially dangerous or dangerous;
 - 2. The factual basis for that determination;
 - 3. The name of the Authorized Personnel making the determination;
 - 4. Notice of requirement for registration within 14 days;
 - 5. Notice of right to appeal.
- D. Immediate compliance with state law. Upon notification that a dog has been designated as dangerous or potentially dangerous, the dog's Owner must comply with state law requirements for muzzling and confining it in an enclosure.

Subdivision 4. Appeal. The Owner of the dog may appeal the designation by a written appeal statement received at the office of the City Administrator within ten (10) day after the designation notice is served upon the Owner. The appeal statement must include a summary statement as to why the dog should not be declared potentially dangerous or dangerous as the case may be.

- A. Hearing. The City Administrator shall hold a hearing within Fourteen (14) days after receipt of the appeal statement. Within Ten (10) business days after conclusion of the hearing, the City Administrator shall make written findings of fact and a written decision as to whether the dog is potentially dangerous or dangerous pursuant to this code.
- B. Findings. The City Administrator's findings and decision must be served upon the dog's Owner in the same manner as the designation notice provided above. Notice of the decision is effective upon delivery or mailing.
- C. Court appeal. The decision of the City Administrator is final but may be appealed by a writ of certiorari to the district court within 30 days after notice of the decision.

- D. Compliance. If the City Administrator upholds the designation made by Authorized Personnel, the dog's Owner must comply with requirements of state law and this ordinance.

Subdivision 5. Designation

A. Any dog inside the Detroit Lakes city limits may be designated as a potentially dangerous dog if the dog:

1. When unprovoked inflicted bites on a human or domestic animal on public or private property;
2. 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
3. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

B. Any dog within the Detroit Lakes city limits may be designated as a dangerous dog if the dog has:

1. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
2. Killed a domestic animal without provocation while off the owner's property;
3. 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.

Subdivision 6. Registration Requirements:

No potentially dangerous dog or dangerous dog shall be kept in the City of Detroit Lakes unless the owner, at his or her own cost, has implanted a microchip in the dog, containing the owners address and home telephone number, work telephone number, and cell phone number, if applicable, and a back up contact name and telephone number and chip identification number and has completed an application to register the dog as a potentially dangerous or a dangerous dog and submitted said application to the Detroit Lakes Street & Park Department. In addition, the owner shall be required to post a sign, satisfactory to the Chief of Police or Animal Control Officer, at owner's residence notifying the public of the presence of a dangerous or potentially dangerous dog.

Subdivision 7. Application Contents.

A. The application to register the dog, as a potentially dangerous dog shall include the following:

1. The owner's address and home, work and cell phone telephone number and the implanted microchip identification number, as well as a back up contact person and number;

2. Proof of continuing liability insurance in a single incident amount of three hundred thousand dollars (\$300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons, which may result from the ownership, keeping, or maintenance of dogs designated as potentially dangerous;
3. Proof that said dog has been sterilized and has current vaccinations; and
4. A yearly registration fee of two hundred dollars (\$200.00).

B. The application to register the dog, as a dangerous dog shall include the following:

1. The owner's address and home, work and cell phone telephone number and the implanted microchip identification number, as well as a back up contact person and number;
2. Proof of continuing liability insurance in a single incident amount of three hundred thousand dollars (\$300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping, or maintenance of dogs designated as dangerous;
3. Proof that said dog has been sterilized and has current vaccinations; and
4. A yearly registration fee of five hundred dollars (\$500.00).

Subdivision 8. Yearly Registration Requirement.

All dogs designated as potentially dangerous dogs or dangerous dogs shall file a new application each year with an accompanying registration fee.

Subdivision 9. Additional Requirements for Dangerous Dogs.

In addition to filing a yearly application to register a dangerous dog and paying the accompanying yearly registration fee of five hundred dollars (\$500.00), the owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside an enclosure, the dog must be securely muzzled and restrained by a chain or leash and under the physical restraint of a competent adult. The owner of a dangerous dog shall also comply with the requirements of Minnesota statute 347.52 including the statute's sterilization requirements.

Subdivision 10. Potentially Dangerous And Dangerous Dogs Brought Into The City.

Any dog designated as potentially dangerous or dangerous by another jurisdiction must be registered within twenty four (24) hours of being brought into the city limits of the City of Detroit Lakes. Such registration shall be with the Detroit Lakes Street & Park Department. A dog declared potentially dangerous by another jurisdiction may be brought into the city limits of Detroit Lakes for up to a fourteen (14) day period after notifying the Detroit Lakes Street & Park Department of: the dog's breed, location where the animal will be kept, microchip number, owner contact information, and length of stay.

Subdivision 11. Penalties.

A. It shall be a misdemeanor offense to:

1. Be an owner, or be in possession of a potentially dangerous dog in violation of the registration requirements set forth in this section;
 2. Allow a dangerous dog to “run at large”. A dog designated as potentially dangerous must be leashed and be under the control of a competent adult at all times when off the owner’s property.
- B. Dogs in violation of registration requirements will be impounded immediately by the Animal Control Officer and held until brought into compliance, if found running at large, or if in custody on a rabies hold. If a dog is not brought into compliance within fourteen (14) days of notification by the Detroit Lakes Street & Park Department of its designation as a potentially dangerous dog, the dog will be impounded and held until brought into compliance with this section. If not brought into compliance within five (5) working days after impoundment, the dog may be euthanized. The owner of said dog is responsible for boarding and expenses associated with this process.

(Adopted: 11/14/06, Ord. No. 301)

503A. Animals

503A.01 Purpose. The purpose of this ordinance is to protect the public health, safety, and welfare arising from the keeping or escape of farm animals, poultry and non-domesticated animals, animal bites or disease transmission;

503A.02 Definitions. For the purpose of this Chapter, the terms defined shall have the following meaning:

Subdivision 1. "Farm Animals" means cattle, buffalo, horses, mules, sheep, goats, swine, ponies, llamas, mink, honey bees, and other animals that are typically or customarily kept for purposes of agriculture and farm animal husbandry;

Subd. 2. "Poultry" means chickens, ducks, geese, pigeons, guinea hens, turkeys, emus and ostriches;

Subd. 3. "Non-Domestic Animals" means any wild animal, reptile or fowl which is not naturally tame or gentle but is of a wild- nature or disposition or which because of its size, vicious nature, or other characteristics would constitute a danger to human health, safety or property, including but not limited to the following:

1. Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies;
2. Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;
3. Any member of the family Canidae, such as wolves, foxes, coyotes, dingos and jackals, except domesticated dogs;
4. Any crossbreed such as the crossbreeds between dogs and coyotes and coyotes or dogs and wolves but does not include crossbred domesticated animals;
5. Any poisonous snake, such as a rattle snake, coral snake, water moccasin, puff adder, cobra;
6. Any boa constrictor or snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings;
7. Any raccoon, ferret, mink or weasel;
8. Any bear, ape, gorilla, monkey or badger;
9. Any other animal or reptile which is not listed explicitly above but which can be reasonably defined in this section;

Subd. 4. "Open District" means an outlying area which is zoned "R-A" and where there are not more than three churches, businesses or residences other than that occupied by

the owner or occupant of the premises within 500 feet of the structure housing or encircling the animal or animals to which Chapter 503 applies.

503A.03 Keeping. It is unlawful for any person to keep, maintain, or harbor within the City of Detroit Lakes any of the following animals;

- A. Any animals or species prohibited by Minnesota Statute or Federal Law;
- B. Any farm animals or poultry except in an open district as defined in Chapter 503A.02 (Subdivision 4);
- C. More than two dogs, two cats, two rabbits or two guinea pigs more than four months old;
- D. Any non-domesticated animals or species as defined in Chapter 503A.02 (Subdivision 3);

503A.04 Exceptions. The following are exempt from this Ordinance:

- A. Small non-poisonous snakes, birds kept indoors, hamsters, mice, rabbits, lizards and similar small animals capable of being kept in cages continuously;
- B. Monkeys kept by handicapped persons as personal helpers;
- C. Animals kept by volunteers for a public zoo, teachers, or otherwise any bona-fide research institution or veterinary hospital provided such animals are safely kept and do not create a nuisance.
- D. Farm animals and poultry allowed by a permit issued by the Building Inspector. No permit shall be issued if a nuisance will be created. A permit may be issued under this section only where the animals were lawfully kept in an open area without a permit and subsequently an additional business, church or residence was constructed within five hundred feet. Permit shall be for one year, and may not be renewed without reinspection. Every such stable or other building occupied by authority of a special permit shall, if located within two hundred feet of any apartment house, retail food store, hotel, restaurant, boarding house, building used for school, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept, be provided with a water-tight and fly-tight receptacle for manure, of such dimension as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. The receptacle shall be kept securely covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle.
- E. More than two dogs, two cats, two rabbits or two guinea pigs more than 4 months old allowed by special permit approved by the City Council. A permit may be issued only if proper and sanitary shelter is provided. The site must be re-inspected annually by the Building Official. No permit shall be issued if a nuisance will be created. Permits shall be for one year unless renewed.

NOTE: It is the Council's intent to limit pets to two dogs, two cats, two rabbits or two guinea pigs and to allow more than two such pets only under special circumstances and only when there is proper shelter and no nuisance is created. Adopted: 8/5/97 Ord. No. 158

503A.05 Construction. Every stable or other building wherein any animal listed in Chapter 503A. is kept, shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times. The Building Inspector may, in order to avoid a nuisance, require that any such building be screened tightly against flies, and/or that it be provided with running water, drain sewer connections, flooring impervious to water, and that such other measures be taken as may be necessary to insure proper protection to public health and safety.

503A.06 Restrictions. No chicken coop, dove cote, dog kennel, rabbit warren, or other yard or establishment where animals or poultry are kept shall be maintained closer than forty feet to any tenement or apartment house, hotel, restaurant, boarding house, retail foot store, building used for school, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept.

503A.07 Sanitation. All structures, pens, coops, or yards in which animals or poultry are kept or permitted shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The interior walls, ceilings, floors, partitions, appurtenances of all such structures shall be whitewashed or painted annually or oftener as the Building Inspector shall direct. The Building Inspector, upon the complaint of any individual, shall inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this chapter.

503A.08 Animals at Large. No person shall stake or herd any horse, cow or other animal upon any street, alley, or public grounds of the City. No person shall fasten any animal to a light or utility pole, parking meter, or other fixture attached to a street or sidewalk. No person shall permit any horse, mule, donkey, pony, cow, sheep, goat, swine, rabbit, chicken, goose, duck, turkey or other animal of which he is the owner to be off the premises owned or rented by the animal's owner, unless accompanied by the owner or his agent or employee.

503A.09 Manure. No manure shall be dumped or left on any street, alley, sidewalk, nor on any open area or lot.

503A.10 Cruelty. No person shall inhumanly, unnecessarily, or cruelly beat, injure, or abuse any animal in any way.

503A.11 Slaughter. No person shall slaughter any animals within the City.

503A.12 Selling Prohibited. No person shall offer for sale within the city limits any non-domesticated animal prohibited by chapter 503A.03 of the City Code.

503A.13 Penalties.

Subdivision 1. Violations of this Ordinance shall constitute a misdemeanor. Any person found guilty of violating any of the provisions of this Ordinance shall be subject to punishment of a misdemeanor in accordance with the laws of the State of Minnesota pertaining to the punishment allowed for violation of misdemeanors. Each day of non-compliance with this Ordinance shall constitute a separate offense.

Subd. 2. Impounding Of Non-Domestic Animals

In addition to criminal penalties, any non-domestic animal kept in violation of this Ordinance may be impounded by the City, unless such impounded animal is reclaimed and removed from the City, or unless the owner petitions the District Court for a determination that the animal is exempt from the provisions of this Ordinance, the animal may be destroyed or sold five (5) days following notice to the owner of such animal of its impoundment and the provisions of this Ordinance. Any person reclaiming any such impounded animal shall pay the costs of impounding and keeping the same prior to the animal's release.

503A.14 Existing Non-Domesticated Animals. This ordinance shall be not enforced until 30 days after its effective date as to any violation of Section 503A.03 (A.), (B.) or (D) that is existing at the time of the effective date of this ordinance.

503A.15 Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. Adopted: 5/20/97 Ord. No. 154

504. Curfew

504.01 Curfew Imposed.

Subdivision 1. Age and Time. No person under the age of sixteen years, except as provided in Subd. 2, shall be on any public street or alley or in any park or other public grounds or building, place of amusement, entertainment or refreshment, vacant lot, or any other unsupervised place between the hours of 9:30 P.M. and 6:00 A.M. during the months of September through May, inclusive; and 10:00 P.M. and 6:00 A.M. during the months of June, July and August.

Subd. 2. Exceptions. The restrictions of Subdivision 1 do not apply when the minor:

(1) Is accompanied by the minor's parents, guardian, or other person having the minor's lawful care, custody or control; or

(2) Is returning home by a direct route from and within thirty minutes after a school activity or an activity of a religious or other voluntary association when prior notice of the activity and its place and probable time of termination has been given to the police department by an adult person authorized by the school or religious or voluntary association to do so; or

(3) Is carrying a certified card of employment and is on his way to or from his place of employment; or

(4) Is upon an emergency errand or other legitimate business directed by the minor's parent, guardian, or other adult having the lawful custody of the minor.

504.02 Responsibility of Parent. No parent, guardian, or other adult having custody and control of a minor under sixteen years of age shall knowingly permit the minor to violate the provisions of 504.01.

504.03 Enforcement. Any person under sixteen years of age on a street or other place in violation of 504.01 shall be ordered to go home immediately. After investigation, if the responsible city authorities determine that court action should be initiated, the minor shall be dealt with in accordance with juvenile court law and procedure. Any such minor who is convicted of a violation of this chapter after the case has been referred for prosecution in the trial court under M. S. 260.15 shall be punished in accordance with this code.

505. Noise

505.01 Definition. "Noise Disturbance" means noise or sound of any nature that unreasonably disturbs the peace, quiet or repose of any person.

505.02 Violations.

Subdivision 1. Causing Noise Disturbance. No person or entity shall participate in any action, event, party, or gathering which creates a noise disturbance. No person or entity shall cause a noise disturbance.

Subd. 2. Attending A Noise Disturbance. No person shall remain at, in, or upon any premises, structure, or other location at which any event, party or gathering creates a noise disturbance.

Subd. 3. Noise Disturbance Violation by Property Owner or Lessor. If three violations of this ordinance occur at or in the same property or structure within a six-month period, the City Administrator's Office or Police Department may provide written notice of such violations to the property's owner, or to a lessor of rental property. During the 12 months after sending such notice, any subsequent violation of this ordinance at, in or on that property shall also be a violation by the owner, or by the lessor. Notice under this section is sufficient if sent by certified mail to an owner, or to a lessor or the lessor's local property manager defined in City Code Chapter 612, at their respective address shown in the records of the City. Notice is effective upon mailing.

Subd. 4. Motor Vehicles. No person shall operate, or permit operation of, a sound system in or on a vehicle so that the sound system is audible within 20 feet of the vehicle. This does not include the vehicle horn when used as a warning device.

Subd. 5. Sound Systems on Public Property. No person shall operate, or permit operation of, a radio, sound system, public address system, loudspeaker or other noise amplifier on public property if the sound produced by the same is audible in excess of 50 feet of the speakers producing the sound.

505.03 Community Event Exception. A noise disturbance occurring due to a festival or community event conducted pursuant to a Permit granted by the City, or under a Contract with the City, is not a violation of this Ordinance so long as such activity or event complies with the terms and conditions of the Permit or Contract. Amended: 3/7/06 Ord. 284

505.031 Liquor Business Exception. A business licensed to sell liquor at on-sale may exceed noise limits of this chapter as provided in this section after first obtaining the Noise Permit provided in this section.

Subd. 1. Definitions. The following terms have the following definitions for the purpose of this section.

- (a) Noise, means sound exceeding the limits of the City Code.
- (b) Noise Permit, means a Liquor Business Noise Permit issued by the City Council that authorizes a business licensed to sell liquor at on-sale to exceed the sound limits of this chapter.
- (c) Permit Holder, means a person or entity to whom a Noise Permit is issued.
- (d) Premises, means the specific described location to which a Noise Permit applies.

Subd. 1. Application for Noise Permit. Each applicant for a Noise Permit shall file a written application with the City Administrator on a form prescribed by the Administrator for submission to the City Council for approval or denial. The application shall describe the Premises where, the day or days when, and the hour or hours during which the applicant proposes to exceed the noise limits provided by this chapter. The application shall include such further pertinent information as the Council may deem appropriate to

enable it to carry out the provisions of this chapter. The application must be accompanied by payment of the Noise Permit fee established by Council resolution.

Subd. 2. Issuance of Noise Permit: The Council shall not deny a Noise Permit for any specific time, location or use, to an applicant who complies with the provisions of this chapter except for one or more of the reasons specified below or unless the applicant or premises has previously been in violation of the City Code. A civil or criminal conviction is not required to establish the occurrence a prior City Code violation.

Subd. 3. Terms. Each Noise Permit issued pursuant to this section shall describe the Premises at which Noise may be produced, the period of time during which the Noise may be produced, the maximum distance at which the Noise from the Premises can be heard, and such other terms and conditions as may be necessary for the proper enforcement of this chapter.

Subd. 4. Days and Times. A Noise Permit under this section shall apply only from 10:00 a.m. to 12:00 a.m. on the following days:

- (a) Fridays and Saturdays of the weekends between Memorial Day and Labor Day;
- (b) Two days preceding the 4th of July, the 4th of July and the two days after the 4th of July; and
- (c) the Friday, Saturday and Sunday immediately preceding the Memorial Day and Labor Day holidays.

Amended: 01/12/10; Ord. No. 340, Sec 505.031 Subd. 4 (b)

Subd. 5. Special Restrictions. No person shall receive a Noise Permit or otherwise exercise rights purportedly granted by such Permit:

- (a) At any Premises within 500 feet of a school, courthouse or place of worship during the hours of school, court or worship, respectively;
- (b) At any Premises where the Council upon investigation determines that the conditions of vehicular or pedestrian traffic or both are such that production of Noise will constitute a threat to the safety of pedestrians or vehicular operators;
- (c) In any Premises location where the Council upon investigation determines that conditions are such that the production of Noise will deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of any public street, park or place for street, park or other public purposes, or will constitute a threat to the safety of pedestrians or vehicle operators;
- (d) For production of Noise between the hours of 12:00 a.m. and 10:00 a.m.; or,
- (e) Where the volume of sound proposed to be produced will be clearly audible for a distance in excess of 500 feet from the location at which the Noise is produced.

Subd. 6. Waiver. The Council may waive the restrictions provided in this section on a case by case basis if the Council determines that:

- (a) the applicant's proposed Noise is in conjunction with a City celebration, festival, or other neighborhood or community event; and
- (b) the applicant's proposed Noise will promote the public's use and enjoyment of any public street, park, or any other public place where the public will gather to observe or participate in the City celebration, festival, or other neighborhood or community event.

Subd. 7. Possession and Display of Noise Permit. The Permit Holder shall keep the Permit on display at all times at the location where Noise is being produced under the authority of the Noise Permit, and shall produce and present the Permit upon request of a law enforcement officer.

Subd. 8. Violations and Enforcement

- (a) Criminal Penalties: Violation of any provision of this chapter is a misdemeanor. In all cases, the City shall be entitled to collect the costs of prosecution to the extent permitted by law, rules of criminal procedure, and rules of court.
- (b) Separate Offense: Each act of violation and each day a violation occurs or continues constitutes a separate offense.
- (c) Civil Remedies: This chapter may also be enforced by injunction, action for abatement, or other appropriate civil remedy.

Subd. 9. No Property Right. A Noise Permit is not transferable and a Permit Holder shall have no property right in a Noise Permit. Each Noise Permit issued by the City is issued on the specific condition that the City Council retains the right to revise, or add restrictions to, any Noise Permit for cause any time during the term of the Permit. The Council further retains the right to make future changes to the City Code that immediately apply to existing Noise Permits. Any modification to an existing Noise Permit shall occur only after the Council conducts a hearing to consider the modification. Written notice of the modification hearing shall be sent to the Permit Holder by first class mail not less than seven days prior to the hearing.

Subd. 10. Variances.

- (a) The City Council may grant a variance from the strict application of any section of this article where such variances do not deter from the basic intent and purpose of this article. Any person seeking a variance shall file an application with the City Administrator on a form prescribed by the City. Information to be supplied in the application shall include, but not be limited to, the following information:
 - (1) Statement of the dates and times during which the noise is proposed.
 - (2) The location of the noise source.
 - (3) The nature of the noise source.
 - (4) Reasons why the variance is sought and identified hardship.
 - (5) Steps taken to minimize the noise level.
 - (6) Other information as required by the City Administrator.

- (b) Criteria for Granting Variance. A variance shall be permitted only if it is established that:
- (1) By reason of exceptional circumstances, strict conformity with any of the provisions of this article would cause the applicant undue hardship, or would be unreasonable, impractical, or not feasible under the circumstances.
 - (2) Owners and occupants of property within 500 feet of the location of the noise source will not suffer undue hardship or unreasonable disruption or annoyance if the variance is granted to the applicant.
 - (3) The applicant has notified the owners and occupants of all property within 500 feet of the location of the noise source about the applicant's request for a variance from this article.
 - (4) The notice provided by this section shall be in writing, shall describe the nature and proposed hours of operation of the activity that will generate the noise for which the variance is sought, and shall explain why the variance is needed. The notice shall specify that any person wishing to comment on the variance application should promptly contact the City Administrator about the variance application.
 - (5) The failure to comply with this section shall be grounds for denial or revocation of the variance. The making of any false or misleading statements by the applicant or his agents in connection with providing the notice required under this section shall be grounds for denial or revocation of the variance, and shall also constitute a violation of this article.

Subd. 11. Revocation.

- (a) Violation of any provision of the City Code shall be cause for revocation of the Noise Permit.
- (b) The Council, upon report of the violation, may schedule a hearing to consider such revocation.
- (c) Written notice of a hearing to revoke the Permit shall be sent to the Permit Holder by first class mail not less than seven days prior to the hearing.
- (d) Violation of this section is cause for revocation of any other City License or Permit held by the Permit Holder or the Premises.

Added: 03/07/06 Ord. 284

505.04 Duty to Disperse. After determining that an individual, activity, gathering, party or event is creating a noise disturbance, a peace officer may order that all persons present, other than the owner, resident or tenant of the location involved, disperse immediately and leave such location. No person, after being so ordered, shall refuse to leave such location.

505.05 Duty of Owner or Tenant. Every owner, tenant or occupier of premises who has knowledge of a noise disturbance, shall cooperate with peace officers and shall make reasonable efforts to stop a noise disturbance upon request of a peace officer.

505.06 Evidence of Noise Disturbance.

Subdivision 1. For noises occurring between 6:00 A.M. and 10:00 P.M., an investigating peace officer shall consider these factors relating to this ordinance:

- 1) the volume of the noise;
- 2) the intensity of the noise;
- 3) whether the nature of the noise is usual or unusual,
- 4) the nature and zoning of the areas within which the noise emanates;
- 5) the time of day or night the noise occurs;
- 6) the duration of the noise; and
- 7) whether the noise is produced by a commercial or non-commercial activity.

Subd. 2. For noises occurring between 10:00 P.M. and 6:00 A.M., the following facts shall be prima facie evidence of a violation of this ordinance:

- 1) As to all locations, when the investigation of a peace officer reveals noise of such volume as to be clearly audible at a distance of 50 feet from source of the noise,
- 2) As to apartment buildings or other residential rental property, when the investigation of a peace officer reveals noise of such volume to be clearly audible in a hallway or apartment unit other than the source of the noise.

505.07 Penalty. A violation of this ordinance is a petty misdemeanor punishable as provided in Section 101.06, Subdivision 1.

Revised: Ord. No. 190, 9/07/99; Revised: Ord. No. 284, 3/07/06
Amended: 01/12/10; Ord. No. 340, Sec 505.031 Subd. 4 (b)

506. Lodging Tax

SECTION 506.01. Definitions: Unless the language or context clearly indicates that a different meaning is intended, the following words, for the purpose of this ordinance, shall have the following meanings and inclusions:

1. "City" means the City of Detroit Lakes, Minnesota, acting by or through its duly authorized representative.
2. "Lodging" means the furnishing for a consideration of lodging at a hotel, motel, rooming house, tourist court, municipal campground, resort or bed and breakfast, other than the renting or leasing of it for a continuous period of 30 days or more. Amended: 10/01/92 Ord. 70
3. "Operator" means any person who has charge, care, or control of a building in the City, or part thereof, in which dwelling units or rooming units are let.
4. "Person" includes all firms, partnerships, associations, corporations, and natural persons.
5. "Rent" means the total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.
6. "Lodger" means the person obtaining lodging from an operator.

SECTION 506.02. Imposition of Tax. Pursuant to Minnesota Statutes, Chapter 469.190, there is hereby imposed a tax of three percent (3%) on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the City and shall be extinguished only by payment to the City. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator is authorized and required by this ordinance to collect from a lodger. Amended: 06/14/93 Ord. 90

SECTION 506.03. Collections. Each operator shall collect the tax imposed by this section at the time the rent is paid. The tax collection shall be deemed to be held in trust by the operator for the City. The amount of tax shall be separately stated from the rent charged for the lodging and those persons paying the tax shall receive a receipt of payment from the operator.

SECTION 506.04. Exemptions. An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the City to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and such a claim shall be made in writing and under penalty of perjury on forms provided by the City. All such claims shall be forwarded to the City when the returns and collections are submitted as required by this Chapter.

SECTION 506.05. Advertising No Tax. It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent shall be considered an additional cent.

SECTION 506.06. Payments and Returns. The taxes imposed by this ordinance shall be paid by the operator to the City monthly not later than twenty (20) days after the end of the month in which the taxes were collected. At the time of payment, the operator shall submit a return upon such forms and continuing such information as the City may require. The return shall contain the following minimum information:

- a. The total amount of rent collected for lodging during the period covered by the return.
- b. The amount of tax required to be collected and due for the period.
- c. The signature of the person filing the return or that of his agent duly authorized in
- d. The period covered by the return.
- e. The amount of uncollectible rental charges subject to the lodging tax.

The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this ordinance previously paid as a result of any transaction the consideration for which became uncollectible.

SECTION 506.07. Examination of Return, Adjustments, Notices, and Demands. The City shall, after a return is filed, examine the same and make any investigation or examination of the records and accounts of the person making the return deemed necessary for determining its correctness. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid, such excess shall be paid to the City within ten days after receipt of a notice thereof given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the City within ten (10) days after determination of such refund.

SECTION 506.08. Refunds. Any person may apply to the City for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one (1) year after such tax was paid, or within one (1) year from the filing of the return, whichever period is the longer. The City shall examine the claim and make and file written findings whereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is allowed in whole or in part, the City shall credit the amount of the allowance against any taxes due under this ordinance from the claimant and the balance of said allowance, if any, shall be paid by the City to the claimant.

SECTION 506.09. Failure to File a Return.

Subd. 1. If any operator required by this ordinance to file a return shall fail to do so within the time prescribed or shall make, willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within ten (10) days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the City shall make a return or corrected return for such person based upon such knowledge and information as the City can obtain, and assess a tax on the basis thereof, which tax (less any payments theretofore made on account of the tax for the taxable period covered by such return) shall be paid within ten (10) days of the receipt of written notice and demand for such payment. Any such return or assessment made by the City shall be prima facie correct and valid, and the burden of proving to the contrary rests with any person in any action or proceeding in respect thereto.

Subd. 2. If any portion of a tax imposed by this ordinance, including penalties thereon, is not paid within thirty (30) days after it is required to be paid, the City may institute such legal action as may be necessary to cover the amount due plus interest, penalties, the costs and disbursements of any action.

Subd. 3. Upon a showing of good cause, the City may grant an operator one thirty (30) day extension of time within which to file a return and make payment of taxes as required by this ordinance provided that interest during such period of extension shall be added to the taxes due at the rate of eight (8) percent per annum.

SECTION 506.10. Penalties.

Subd. 1. If any tax imposed by this ordinance is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to ten (10) percent of the amount remaining unpaid.

Subd. 2. In case of any failure to make and file a return within the time prescribed by this ordinance, unless it is shown that such failure is not due to willful neglect, there shall be added to the tax in addition the penalty provided in Subdivision 1 above, a penalty of five (5) percent for each thirty (30) day period or fraction thereof during which such failure continues, not exceeding twenty-five (25) percent in the aggregate. There shall be a minimum penalty assessed of ten (10) dollars if penalties in the aggregate do not exceed that amount. The amount so added to any tax shall be collected at the same time and in the same manner and as part of the tax unless the tax has been paid before the discovery of the negligence, in which case the amount so added shall be collected in the same manner as the tax.

Subd. 3. If any person willfully fails to file any return or makes any payment required by this ordinance, or willfully files a false or fraudulent return or willfully attempts in any manner to evade or defeat any such tax or payment thereof, there shall also be imposed as a penalty an amount equal to fifty (50) percent of any tax (less any amounts paid on the basis of such false or fraudulent return) found due for the period to which such return related. The penalty imposed by this section shall be collected as part of the tax, and shall be in addition to any other penalties provided by this ordinance.

Subd. 4. All payments received shall be credited first to penalties, next to interest, and

then to the tax due.

Subd. 5. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of eight (8) percent per annum from the time such tax should have been paid until payment is made. Any interest and penalty shall be added to the tax and be collected as part thereof.

SECTION 506.11. Administration of Tax. The City shall administer and enforce the assessment and collection of the taxes imposed by this ordinance. The City shall cause to be prepared blank forms for the returns and other documents required by this ordinance and shall distribute the same throughout the City. Failure to receive or secure such forms and documents shall not relieve any person from any obligation required of him under this ordinance.

SECTION 506.12. Examine Records. Persons acting on behalf of the City and authorized in writing by the City may examine the books, papers, and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this ordinance. Every such operator is directed and required to give to the City the means, facilities, and opportunity for such examinations and investigations as are hereby authorized.

SECTION 506.13. Violations. Any person who shall willfully fail to make a return by this ordinance, or who shall fail to pay the tax after written demand for payment, or who shall fail to remit the taxes collected or any penalty or interest imposed by this ordinance after written demand for such payment, or who shall refuse to permit the City's authorized agents to examine the books, records, and papers under his control, or who shall willfully make any incomplete, false, or fraudulent return shall be guilty of a misdemeanor.

SECTION 506.14. Use of Proceeds. Ninety-five (95) percent of the proceeds obtained from the collection of taxes pursuant to this ordinance shall be used in accordance with Minnesota Statutes Section 469.190 as the same may be amended from time to time to fund a Tourism Bureau for the purpose of marketing and promoting Detroit Lakes as a tourist center. The City may use up to five (5) percent of the proceeds obtained hereunder to defray the costs and expenses of collection and administration of such tax. Amended: 06/02/92 Ord. 77

SECTION 506.15. Tourism Bureau.

Subd. 1. Appointment of Members. The Tourism Bureau shall recommend and the Mayor, with approval of the City Council, shall appoint five members to serve on the Tourism Bureau, three of whom shall be representatives of the lodging industry in Detroit Lakes, one of whom shall be a representative of the Detroit Lakes Regional Chamber of Commerce and not a paid employee of said organization and one from the City of Detroit Lakes who will represent the City Council. In the event the City enters into any joint powers agreements with any other political subdivisions for the collection, administration and disposition of a lodging tax imposed by such entities pursuant to Minnesota Statutes 469.190, the political subdivisions party to joint powers agreements with the City of Detroit Lakes, may recommend a sixth individual as their representative. Tourism Bureau members shall be appointed for three year terms. A member of the Tourism Bureau shall not be eligible for re-appointment after having served three

consecutive three year terms until after a lapse of one term except that the Council, at it's discretion, may appoint one of it's alderman to the bureau and such alderman shall be eligible for re-appointment as long as they remain on the Council. All present members of the Tourism Bureau shall continue to serve until their current term or re-appointment expires. First term appointments for lodging industry members shall be as follows: one member shall be appointed for a one year term; one member shall be appointed for a two year term; and one member shall be appointed for a three year term. They shall elect their own chairman and serve without compensation. Amended: 03/04/97 Ord. No. 151

The Tourism Bureau shall be responsible for marketing and promoting tourism in the City of Detroit Lakes and, in the event, the City associates with a township through a joint powers agreement, tourism in that township. Amended: 06/02/92 Ord. 77

Subd. 2. Joint Powers Agreements. The City is authorized to enter into joint powers agreements pursuant to Minnesota Statutes 471.59 for the collection, administration, or disposition of the proceeds of any lodging tax imposed by a resolution of a separate political subdivision provided such collection, administration, or disposition does not violate the terms of this ordinance. Added: 06/02/92 Ord. 77

SECTION 506.16. Appeals.

Subd. 1. Any operator aggrieved by any notice, order, or determination made by the City under this ordinance may file a petition for review of such notice, order, or determination. The petition shall contain the name of petitioner, the petitioner's address, and the location of the lodging subject to the notice, order, or determination.

Subd. 2. The petition for review shall be filed with the City within ten (10) days after the notice, order, or determination for which review is sought has been mailed to or served upon the person requesting review.

Subd. 3. Upon receipt of the petition, the City Administrator shall set a date for a hearing and give the petitioner at least ten (10) days prior written notice of the date, time, and place of the hearing.

Subd. 4. At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order, or determination should be modified or withdrawn.

Subd. 5. The hearing shall be conducted by the City Administrator or his authorized agent, and he shall make written findings of fact and conclusions based upon the applicable section of this ordinance and the evidence presented. The person conducting the hearing may affirm, reverse, or modify the notice, order or determination made by the City.

Subd. 6. Any decision rendered by the City pursuant to this section may be appealed to the City Council. A petitioner seeking to appeal a decision must file a written notice of appeal with the City within ten (10) days after the decision has been mailed to the petitioner. The matter will thereupon be placed on the Council agenda as soon as is practical. The Council shall then review the findings of fact and conclusions to determine whether they were correct. Upon a determination by the Council that the findings and conclusions were incorrect,

the Council may modify, reverse, or affirm the decision of the City Administrator or authorized agent under the same standards as set forth in Section 6.

SECTION 506.17. This ordinance shall become effective upon publication and shall remain in effect until rescinded or amended by action of the Detroit Lakes City Council. Amended: 06/02/92 Ord. 77

CITY OF DETROIT LAKES TAX RETURN

LODGING FACILITY

ADDRESS

REPORT FOR MONTH OF _____, 20

Due Date _____, 20

State Sales Tax Permit Number _____

TAX CALCULATION:

- | | | |
|----|---|----|
| 1. | Gross monthly receipts of rent collected for lodging: | \$ |
| 2. | Tax Due (2% of Line 1) | \$ |
| 3. | Penalty (If Due)
See Section _____ of Ordinance | \$ |
| 4. | TOTAL AMOUNT DUE (Line 2 plus 3) | \$ |

(Make check payable to City of Detroit Lakes)

I declare that this return is true and complete to the best of my knowledge and belief.

Signature _____ Date _____

Title _____ Phone _____

PLEASE MAIL TO: City Administration Building
1025 Roosevelt Avenue
Detroit Lakes, MN 56501

PLEASE RETURN THIS FORM WITH REMITTANCE
Ordinance No. 33, 3/7/89

507. LAWN FERTILIZER APPLICATION CONTROL

507.01. Purpose. The City of Detroit Lakes has reviewed existing data to determine the current and projected quality of various lakes within its jurisdiction. The various scientific and other data indicate that area lake water quality may be maintained and improved if the amount of lawn fertilizer and other chemicals entering the lake is regulated. The purpose of this ordinance is to define regulations which will aid the City in maintaining and improving lake resources within its jurisdiction, thus enhancing the enjoyment of said lakes by City residents and other users.

507.02. Regulations for Commercial Lawn Fertilizer Applicators.

Subd. 1. License Required. No person, firm, corporation, or franchise shall engage in the business of commercial lawn fertilizer application within the City of Detroit Lakes unless a license has been obtained from the City Clerk as provided herein.

Subd. 2. License Application Procedure. Applications for a commercial lawn fertilizer applicator's license for a calendar year shall be submitted to the City Clerk at least 30 days prior to the initial lawn fertilizer application each year within the City. An application shall include the following information.

- A. Application Form. Application forms shall be provided by the City and shall include the following information:
 - 1. Name, address, and telephone number of applicant and any individuals authorized to represent the applicant.
 - 2. Description of lawn fertilizer formula proposed to be applied on lawns within the City.
 - 3. A time schedule for application of lawn fertilizer as well as identification of weather conditions acceptable for lawn fertilizer application.
- B. Fertilizer Sample. A sample of lawn fertilizer or chemical analysis of said lawn fertilizer certified by an independent testing laboratory shall be submitted with the initial application or at least thirty (30) days before any change in fertilizer composition is implemented.
- C. License Fee. The annual license fee for a commercial lawn fertilizer applicator shall be set by Council resolution (see Section 210 of City Code). All licenses shall expire on December 31st. License fees shall not be prorated.

Subd. 3. Conditions of License. Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions which shall be specified on the license form:

- A. Random Sampling. Commercial lawn fertilizer applicators shall permit the City to sample any commercial lawn fertilizer application to be applied within

the City at any time after issuance of the initial license.

- B. Possession of License. The license issued by the City, or a copy of said license, shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making applications within the City.
- C. State Regulations. Licensee shall comply with the provisions of the Fertilizer, Soil Amendment, and Plant Amendment Law contained in Minnesota Statutes,

507.03. Regulations for Property Owners.

Subd. 1. Random Sampling. At the request of the City or its representative, a property owner shall provide the City with samples of lawn fertilizer to be applied by the property owner. The quantity of the sample shall be large enough to permit laboratory testing.

Subd. 2. Use of Impervious Surfaces. Property owners shall not deposit leaves or other vegetative materials on impervious surfaces or within storm water drainage systems or natural drainage ways.

Subd. 3. Unimproved Land Areas. Except for driveways, side-walks, patios, beaches adjacent to lakes or water courses, areas occupied by structures, or areas which have been improved by landscaping, all land areas controlled by the property owner shall be covered by plants or vegetative growth.

507.04. General Regulations.

Subd. 1. Time of Application. Lawn fertilizer applications shall not be applied either when the ground is frozen or between November 1st and May 1st.

Subd. 2. Sample Analysis Cost. Any cost incurred in the analyzing of fertilizer samples from either commercial applicators or property owners shall be paid by the commercial applicator or property owner if the sample analysis indicates that the phosphorus content exceeds the levels authorized herein.

Subd. 3. Fertilizer Content. Within the City of Detroit Lakes, no person, firm or corporation franchisee or commercial or non-commercial applicator, including homeowners or renters, shall apply any lawn fertilizer, liquid or granular, that contains any amount of phosphorous or other compound containing phosphorus, such as phosphate, except:

- A. The naturally occurring phosphorus in unadulterated natural or organic fertilizing products such as yard waste composite. Amended: 7/2/2002 Ord. NO. 225

Subd. 4. Impervious Surface and Drainage Ways. No fertilizer may be applied to impervious surfaces, or to the areas within drainage ditches or waterways.

Subd. 5. Buffer Zone. Fertilizer applications shall not be made within ten feet of any wetland or water resource.

Subd. 6. Water Fowl. There shall be no feeding of nor placement of feed for water fowl on, in, or within 50 feet of a wetland, pond, lake, or water resource.

507.05. Exempt: The prohibition against the use of fertilizers containing phosphorus shall not apply to:

- A. Newly established or developed turf and lawn areas during the first growing season;
- B. Golf Courses
- C. Turf and lawn areas which are below phosphorous levels established by the University of Minnesota Extension Services and the low phosphorous level is confirmed by soil tests.

Phosphorous applied as fertilizer pursuant to the exemptions shall be watered into the soil where it is immobilized and generally protected from loss by runoff. Amended: 7/2/2002 Ord. No. 225

507.06. Penalty. Each violation of this ordinance shall be a misdemeanor.

507.07. Severability. Should any Section, Subdivision, clause, or other provision of this ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole, or of any part thereof, other than the part held to be invalid.

507.08. Effective Date. This ordinance shall become effective upon publication and shall remain in effect until rescinded or amended by action of the Detroit Lakes City Council.

Added: 08/04/92 Ord. 84

Amended: 2/11/2011 Ord. 349

508. Public Misconduct

508.01 Purpose. The purpose of this Ordinance is to prohibit public indecency in order to deter criminal activity, to promote societal order and public health, and to protect children.

508.02 Findings. The City council of the City of Detroit Lakes makes the following findings regarding the need to prohibit public indecency:

- a. Public indecency can increase the incidence of criminal activity, including but not limited to prostitution, disorderly conduct and sexual assault.
- b. Public indecency can expose children to an unhealthy and nurtureless environment.
- c. Public indecency can disrupt the orderly operation of public events and public accommodations, thereby fostering societal disorder.
- d. Public indecency can present health concerns in places of public accommodation and other public settings.
- e. Public misconduct and obscenity can cause a loss of business and property values.

508.03 Definitions Adopted By Reference. For the purpose of this Ordinance, the definitions set forth in Minnesota Statutes, Section 617.241, are adopted and incorporated as part of this Ordinance.

508.04 Definitions Specific to this Ordinance. The following words and terms when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

1. Nudity - Means uncovered, or less than opaquely covered post pubertal human genitals, pubic areas, the post pubertal human female breast below the point immediately above the top of the areola or the covered human male genitals in a discernibly turgid state. For the purpose of this definition, female breast is considered uncovered if the nipple only or the nipple and the areola only, are covered.
2. Specified Sexual Activities - shall mean:
 - a. Human genitals in a discernible state of sexual stimulation or arousal; or
 - b. Acts of human masturbation, sexual intercourse or sodomy; or
 - c. Fondling or other erotic touching of human genitals, public region or public hair, buttock or female breast or breasts; or
 - d. Any combination of the foregoing.
3. Specified Anatomical Areas - shall mean:
 - a. less than completely and opaquely covered:
 - l. human genitals, public region, pubic hair, or buttock, or

- ii. female breast or breasts below a point immediately above the top of the areola; or
- iii. any combination of the forgoing; or
- b. human male genitals in a discernible turgid state even if completely and opaquely covered.

Section 508.05 Prohibited Acts

Subdivision 1. It shall be unlawful for any person to:

- a. exhibit, sell, print, offer to sell, give away, circulate, publish, distribute or attempt to distribute any obscene material; or
- b. produce, present, participate in or direct an obscene performance.

Subd. 2. It shall be unlawful public misconduct for any person in a public place:

- a. to appear in a state of nudity,
- b. to engage or participate in a specified sexual activity,
- c. or display specified anatomical areas.

Subd. 3. It shall be unlawful public misconduct for any person to urinate or defecate in any place except within a public or private rest room designed for that purpose.

508.06 Violation.

Subdivision 1. A violation of this ordinance is a misdemeanor.

Subd 2. A violation of this ordinance is cause and justification for revocation or suspension of any City of Detroit Lakes license issued for the premises at which the violation occurs and the revocation of any other license or permit issued by the City to the premises and for the person committing the violation.

Section 508.07 Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared invalid. Added: 9/3/97 Ord. #147

509. Food and Beverage Tax (1%)

SECTION 509.01. Authority. At the General Election held November 2, 2010, City voters authorized the City of Detroit Lakes to impose a City sales tax as authorized by Laws of Minnesota 2010, Chapter 389, Article 5, Section 5. As provided by the law, the City may impose a sales tax of up to one percent on the gross receipts of all food and beverages sold by a restaurant or place of refreshment as defined by this ordinance. The proceeds of the tax must be used to pay certain expenses related to:

- (1) control of the flowering rush infestation;
- (2) construction and improvement of bike trail facilities;
- (3) parking improvements near public facilities; and
- (4) redevelopment of areas returned to the City as a result of the realignment of Highway 10.

SECTION 509.02 Definitions. The words, terms, and phrases used in this ordinance shall have the meanings ascribed to them in Minnesota Statutes, Chapter 297A, Sections 157.15 and 340A.101, and Minnesota Rules, Parts 8130.4700 and 8130.4705; except where the context clearly indicates otherwise. In addition the following definitions shall apply:

- A. "Act" means Laws of Minnesota 2010, Chapter 389, Article 5, Section 5;
- B. "City" means the City of Detroit Lakes, Minnesota ; and
- C. "Commissioner" means the Commissioner of Revenue for the State of Minnesota, acting under authority of an agreement entered into between the City and the State of Minnesota pursuant to the Act, or such other person designated to administer and collect City of Detroit Lakes Food and Beverage Tax.
- D. "Agreement" means an agreement between the City of Detroit Lakes and the Minnesota Department of Revenue for collection of the City tax.
- E. "Tax" means the tax imposed and to be paid and collected under this ordinance.
- F. "Food and Beverage" means food and beverages that are subject to tax under Minnesota Statutes, Chapter 297A, and Minnesota Rules, Chapter 8130, including Minnesota Rules, Parts 8130.4700 and 8130.4705. "Beverages" includes on-sale intoxicating liquor and fermented malt beverages, as defined or described in Minnesota Statutes, Section 340A.101, but does not include off-sale liquor sales.
- G. "Restaurant or place of refreshment" means any of the various "food and beverage service establishments" defined in or that are part of a definition in Minnesota Statutes, Section 157.15, regardless of whether the customer consumes the food or beverage at the establishment, picks it up for consumption elsewhere, or it is delivered to the customer.

SECTION 509.03. Imposition of the Food and Beverage Tax. Except as otherwise provided in this chapter, a tax is hereby imposed in the amount of one percent on the gross receipts of all sales of food and beverages by a restaurant or place of refreshment that is located within the City.

SECTION 509.04. Administration of the Food and Beverage Tax. The administration, collection and enforcement of this tax shall be governed by Minnesota Statute, Section 297A.99, and by the Agreement between the City and the Minnesota Department of Revenue.

SECTION 509.05. Relation to State Sales and Use Tax. The tax imposed under this Ordinance is intended to be collected on food and beverages which are subject to sales and use tax under Minnesota Statutes, Chapter 297A, and sold by a restaurant or place of refreshment that is located within the City.

SECTION 509.06. Separate Statement; Collection from Purchaser; Advertising No Tax; Uniform Tax Collection Methods.

The Tax shall be stated and charged separately from the sales price insofar as practical and shall be a debt from the purchaser to the seller recoverable at law as other debts.

In computing the tax to be collected as the result of any transaction, amounts of tax of less than one half cent may be disregarded and amounts of one half cent or more may be considered an additional cent.

SECTION 509.07. No Separate Tax Permit Required. Every person, corporation, partnership, or other entity desiring to engage in or who is conducting the business of selling food and beverages as subject to the provisions of this ordinance shall first obtain a sales tax permit from the Commissioner as required under Minnesota Statutes 297A, by registering that business with the Commissioner and receiving a Minnesota Business Identification Number. No separate tax permit is required from the City.

SECTION 509.08. Sales without Tax Permit; Violations. A person who engages in the business of selling food and beverages in the City which are subject to this ordinance without first obtaining a sales tax permit from the Commissioner and, each officer of any corporation, partnership or other entity which so engages in business without first obtaining the permit, shall be guilty of a misdemeanor.

SECTION 509.09. Exemption certificate. A seller that obtains from the purchaser of food and beverage a fully completed Minnesota Revenue certificate of exemption, or otherwise obtains all the relevant information required by Minnesota Statutes, Section 297A.72, Subdivision 2, either of which indicates that the property purchased is for resale or that the sale is otherwise exempt from the application of the sales and use tax imposed by Minnesota Statutes, Chapter 297A, is relieved from collecting and remitting the tax imposed by this Ordinance, to the extent the seller is also relieved of liability for the sales tax under Minnesota Statutes, Section 297A.665.

SECTION 509.10. Presumption of purpose of sales. For the purpose of the proper administration and enforcement of this Ordinance, it is presumed that all sales subject to this Ordinance for delivery in the City, are for storage use or other consumption in the City until the contrary is established.

SECTION 509.11. Collection of tax at time of sale. A seller of food and beverages subject to the tax imposed by this ordinance shall collect the tax from the purchaser and remit it to the Commissioner at the same time that the sales tax on the food and beverages is collected and remitted, in the form and manner prescribed by the Commissioner for sales and use tax under Minnesota Statutes, Chapter 297A.

SECTION 509.12. Effective date. Except as otherwise provided herein, the tax authorized by this Ordinance shall apply to a sale made on or after April 1, 2011, and shall be in addition to all other taxes now in effect.

SECTION 509.13. Collection and enforcement; agreement with Commissioner.

A. The tax imposed by the City hereunder shall be subject to the same interest, penalties, and other rules as are applicable to the State's general sales and use tax imposed by Minn. Stat. Ch. 297A. The tax imposed by the City hereunder may be collected by the State on behalf of the City as provided by an appropriate agreement with the Commissioner.

B. The City Administrator and Mayor are hereby authorized, in the name of the City, to enter into an appropriate agreement or agreements with the Commissioner, to facilitate the issuance of permits, filing and auditing of returns, collection of revenues and issuance of refunds of the taxes and any other administrative matters relating to the administration of this article and the tax imposed herein.

Section 14. Tax clearance; issuance of licenses.

A. The City may decline to issue or renew a license for the conduct of a trade or business within the City if the Commissioner notifies the City that the applicant owes delinquent City taxes pursuant to this Ordinance, or penalties or interest due on such taxes. As used in this section, the following terms have these definitions:

1. "City taxes" means the tax on food and beverages, as provided in this Ordinance. Penalties and interest are penalties and interest due on such City taxes.
2. "Delinquent taxes" does not include a tax liability if, (i) an administrative or court action which contests the amount or validity of the liability has been filed or served, (ii) the appeal period to contest the tax liability has not expired, or (iii) the applicant has entered into a payment agreement and is current with the payments.
3. "Applicant" means an individual if the license is issued to or in the name of an individual or the corporation, partnership or other entity if the license is issued to or held in the name of a corporation, partnership, or other entity.

B. A copy of the notice of delinquent taxes given by the Commissioner to the City shall be sent to the applicant taxpayer by the City Administrator or his designee. In the case of renewal of a license, if the applicant requests a hearing in writing within 30 days of receipt of the notice of delinquent taxes hearing, then a contested hearing shall be held under the same procedures as provided in Minnesota Statutes, Section 270.72, for the state sales and use tax imposed under Minnesota Statutes, Chapter 297A; provided further that if a hearing must be held on the state sales and use tax, the hearings must be combined.

SECTION 509.15. Deposit of revenues; cost of administration; termination of tax.

A. All of the revenues received from taxes imposed by this Ordinance and collected by the Commissioner, and remitted to the City after deducting the Commissioner's costs of collection

under Minnesota Statutes, Section 297A.99, shall be deposited in the City Treasury, and credited to a fund established to only pay administrative, operational and capital cost associated with:

1. control of flowering rush infestation;
2. construction and improvement of bike trail facilities;
3. parking improvements near public facilities; and
4. redevelopment of the area returned to the City as a result of the realignment of Highway 10.

B. Taxes authorized by this Ordinance shall terminate when the Council of the City of Detroit Lakes determines sufficient revenues have been raised to finance the projects identified in Section 1 of this Ordinance including the amount to prepay to retire at maturity the principal, interest and premium due on any bonds issued for the projects.

C. Any funds remaining after completion of the projects and retirement or redemption of any bonds issued for the same may be placed in the General Fund of the City.

Added: 12/21/2010 Ord. 347
(reserved pages 189-206)