CHAPTER 9
PUBLIC PROTECTION, CRIMES AND OFFENSES

HEALTH

Section 9.01. **Toilet Installation Required.** It is the duty of every owner or occupant of any property within the City, having a dwelling house or business building situated thereon, to install a toilet in such dwelling or business building and make connection thereof with such water and sewer mains if the same are abutting on such property. Whenever the non-compliance of the owner or occupant of such property is reported to the City, the Building Official or their designee shall forthwith make such investigation as he or she deems necessary or proper and report their findings to the Council. If the Building Official or their designee finds and reports that, in the Building Official or their designee opinion, the lack of toilet facilities is an unhealthful or insanitary condition, the City shall forthwith serve written notice upon said owner or occupant requiring the installation of toilet facilities upon premises described in said notice, and connection thereof with the sewer and water mains, all of which shall be done within thirty (30) days after service of such written notice, at the property owner's expense.

Source: Ord. 707-2nd Series
Effective Date: 10/27/14

Section 9.02. **Garbage and Rubbish.**

Subd. 1. **Disposal.** It is unlawful for any person, firm or corporation to fail to dispose of garbage and rubbish in a sanitary manner at least as often as the service is provided by the City of Alexandria or its agent.

Subd. 2. **Method.** Every householder or occupant of any dwelling house, boarding house, restaurant or any place of business having garbage or rubbish to dispose of, who does not otherwise provide for the disposal in a sanitary manner, shall provide himself with one or more fly-tight garbage cans. Each garbage can shall have a capacity of not to exceed ninety (90) gallons and shall be provided with a bail or handles and a tight fitting cover. Garbage and rubbish accumulated between the times of collection shall be placed only in such containers. Garbage shall be drained of all surplus water and securely wrapped before being placed in such containers.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Section 9.03. **Tobacco and Electronic Delivery Device Use in Public Parks**

Subd. 1. **Purpose.** The City of Alexandria is committed to providing safe and healthy environments. Tobacco use is a major cause of preventable disease and death. Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes, closely resemble and mimic the act of smoking. Their use in locations where smoking is prohibited creates concern and confusion. The City of Alexandria believes the use of tobacco products, including electronic delivery devices, in its parks is detrimental to the health and safety of its community.

Subd. 2. **Definitions.**

A. All Times. "All times" means 24 hours a day, seven days a week.

B. Electronic Delivery Device. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to stimulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

C. Public Park. "Public Park" means all parks, trails, and open space controlled by the City of Alexandria.

D. Smoking. "Smoking" means inhaling or exhaling from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking shall include being in possession of a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, or an electronic delivery device that is turned on or is otherwise activated.

E. Tobacco Product. "Tobacco product" means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means,

or any component, part, or accessory of a tobacco product, including but not limited to cigarettes, cigars and other smoking tobacco; snuff and other chewing tobaccos; and any other kinds and forms of tobacco.

F. Tobacco Use. "Tobacco Use" means the act of smoking or the use of any tobacco product in any form or manner.

Subd 3. **Tobacco Use and Electronic Delivery Device Use Prohibited.** The sale and use of tobacco products and electronic delivery devices are prohibited at all times in or on all public parks the City of Alexandria has the authority to control regardless of location, unless authorized in specific areas by the City Council.

Subd. 4. **Enforcement.** Any person found guilty of violating this section shall be guilty of a misdemeanor.

Subd. 5. **Severability and Savings Clause.** If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

Source: Ord. 738-2nd Series
Effective Date: 10/12/15

Section 9.04. **Use of Electronic Delivery Devices**

Subd. 1. **Purpose and Intent.** Electronic delivery devices, commonly referred to as electronic cigarettes, or e-cigarettes, closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine or other substances created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that quality control processes used to manufacture these products are inconsistent or non-existent. ("Summary of results: Laboratory analysis of electronic cigarettes conducted by FDA.
"Food and Drug Administration(FDA),July 22, 2009; http://www.fda.gov.NewsEvents/PublicHealthFocus/ucm l73146.htm) Electronic deli very devices produce a vapor of undetermined and

potentially harmful substances, which may appear similar to smoke emitted by traditional tobacco products. Their use in work places and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

Subd. 2. **Definitions.** Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purposes of this Ordinance, the following definitions shall apply:

A. Electronic Delivery Device. Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

B. Use. The inhaling or exhaling of aerosol or vapor from any electronic delivery device. Use shall also mean being in possession of an electronic delivery device that is turned on or otherwise activated.

Subd. 3. **Prohibition.** The use of any electronic delivery device is prohibited anywhere smoking is prohibited by the Minnesota Clean Indoor Air Act, as it may be amended from time to time.

Subd. 4. **Other Applicable Laws.** This ordinance is intended to complement the Minnesota Clean Indoor Air Act, Minnesota Statutes, Sections 144.411 to 14.417 as it may be amended from time to time. Nothing in this Ordinance authorizes smoking or the use of an electronic delivery device in any location that is regulated by other applicable laws or regulations.

Subd. 5. **Violation and Penalites.**

A. Use where prohibited. It is a violation of this Ordinance for any person to use an electronic delivery device in an area where prohibited by this Ordinance, or to use an electronic delivery device in an area where prohibited by a private policy established by the proprietor or other person in charge of the area.

B. Proprietors. It is a violation of this Ordinance for the proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which the use of an electronic delivery devices is prohibited under this Ordinance to knowingly fail to comply with the provisions of this Ordinance.

C. Penalties. A person who violates any provision of this Ordinance is guilty of a misdemeanor. Each day of violation constitutes a separate offense.

Source: Ord. 776-2nd Series
Effective Date: 11/13/17

(Sections 9.05 through 9.19, inclusive, reserved for future expansion)

Section 9.20. **Dangerous Weapons and Articles**.

Subd. 1. **Discharge of Firearms, Explosives, or other Dangerous Weapons.** It is unlawful for any person to fire or discharge, or otherwise release or trigger within the limits of the City any cannon, gun, pistol, or other firearm, firecracker, rocket or other fireworks, air gun, air rifle, or other similar device commonly referred to as a BB gun, or bow equipped with anything other than a blunt target arrow.

Subd. 2. **Exception.** Nothing in Subdivision 1 of this section shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of his duty, or to a person in the lawful defense of his person or family. In addition, nothing in Subdivision 1 of this section shall apply to the use of antique firearms as defined by Minn. Stat. 624.712, Sub. 3 without live ammunition during the course of a City-permitted or sanctioned event.

Source: Ord. 601-2nd Series
Effective Date: 3/26/07

Subd. 3. **Possession and Sale of Fireworks.** It is unlawful for any person to sell, or have in possession any firecracker, rockets, or other fireworks, except:

A. as allowed in Subdivision 2 of this section; and

B. as authorized by Minn. Stat. §624.20 through 624.25.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 4. **Restrictions on the Discharge of Fireworks.**

A. All use, display or discharge of those non-explosive, non-aerial pyrotechnic entertainment devices only containing the limited amounts or pyrotechnic chemical compositions described in and permitted by Minnesota Statutes §624.20, subd. 1(c), hereinafter "permitted consumer fireworks", is strictly prohibited in the area on, below, or above or within or in close proximity to:

1. Recreational areas, roadways, streets, highways, bicycle lanes, pedestrian paths, sidewalks, right-of-way, lakes, rivers, waterways and all other property owned or leased by the City of Alexandria, County of Douglas, State of Minnesota, or federal government and located in whole or in part within the City limits.

2. Private property within the City limits that has conspicuously posted a written sign or notice that no fireworks discharge is allowed.

3. Within three hundred (300) feet of any consumer fireworks retail sales facility or storage area that has properly posted a written sign or notice that no fireworks discharge is allowed.

4. Any property, area, structure or material that by its physical condition or the physical condition in which it is set would constitute a fire or personal safety hazard.

Source: Ord. 490-2nd Series
Effective Date: 6/24/02

SAFETY

Section 9.21. **Animal Control and Licenses.**

Subd. 1. **Definitions.**

A. **Owner:** Any person, firm, partnership or corporation owning, harboring, or keeping a dog or dogs, cat or cats, or any other domesticated animals or pets.

B. **Kennel:** Any person, partnership, or corporation engaged in the business of breeding, buying, selling or boarding dogs, cats or any other domesticated animals or pets; provided that such person, partnership or corporation customarily owns or boards more than three (3) dogs, cats or any other domesticated animals or pets over six (6) months of age.

C. **Animal Shelter:** Any premises designated by the City Council for the purpose of impounding and caring for dogs, cats or any other domesticated animals or pets held under the authority of this ordinance.

D. **Officer:** Any law enforcement officer of the City and persons designated by the City to assist in the enforcement of this ordinance.

E. **Running at Large:** A dog, cat or any other domesticated animal or pet shall be deemed to be running at large if it is not on the premises of its owner or if not accompanied by a responsible person and under that person's effective control.

F. **Animals:** As used in this ordinance the term animal includes a dog, cat, or any other domestic animal or pet.

Subd. 2. **License Required.** No person shall own, keep, harbor or have custody of any dog over six (6) months of age without first obtaining a license therefor from the City Clerk or his agent. Applications for license shall be made on forms prescribed by the City Clerk, which form shall set forth: (1) the name and address of the owner, (2) the name and address of the person making application, if other than the owner, and (3) the breed, sex, and age of the dog for which a license is sought. No license shall be issued to any person other than the owner except upon the written request of the owner. All dogs required to be licensed shall wear a collar and have a tag firmly affixed thereon evidencing such license for the current year.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 3. **Requirements for License.** License shall be valid for a period of one (1) year commencing January 1 and expiring December 31 of the year issued; and, except as hereinafter provided shall be issued only upon payments of an annual license fee to the City Clerk. A prorated license shall be issued if the application for a new license is received after July 1.

Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog to be licenses have been given a vaccination against rabies within the time hereinafter specified.

No license shall be granted for a dog which has not been vaccinated against rabies as provided in this section on such a date that not more than three years have elapsed from the date of such vaccination to the time of the expiration of the license to be issued. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated.

Source: Ord. 381-2nd Series
Effective Date: 02/12/18

Subd. 4. **Running at Large Prohibited.** It is unlawful for any person who is the owner, or other person in possession of an animal to permit such animal to run at large; provided that an animal shall not be deemed to be running at large if it is on a leash or otherwise under the control of an accompanying person.

Subd. 5. **Obligation to Prevent Nuisances.** It shall be the obligation and responsibility of the owner or custodian of any animal in the City, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. It shall be considered a nuisance for any animal to habitually or frequently bark or cry, to frequent school grounds, parks, or public beaches, to habitually attack other domestic animals, to chase vehicles, to molest or annoy any person if such person is not on the property of the owner or custodian of such animal, to excrete on property other than the owners, or to molest, defile or destroy any property, public or private. Failure on the part of the owner or custodian to prevent this animal from committing an act of nuisance shall be subject to the penalty hereinafter provided.

Source: Ord. 800 – 2nd Series
Effective Date: 03/25/19

Subd. 6. **Impoundment.** Animals creating a nuisance or running at large may be taken by any officer as hereinbefore defined and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than seven (7) regular business days and impounded cats for not less than five (5) regular business days, unless reclaimed prior to that time by their owner as provided hereafter.

Subd. 7. **Notice of Impoundment.** Upon taking up and impounding any animal, the Poundmaster shall, within one (1) day thereafter, post in City Hall a notice of impounding in substantially the following form:

NOTICE OF IMPOUNDING OF ANIMAL

Date_____

To Whom it May Concern:

I have this day taken up and impounded in the City of Alexandria a (dog) (cat) (other _____) answering the following description: Sex____ Color____ Breed____ Approximate Age____ Name of Owner_____.

Notice is hereby given that unless said animal is claimed and redeemed on or before 5 o'clock p.m. on the _____ day of _____, _____, the same will be sold or killed as provided by ordinance.

Signed: _____
Poundmaster

If the owner of said animal be known, the Poundmaster shall attempt to notify the owner by mail or personal service. The date of sale or killing of the dog(s) shall be the 8th day after the posting or giving of the notice unless that date falls on a Sunday or holiday, in which case it shall be the following day. The date of sale or killing of the cat(s) shall be the 6th day after the posting or giving of the notice unless that date falls on a Sunday or Holiday, in which case it shall be the following day.

Source: Ord. 520-2nd Series
Effective Date: 11/10/03

Subd. 8. **Redemption.** Any animal may be reclaimed from the animal shelter by its owner within the time specified in the notice by their payment to the City Clerk of the of the impounding fee as outlined in City's fee schedule for the cost of

boarding, and all costs related to the purchase and implantation of a microchip, if one is required to be implanted by Minnesota Statute Section 347.515. In the event that the impounded animal is a dangerous dog that is required to be registered under Minnesota Statute Section 347.51, the animal owner must also pay an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog as outlined in the City's fee schedule. Notwithstanding this section, the owner shall remain subject to all other penalties contained in this ordinance.

Source: Ord. 781-2nd Series
Effective Date: 02/12/18

Subd. 9. **Disposition of Unclaimed Animals.** Any animal which is not claimed as provided herein, within seven (7) regular business days after impounding for dogs and five (5) regular business days for cats may be sold for not less than the amounts provided in Subd. 8 to anyone desiring to purchase the animal if not requested by a licensed educational or scientific institution under Minnesota law. All sums received in excess of the costs and tax shall be held by the Clerk for the benefit of the owner and if not claimed in six (6) months, such funds shall be placed in the general fund of the City and shall not be subject to claim by the owner. Any animal, which is not claimed by the owner or sold, shall be painlessly killed and disposed of by the Poundmaster.

Source: Ord. 520-2nd Series
Effective Date: 11/10/03

Subd. 10. **Permissible Return of Animals Running at Large.** Notwithstanding the provisions of Subd. 6, if an animal is found running at large and its owner can be identified and located, such animal need not be impounded, but may, at the discretion of the officer, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this ordinance.

Subd. 11. **Confinement of Certain Animals.** Every female animal in heat shall be confined in a building or other secure enclosure, in such manner that such female animal cannot come into contact with another animal, except for planned breeding.

Subd. 12. **Owner Obligation for Proper Care.** No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and

with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal, or cause or permit any animal fight. No owner of an animal shall intentionally abandon such animal. Any owner that intentionally abandons an animal is guilty of a misdemeanor and may be fined as hereinafter specified. In addition, said owner shall pay all reasonable costs incurred by the City in disposing of said animal.

Subd. 13. **Quarantine of Certain Animals.** Any animal which bites a person shall be quarantined for such time as may be directed by the Officer. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the Officer the quarantine may be on the premises of the owner; however, if the Officer requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at the owner's expense, place it in a veterinary hospital.

Source: Ord. 707-2nd Series
Effective Date: 10/27/14

Subd. 14. **Muzzling Proclamation.** Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Council shall issue a proclamation ordering every person owning or keeping an animal to muzzle it securely so that it cannot bite. No person shall violate such proclamation and any unmuzzled animal running at large during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of such animal shall be subject to the penalty hereinafter provided.

Subd. 15. **Proceedings for Destruction of Certain Animals.** Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exist:

A. That any animal at any time has destroyed or damaged property or habitually trespasses in a damaging manner on the property of person other than the owner;

B. That any animal at any time has attacked or bitten a person or other animal outside the owner's or custodian's premises;

C. That any animal is vicious or shows vicious habits or molests pedestrians or other animals or interferes with vehicles on the public streets or highways;

D. That any animal is a nuisance as heretofore defined; or

E. That any animal is running at large in violation of this section; The presiding officer of said Court shall issue a summons directed to the owner of said animal commanding him to appear before said court to show cause why said animal should not be seized by any police officer, or otherwise disposed of in the manner authorized in this ordinance. Such summons shall be returnable not less than two (2) nor more than six (6) days from the date thereof and shall be served at least two (2) days before the time of appearance mentioned therein. Upon such hearing and finding the facts true as complained of, the court may either order the animal killed at the owner's expense or order the owner or custodian to remove it from the City, or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order, any officer may impound any animal described in such order. The provisions of this section are in addition and supplemental to other provisions of this ordinance.

Costs of the proceeding specified by this section shall be assessed against the owner or custodian of the animal, if the facts in the complaint are found to be true; or to the complainant, if the facts are found to be untrue.

Subd. 16. **Summary Destruction of Certain Animals.** Whenever an officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the City because it is infected with rabies (hydrophobia) or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy said animal. When any unattended animal shall be injured or diseased, it shall be impounded. In the event that the capture of such animal cannot be effectuated, the animal may be destroyed.

Subd. 17. **Limitation.** It is unlawful for any person in the City to possess, harbor, shelter or keep more than three (3) adult animals, excepting veterinary hospitals and pet shops, or other establishments, properly licensed by the City. For purposes of this ordinance, an adult animal shall be deemed to be any animal six (6) months or older. No person, firm, or corporation shall maintain in this City a kennel without securing a license therefor from the City Council. The City Council may by resolution delegate to city staff the issuance of any licenses required by the City

Source: Ord. 335-2nd Series
Effective Date: 12/28/95

Source: Ord. 711-2nd Series
Effective Date: 11/24/15

The kennel license fee shall be in the City's fee schedule.

Source: Ord. 374-2nd Series
Effective Date: 7/24/95

Subd. 18. **Appointment of Officers.** The City Council may from time to time appoint such persons as may be necessary to assist the police officers of the City in the enforcement of this ordinance. Such persons shall have police powers insofar as is necessary to enforce this ordinance, and no person shall interfere with, hinder or molest them in the exercise of such powers. It is unlawful for any person to refuse upon official inquiry to show or exhibit, at any reasonable time, any animal in his possession or custody.

Subd. 19. **Non-Residents.** The subdivisions of this ordinance requiring a license shall not apply to non-residents of the City, provided that dogs of such owners shall not be kept in the City longer than thirty (30) days without a license and shall be kept under restraint.

Subd. 20. **Penalty.** Any person, firm, or corporation found guilty of violating any provisions of this ordinance shall be punished by a fine not to exceed one hundred dollars ($100.00).

Section 9.22. **Curfew**.

Subd. 1. **Curfew - Minors Under the Age of 16.** No person under the age of 16 years shall be on any public street or alley, or in any park or other public ground or building, place of amusement, entertainment or refreshment, or vacant lot between the hours of 11:00 p.m. and 6:00 a.m.

Subd. 2. **Curfew - Parents and Guardians.** It is unlawful for any parents, guardians, or any other persons having legal care or custody of any minor person under the age of 16 years to allow or permit such person to violate the provisions of subdivision 1 hereof.

Subd. 3. **Curfew - Places of Amusement, Entertainment or Refreshment.** It is unlawful for any person operating or in charge of any place of amusement, entertainment or refreshment, or other place of business to allow or permit any person under the age of 16 to be or loiter in such place between the hours of 11:00 p.m. and 6:00 a.m., unless such minor is accompanied by their parent, guardian, or other person having the legal care or custody of said minor.

Subd. 4. **Exception.** Such curfew shall not apply to any student under the age of 16 years who shall be lawfully attending, going to, or returning directly to their home from school, church or community sponsored athletic, musical and social activities or events, or from attendance at activities at the Alexandria Youth Center.

Subd. 5. **Enforcement.** Any person under the age of 16 years on a street or any other place in violation of this section 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.

(Sections 9.23-9.52, inclusive, reserved for future expansion.)

Section 9.53. **Flags**.

Subd. 1. **Definition.** The term "flag" shall mean anything which is or purports to be the Stars and Stripes, the United States flag or shield, the United States coat of arms, the Minnesota State flag, or a copy, picture or a representation of any of them.

Subd. 2. **Acts Prohibited.** It is unlawful for any person to:

A. Intentionally and publicly mutilate, defile, or cast contempt upon the flag; or,

B. Place on or attach to the flag any work, mark, design or advertisement not properly a part of such flag or expose to public view the flag so altered; or,

C. Manufacture or expose to public view an article of merchandise or a wrapper or receptacle from merchandise upon which the flag is depicted; or,

D. Use the flag for commercial advertising purposes.

Subd. 3. **Exception.** This Section shall not apply to flags depicted on written or printed documents or periodicals or on stationery, ornaments, pictures or jewelry, provided there are not unauthorized words or designs on such flag and provided the flag is not connected with any advertisement.

Section 9.54. **Animals and Fowl-Keeping, Housing, Treatment, Restraint, Confinement and Trespasses.**

Subd. 1. **Definition.** For purposes of this section, the term "animals" means cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, and all other animals and feathered fowl except dogs and cats, unless such pets are specifically included in particular subdivisions hereof.

Subd. 2. **Keeping.** It is unlawful for any person to keep any animal, not in transit, in any part of the City not zoned for agricultural purposes, except if such animal is being kept under a valid temporary permit for invasive species eradication or control.

Source: Ord. 784-2nd Series
Effective Date: 06/25/18

Subd. 3. **Housing.** It is unlawful for any person to keep any animals in any structure infested by rodents, vermin, flies or insects.

Subd. 4. **Treatment.** It is unlawful for any person to treat any animal or house pet in a cruel or inhumane manner.

Subd. 5. **Restraint and Confinement.** It is unlawful for any person to suffer or permit animals to run at large in the streets or public places, or to be herded or driven thereon unless each animal is confined within a vehicle or restrained by means of bridles, halters, ropes or other means of individual restraints.

Section 9.55. **Nuisances.**

Subd. 1. **Definitions.**

A. **Animals.** Cattle, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, feathered fowl and rabbits.

B. **Deteriorated Structure.** Any structure or part of any structure which is because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable nor useful.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

C. **High Grass.** Any grass or weeds allowed to attain a height in excess of six (6) inches except vegetation on lakeshores, stream banks, wetlands or other areas where such ground is encouraged for environmental or erosion control purposes including pollinator habitat as provided elsewhere in this Code.

Source: Ord. 780-2nd Series
Effective Date: 12/26/18

D. **Junk/Rubbish.** Any material or substance stored in the open or not enclosed in a building which does not serve, nor is it intended to serve, any useful purpose or the purpose for which it was originally intended, including but not limited to, refuse; empty cans, bottles; debris; used furniture; unused appliances; machinery parts; motor vehicle parts; vehicle tires; remnants of wood; dead trees, shrubs or other vegetation; decayed, weathered or broken construction material no longer usable; metal; or cast off materials.

E. **Junk Vehicles.** A vehicle without a valid, current license, or without a valid, current registration or which is apparently inoperable located outside an enclosed building in a residential area, including, but not limited to, automobiles, trucks, motorcycles, snowmobiles, trailers, stock and demolition vehicles, all-terrain vehicles and watercraft.

Source: Ord. 590-2nd Series
Effective Date: 12/26/06

F. **Noxious/Poisonous Vegetation.** Any poison ivy, ragweed, or other poisonous plants; or any weeds, grass brush or plants which are a fire hazard or otherwise detrimental to the health or appearance of a neighborhood.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

G. **Responsible Party.** Any one (1) or more of the following: agent; assignee or collector of rents; property manager; holder of contract for deed; mortgagee or vendor in possession; receiver, executor, personal representative, lessee; those known by the City as having an ownership interest; or, any other person or entity exercising apparent control over a property.

Source: Ord. 674-2nd Series
Effective Date: 4/9/12

H. **Unsafe buildings.** Any building or structure which is structurally unsafe, does not provide adequate egress, is dangerous to human life, or constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment.

Subd. 2. **General Policy.** It is hereby determined that the uses, structures, activities and causes of blight factors described within this section, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. No person, firm or corporation of any kind shall maintain or permit to be maintained any public nuisance identified within this section on property in the City which is either owned, leased, rented, or occupied by such person, firm or corporation.

Subd. 3. **Public Nuisance - General.** Whoever, by act or failure to act, intentionally does any of the following is guilty of maintaining a public nuisance:

A. Maintains or permits a conditions which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or

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

C. Is guilty of any other act of omission declared by law or this section to be a public nuisance and for which no sentence is specifically provided.

D. In a residential area, simultaneously maintains more than one (1) vehicle on a "For Sale" basis. (Evidence that a vehicle is "For Sale" includes, but is not limited to, "For Sale" signs or price markings on or about the vehicle.) Vehicles for sale in a residential area shall be under the registered ownership of the owner or occupant of the property on which the vehicle is located, or under the registered ownership of a member of the property owner's or occupant's immediate household.

E. Maintains or permits to be maintained on one's property or property under their control, any materials or conditions defined in Subd. 1 of this Section.

Subd. 4. **Public Nuisance - Health.** The following are hereby declared to be nuisances affecting health:

A. Exposed accumulation of decayed or unwholesome food or vegetable matter;

B. All diseased animals running at large;

C. Carcasses of animals;

D. Accumulation of manure;

E. Garbage cans which are not rodent-free or fly-tight or which are so maintained so as to constitute a health hazard or to emit foul and disagreeable odors;

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

G. All noxious or poisonous vegetation;

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

Subd. 5. **Public Nuisances - Morals and Decency.** The following are hereby declared to be nuisances affecting public morals and decency:

A. All illegal devices;

B. Betting, bookmaking, and all apparatus used in such occupations;

C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;

D. All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons, are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place;

E. Any vehicles used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

Subd. 6. **Public Nuisance - Peace and Safety.** The following are declared to be nuisances affecting public peace and safety:

A. All snow and ice not removed from public sidewalks 48 hours after the snow or other precipitation causing the condition has ceased to fall;

B. All trees, hedges, signs, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;

C. All obnoxious noises in violation of Minn. Stat. §116.07, Subdivisions 2-4 or Minnesota Pollution Control Rule Sections 7010.0010-7010.0080;

D. Unauthorized obstructions and excavations affecting the ordinary use by the public streets, alleys, sidewalks, or public grounds;

E. Any wire fences less than six feet above ground and within three feet of a public sidewalk or way, or any limbs of trees which are so close to the surface of the street or sidewalk as to constitute a danger to pedestrians or vehicles;

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

G. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch;

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

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

J. And any junk/rubbish as defined in this section;

Source: Ord. 590-2nd Series
Effective Date: 12/26/06

K. Any high grass as defined in this section;

L. Any deteriorated or unsafe building or structure as defined in this section;

M. The keeping of any animals not in transit as defined in this section;

N. Any vehicle in violation of the Alexandria City Code dealing with emergency and street cleaning operations.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

O. Any sidewalk in deteriorated, unsafe condition in need of repair to correct changes in elevation or grades.

Source: Ord. 367-2nd Series
Effective Date: 02/27/95

Subd. 7. **Enforcement.**

A. The City shall determine that conditions exist which may violate this section. Upon identification of a violation, notice shall be served upon the property owner or responsible party as provided herein. Said notice shall identify the nature of the nuisance and the violation of this section, and it shall specify an abatement deadline which shall be determined by the enforcement officer and which shall allow for a reasonable amount of time for abatement, and it shall order the property owner or responsible party to abate the nuisance within the specified time. Upon receipt or posting of said notice, the property owner shall abate the nuisance within the time specified in the notice. For the purposes of this Ordinance, when service of a notice is required, any one (1) or more of the following methods of service upon the property owner or responsible party shall be adequate:

1. By personal service; or
2. By certified mail via the United States Postal Service; or
3. If the appropriate party or mailing address cannot be determined after reasonable effort, or if the notice sent by certified mail is returned undelivered, or if the nature of the nuisance is such that the delay resulting from personal service or service by mail would unreasonably delay abatement of the nuisance, by posting a copy of the notice in a conspicuous place on the property, in which case the notice shall also state the date on which it was posted.

B. The property owner or responsible party may appeal said order to the Alexandria City Council, provided that any appeal must be submitted in writing to the City Administrator for the City of Alexandria no later than the time for abatement specified in the notice or ten (10) days following receipt of the violation notice, whichever is sooner.

Source: Ord. 677-2nd Series
Effective: 9/27/12

C. If the property owner or responsible party requests an appeal in compliance with the provisions established by this subdivision, a hearing before the City Council shall be scheduled at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal. Following said hearing, the City Council shall, by resolution, determine whether a violation is evident. Upon finding of a violation, the City Council shall order that the cited conditions be abated.

E. The City shall proceed with making the necessary arrangements to have the cited violation abated. Any and all costs that may be incurred by the City to alleviate the cited violation shall be the property owner's or responsible party's obligation.

F. Failure by a property owner or responsible party to reimburse the City of Alexandria for any reasonable costs incurred concerning the enforcement of this Ordinance shall be cause to certify said costs to the Douglas County Auditor as a special assessment against the property in question.

Source: Ord. 674-2nd Series
Effective: 4/9/12

Section 9.56. **Window Peeping**. It is unlawful for any person to go upon the private premises of another, and in a surreptitious manner look, gaze, stare or peep into any window, door or other opening in any building located thereon which is occupied by a person or persons as a place of abode with intent to intrude upon the privacy of a member of the household thereof.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Section 9.57 **Public Indecency.**

Subd. 1. It is the purpose and intent of this ordinance to protect the public health, safety, welfare, and morals of the community at establishments featuring nudity by curtailing the varied criminal offenses which are associated with nudity so as to protect societal order and morality.

Subd. 2. For purposes of this section, "nudity" shall mean the showing of the human male or female genitals, pubic areas, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

Subd. 3 For purposes of this section, "adult establishment" shall mean any establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction, or description of specified sexual activities or specified anatomical areas.

Subd. 4. For purposes of this section, "specified sexual activities" shall mean activities consisting of the following:

a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphis, zooerasty; or

b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or

c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

d. Fondling or touching or nude human genitals, pubic region, buttocks, or female breasts; or

e. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or

f. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or

g. Human erection, urination, menstruation, vaginal or anal irrigation.

Subd. 5. For purposes of this section, "specified anatomical areas" shall mean anatomical areas consisting of:

a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Subd. 6. No person, in an adult establishment, shall knowingly or intentionally engage in sexual intercourse, engage in deviate sexual conduct, appear in a state of nudity, or fondle the genitals of himself/herself or another person.

Subd. 7. Any person violating this section shall be guilty of a misdemeanor.

Subd. 8. If any term or provision of this ordinance is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms or provisions shall not be affected and the ordinance shall be construed and enforced as if the ordinance did not contain the particular term or provision held to be invalid.

Source: Ord. 359-2nd Series
Effective Date: 9/12/94

Section 9.58 **Obstruction of Public Way**. It shall be unlawful for persons to gather in a crowd or collect in such a manner as to prevent, interrupt or obstruct the travel, free passage or access over the same by the public upon any public park, sidewalk, street, alley, right-of-way, building or upon any private property to which the public has access. A violation of this section shall be punishable as a misdemeanor, and each day on which a violation occurs shall be a separate offense.

Source: Ord. 756-2nd Series
Effective Date: 11/14/16

(Sections 9.59 to 9.80, inclusive, reserved for future expansion.)

OTHER PUBLIC PROTECTION

Section 9.81. **Prevention and Control of Dutch Elm and Other Epidemic Shade Tree Diseases.**

Subd. 1. **Declaration of Policy.** The City has determined that the health of the elm and all other trees are threatened by fatal diseases of epidemic proportion, including Dutch Elm disease. It has further determined that the loss of trees growing upon public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the City to control and prevent the spread of disease and this Section is intended for that purpose.

Subd. 2. **Shade Tree Disease Program.** It is the intention of the City to conduct a program of plant pest control pursuant to authority granted by Minn. Stat. §18.022. This program is directed specifically at the control and elimination of disease fungus and elm bark beetles and is undertaken at the recommendation of the Commissioner of Agriculture. The Tree Inspector, hereinafter provided for, shall act as coordinator between the Commissioner of Agriculture and the City in the conduct of this program, and shall secure compliance with all of the rules prescribed by the Commissioner of Agriculture pursuant to Minn. Stat. §18.023, as amended, insofar as they apply to the City.

Subd. 3. **Tree Inspector.** The Council shall appoint a Tree Inspector who shall meet all qualifications for the position as set out in 3 MCAR Section 1.0110 (A) (3), and who shall perform all duties required by 3 MCAR Section 1.0109, et seq, and Alexandria City Code Section 9.81.

Subd. 4. **Disease Control Area.** All real property, whether privately or publicly owned, located within the corporate limits, is hereby designated as a disease control area.

Subd. 5. **Nuisance Declared.** The following things are public nuisances whenever they are found within the City:

A. Any living or standing elm tree or part thereof infested to any degree with Dutch Elm disease fungus, Ceratocystis ulmi (Buisman) Mureau, or which harbors any of the elm bark beetles, Scolytus multistrialus (Eich.) or Hylnrgopinus rufipes (March).

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

C. Any living or standing oak tree or part thereof infested to any degree with the oak wilt fungus Ceratocystis fagacearum.

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

E. Any other shade trees with an epidemic disease.

Subd. 6. **Abatement.** It is unlawful for any person to permit any public nuisance as herein defined to remain on any premises owned, leased, occupied, or controlled by him. Such nuisance may be abated in the manner prescribed by this Section.

Subd. 7. **Inspection and Investigation.** The Tree Inspector, his agents or employees, shall inspect all premises and places within the City as often as practicable to determine whether any conditions described herein exists thereon. They shall investigate and report incidents of infestation by Dutch Elm fungus or elm bark beetles to the Council.

Subd. 8. **Abatement of Dutch Elm Disease Nuisance.** In abating the nuisance defined herein, the Tree Inspector, his agents or employees, shall cause the infected tree or wood to be removed and burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of epidemic diseases, as to destroy and prevent as fully as possible the spread of epidemic diseases, including Dutch Elm disease fungus and elm bark beetles and Oak Wilt disease. He shall also take such steps as are necessary to prevent root graft transmission of the disease. Such abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designated by the Commissioner of Agriculture of the State of Minnesota. The City shall establish specifications for tree removal and disposal methods consistent therewith.

Subd. 9. **Private Property Abatement.**

A. **Abatement of Dutch Elm Nuisance on Private Property.** Whenever the Tree Inspector, his agents or employees, finds with reasonable certainty that the infestation defined in Subdivision 5 exists in tree or wood located on private property, outside any public way in the City, they shall notify by registered or certified mail, the owner, lessee, occupant or person in control of such property on which the nuisance is found, of the infestation and direct that the infestation shall be removed and burned, or otherwise effectively treated in an approved manner by such owner, lessee, occupant or person in control within ten (10) days after receipt of such notice. The notice shall also state that if the nuisance shall not be abated by the owner, lessee, occupant or person in control within the time provided, the owner, lessee, occupant or person in control may be charged with a violation of this Section for maintaining a nuisance and that the City by and through its Council may abate the nuisances and assess the costs against said property. If the owner, lessee, occupant or person in control of any private property upon which such a tree is situated fails to have such tree or wood so removed and burned or otherwise effectively treated, within ten (10) days after receipt of notification by mail, the Tree Inspector, his agents or employees, shall proceed to have such tree removed and burned or otherwise effectively treated, and any expense incurred by the City in so doing shall be a charge and lien upon the said property and shall be collected as a special assessment in the same manner as other special assessments.

B. When the Tree Inspector, his agents or employees find conditions indicating the possibility of Dutch Elm, Oak Wilt or other infestation, and the Tree Inspector determines that confirmation is necessary, he immediately shall take and send appropriate specimens or samples to the Commissioner of Agriculture (Bureau of Plant Industry), State of Minnesota, for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner of Agriculture. Except as provided in this Subdivision 9, no action to remove infested trees nor wood shall be taken until positive diagnosis of the disease has been made. Within five (5) days of receipt of the diagnosis, the owner, lessee, occupant or person in control of the property from which the specimen was obtained shall be notified of the result by registered mail.

Subd. 10. **Interference Prohibited.** It is unlawful for any person to prevent, delay or interfere with the City Forester, his agents or employees, while they are engaged in the performance of duties imposed by this Section.

Subd. 11. **Position of City Forester.** The position of City Forester is hereby created. The Park Superintendent of the City or such other City official or person as may be designated from time to time by the Council shall perform the duties of City Forester, The appointment to fill the position shall be made by a resolution of the Council.

Section 9.82. **Disorderly House or Place of Public Resort.** It is unlawful for any person to (1)keep a disorderly house or place of public resort, whereby the peace, comfort or decency of a neighborhood is habitually disturbed; or (2) being the owner or in control of any premises, intentionally permit them to be so used.

Section 9.83. **Fraudulent Long Distance Telephone Calls.** It is unlawful for any person to obtain long distance telephone service by intentionally requesting of the operator that the cost thereof be charged to a false or non-existent telephone or credit card number or to the telephone or credit card number of another without his authority.

Section 9.84. **Bomb Threat or Obscene or Annoying Calls.**

Subd. 1. It is unlawful for any person to make or cause to be made a telephone call to threaten a bombing or threaten that a bomb or other explosive device or devices have been placed in any location.

Subd. 2. It is unlawful for any person to make a telephone call, whether or not conversation ensues, without disclosing their identity and with intent to annoy, abuse, threaten or harass any person at the number called; or to make the telephone of another repeatedly or continuously to ring, with intent to harass any person at the number called; or by means of a telephone to make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent.

Subd. 3. It is unlawful for any person knowingly to permit any telephone under his control to be used for any unlawful purpose described in this Section.

Section 9.85. **Noise.**

Subd. 1. It is unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

Subd. 2. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section:

A. **Horns and Signaling Devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; the creation by mens of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

B. **Radios, Phonographs, Musical Instruments and Other Sound Producing Instruments.** The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner so as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

C. **Outdoor Music.** Outdoor music (either outside or live) originating from a property audible from any public road after 11:00 pm.

Source: Ord. 767-2nd Series
Effective Date: 6/16/17

D. **Loud Speakers, Amplifiers for Advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure.

E. **Yelling, Shouting, Hooting, Whistling or Singing.** Yelling, shouting,, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quite, comfort, or repose of persons in any office or in any dwelling, hotel, motel or other type of residence, or of any persons in the vicinity.

F. **Animals and Birds.** The keeping of any animal or bird which is causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

G. **Steam Whistles.** The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of the proper City authorities.

H. **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

I. **Defect in Vehicle or Load.** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

J. **Operation of Motor Vehicle.** The use of any automobile, motorcycle, or vehicle in such manner so as to create loud and unnecessary grating, grinding, rattling, screeching, squealing or other noise.

K. **Loading, Unloading, Opening Boxes.** The creation of a loud and excessive noise in connection with loading, unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

L. **Construction or Repairing of Buildings.** The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and he shall further determine that loss of inconvenience would result to any party interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

N. **Schools, Courts, Churches, Hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably

interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating the same is a school, hospital or court street.

O. **Hawkers, Peddlers.** The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

P. **Drums.** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

Q. **Metal Rails, Pillars and Columns, Transportation Thereof.** The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

R. **Pile Drivers, Hammers, and Heavy Equipment.** The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

S. **Blowers.** The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

T. The foregoing declaration of certain noises shall not be deemed a limitation on Subd. 1 hereof.

Section 9.86. **Regulation of Retail and Commercial Business Parking Lots.** It shall be unlawful for any person(s) to be present in the parking lot or on any property owned by a business in the City of Alexandria except in emergency circumstances when that business is not open to the public and the hours of operation are posted on the business building in a manner visible to the public. "Business" shall include, but not be limited to, any commercial or retail business. This section shall not apply to business owners, business employees, or their invited guests

or renters, who can verify that he or she has specific permission to be on the property at that time. Violation of this section is a misdemeanor.

Source: Ord. 605-2nd Series
Effective Date: 5/29/07

Section 9.87. **Authorization to Conduct Criminal Background Checks.**

Subd. 1. **General** The purpose of this ordinance is to authorize the City of Alexandria, acting through a Police Department, to access the Bureau of Criminal Apprehension Minnesota Computerized Criminal History public data and driver's license history background on employees, applicants for employment, volunteers and applicants for the following City licenses: intoxicating liquor, wine, 3.2 malt liquor, refuse haulers, tobacco, peddler, solicitor and massage. The City may conduct comprehensive background investigations including, but not limited to, accessing data through other automated and non-automated sources and contacting references. The City may periodically conduct a driver's license inquiry upon employees or volunteers where possession of a valid driver's license is an essential qualification of the position. Before the investigation is undertaken, the person must authorize the Police Department in writing to undertake the investigation and to release the information to the City Administrator and other City staff as appropriate. If a questioned identity situation occurs, fingerprint verification shall be obtained. Should the City reject an applicant's request for employment due, partially or solely, to the applicant's prior conviction of a crime, subject to the exception set forth in Minnesota Statutes Section 364.09, the City Administrator shall notify the applicant in writing of the following:

a) The grounds and reason for the denial;

b) The applicable complaint and grievance procedure set forth in Minnesota Statutes Section 364.06;

c) The earliest date the applicant may reapply for employment; and

All competent evidence of rehabilitation will be considered upon reapplication.

Source: Ord. 621-2nd Series
Effective Date: 6/09/08