CHAPTER V.
MUNICIPAL REGULATION AND LICENSING
PART 1. General Licensing And Permit Provisions

501.01 Licenses And Permits.

Subdivision 1. General Rules. Except as otherwise provided in this code, all licenses and permits granted by the city shall be governed by the provisions of this part.

Subdivision 2. Act Prohibited. No person shall conduct any activity or use any property for which a license or permit is required by law or this code without a currently valid license or permit for such activity or use.

Subdivision 3. Application. Every application for a license shall be made to the clerk on a form provided by him. It shall be accompanied by payment to the clerk of the prescribed fee. If, after investigation, the clerk is satisfied that all requirements of law and this code have been met, he shall present the application to the council for action, or if the license or permit does not require council approval, he shall issue the license or permit.

Subdivision 4. Bond. Where a bond is required for any license or permit, the bond shall be a corporate surety bond executed on a form approved by the city attorney and shall be filed with the clerk before the license or permit is issued. Except where otherwise provided, a bond shall be in the amount of $5,000, conditioned that the licensee or permitee shall comply with the applicable ordinance and laws pertaining to the licensed or permitted activity and that the licensee or permitee will indemnify the city and save it harmless from all loss or damage by reason of inadequate work performed by him or by reason of accident caused by the negligence of the licensee or permitee, his agents or employees.

Subdivision 5. Insurance.

a) When a licensee or permitee is required to have in force a policy of insurance, the policy shall be approved as to substance and form by the city attorney. The policy shall provide that it is noncancellable without 15 days' notice to the city, and the coverage shall be for the term of the license or permit. Satisfactory evidence of coverage by insurance shall be filed with the clerk before the license or permit is issued. Each license or permit shall terminate upon termination of the required insurance coverage.
b) Unless otherwise provided, a required policy of liability insurance shall provide for protection in the least the following amounts:
For injuries including death therefrom sustained by any one person, $5,000.

501.01 Licenses And Permits (cont.)

For injuries including death resulting therefrom sustained by two or more persons as the result of anyone occurrence, $100,000.
For property damage, $25,000.

501.02 Fees.

Subdivision 1. Fee Established. License fees are in the governing sections of this chapter or as otherwise provided in this code. The compilation of all fees in Appendix is maintained for convenience and reference only. The license and permit fees as set forth in the various sections of this code are the official and controlling provisions.

Subdivision 2. Prorated Fees. License fees shall not be prorated unless otherwise specified by this code or by law.

Subdivision 3. Refunds. License fees shall not be refunded in whole or in part unless otherwise specified by this code or by law.

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

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

501.05 Inspection.

Subdivision 1. Authorized Personnel. Any city official or employee having a duty to perform with reference to a license under this code and any police officer may inspect and examine any licensee, his business, or premises to enforce compliance with applicable provisions of this code. Subject to the provisions of subdivision 2, he may, at any reasonable time enter any licensed premises or premises for which a license is required in order to enforce compliance with this code.

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

501.06 Duties Of Licensee.

Subdivision 1. Compliance Required. Every license and permitee shall have the duties set forth in this section.

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

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

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

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

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

PART 2. Rubbish Disposal

502.01 Definitions.

Subdivision 1. Words And Phrases. For the purpose of this ordinance, the following words and phrases have the meanings given them in the Section.

Subdivision 2. GARBAGE means organic waste resulting from the preparation of food, decayed and spoiled food of any source.

Subdivision 3. REFUSE includes garbage and rubbish.

Subdivision 4. RUBBISH means inorganic solid waste, such as tin cans, glass, paper, ashes, sweepings, etc.

502.02 General Regulations.

Subdivision 1. Unauthorized Accumulation. Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

Subdivision 2. Refuse In Streets, Etc. No person shall place any refuse in any street, alley, or public place, or upon any private property, except in proper containers for collection. No person shall throw or deposit refuse in any stream or other body of water.

Subdivision 3. Scattering Of Refuse. No person shall deposit anywhere within the City any refuse in such manner that it may be carried or deposited by the elements upon any public or private premises within the City of Winthrop.

Subdivision 4. Burying Of Refuse; Composting. No person shall bury any refuse within the city except in an approved sanitary landfill, but leaves, grass, clippings and easily bio-degradable, non-poisonous garbage may be composted on the premises where such refuse has been accumulated. Garbage may composted only in a rodent-proof structure and in an otherwise sanitary manner and after the council gives its approval to such composting and after it finds that composting will be done in accordance with these standards.

502.03 Disposal Required.

Every person shall, in a sanitary manner, dispose of refuse that may accumulate upon the property owned or occupied by him. Garbage shall be collected or otherwise lawfully disposed of, at least once each week.

502.035 Hauling.

Subdivision 1. Hauling Garbage. It is unlawful for any person, company, corporation or business to haul garbage or recyclable for hire without a license from the City. ***As amended April 7th, 1997.***

Subdivision 2. Haulers License. All hauler licenses within the city shall be issued by the City Council. No hauler shall be issued a license unless the hauler complies with each and every on of the conditions set out in Section 502 of this ordinance code. Further, the City upon council action, may revoke a haulers license in the event it is found that the hauler during the period of licensure has at any point failed to comply with each and every one of the conditions set out in Section 502, or in any license issued hereunder. Each year the city council shall on a case by case basis determine whether an existing haulers license shall be renewed for an additional one year period. Before each hauling license is issued or renewed, the hauler shall pay to the City Clerk $25.00 as the annual licensure fee. ***As amended April 7th, 1997.***

Subdivision 3. Rates. Before a refuse haulers license is issued or renewed each applicant shall file with the City Clerk a schedule or proposed rates to be charged by the hauler during the licensure period for which the application is made. The schedule of proposed rates, or a compromised schedule thereof, shall be approved by the Council before granting a license. Nothing herein shall prevent a licensee from petitioning the Council for review of such rates during a license period, and the Council will likewise consider such petition and make new rates effective at any time. No licensee shall charge rates unless the rates are approved by the Council. ***As amended April 7th, 1997.***

Subdivision 4. Other Conditions. The City may impose other conditions on licenses. ***As amended April 7th, 1997.***

Subdivision 5. Delayed Implementation Date. This Section 502.35 and the licensure requirements herein shall not become effective until June 1, 1997. This is to provide nonlicensed haulers in the City with adequate time to conclude their contracts in the City. ***As amended April 7th, 1997.***

502.04 Contract For Refuse Collection.

Subdivision 1. Council To Let Contract. Subject to the provisions of this part, the council shall grant, by contract, let to the lowest bidder in accordance with law the authority to collect and dispose of all refuse originating within the city. The city clerk shall prepare specifications for advertising for bids for such contract and he shall see that when let, the contract is executed in accordance with its terms and this part.

502.04 Contract For Refuse Collection (cont.)

Subdivision 2. Terms. The contract shall be made for a term of one (1) year, subject to extension by mutual consent for an additional one (1) year and to termination during the period of the contract as provided in the contract.

Subdivision 3. Liability Insurance. It shall be a condition of the contract that the applicant file with the clerk a current policy of public liability insurance concerning all vehicles to be used by the applicant in the business. Limits of coverage of such insurance:

1. $500,000.00 for the injury of one person;
2. $500,000.00 for property damages;
3. $500,000.00 for the injury of two or more persons involved in the same accident;
4. $1,000,000.00 Umbrella Policy;
5. $5,000.00 Workers compensation policy in effect.

Policies shall carry an endorsement of the policy that the policy shall be canceled or terminated without first giving notice to the City in writing at least ten (10) days prior to the proposed cancellation. ***As amended April 7th, 1997.***

Subdivision 4. Contract Collector. No person shall collect refuse within the city except a person holding a contract with the city to do so. No person shall permit refuse to be picked up from his residence except by such contractor.

Subdivision 5. Garbage Pickup For Parks And Municipalities. Licensees shall provide free pick up to municipal parks and other municipal buildings and shall also provide free city clean up in the spring and fall with dates to be prearranged between the licensees and the city. ***As amended April 7th, 1997.***

502.05 Rates And Charges.

Subdivision 1. Schedule. The owner or occupant of any residence served by the city refuse collection contractor shall pay to the city a certain service charge for the receipt of said service. This charge shall be set in the discretion of the city council and may be periodically redetermined by the council as needed to defray city costs attributable to the provisions of refuse collection services.
As amended May 23rd, 1983.

Subdivision 2. Disputes Regarding Charges To Non-Residential Customers. If a dispute arises between the contract collector and a non-residential customer regarding reasonable charges for the refuse collection of such non-

residential customer, the matter shall be submitted to the city council for arbitration and final determination of reasonable charges to be paid by the customer to the contract hauler.

502.05 Rates And Charges (cont.)

Subdivision 3. Billings. The service charge shall be made to the owner or occupant of each residence served. If the residence is served by the city electricity, the refuse collection charge shall be billed as a separate entry on the monthly electric bill. If the premises are not so served, the refuse collection charge shall be separately billed by the city clerk.

Subdivision 4. Payment. Service charges shall be payable at the same time as bills for electric service, and subject to the same conditions of payment. If any charges are unpaid on September first of any year, the council shall levy an assessment equal to the unpaid charge of that date plus interest at the rate of six per cent (6%) from that day and penalty of ten per cent (10%). The clerk shall certify the assessment to the county auditor for collection in the same manner as assessments for local improvements.

Subdivision 5. Fund. All service charges shall be deposited in the general fund.

502.06 Refuse Collection Schedule. Each contractor shall collect refuse from premises for which he has collection contract at least weekly throughout the year.

502.07 Collection Vehicles. Every refuse collection vehicle shall be lettered on the outside so as to identify the contractor. Every vehicle used for hauling garbage shall be covered, leak-proof, durable, and of easily cleanable construction. Every vehicle used for hauling refuse shall be sufficiently air tight, and so used as to prevent unreasonable quantities of dust, paper, or other collected materials to escape. Every vehicle shall be kept clean to prevent nuisance, pollution, or insect breeding, and shall be maintained in good repair.

502.08 Application Of Ordinance. These ordinances and the contracts hereunder shall apply to the collection of refuse at residences and commercial businesses within the City of Winthrop. ***As amended April 7th, 1997.***

PART 3. Dogs

503.01 Running At Large Prohibited. No dog shall be permitted to run at large within the limits of the city. ***As amended June 5th, 1978.***

503.02 The restriction imposed by 503.01 shall not prohibit the appearance of any dog upon streets or public property when the dog is under the immediate control of the person charged with its care.***As amended June 5th, 1978.***

503.03 License Required. No person shall keep any dog within the city without securing a license therefore from the clerk, who shall keep a record of all licenses issued and shall issue a metal tag for each license. The license shall be valid for a period of one year commencing January 1 and expiring December 31 of the year issued.

A fee must be paid for each license in amount as determined from time to time by the City Council. Periods upon payment of the applicable foregoing fees; provided that the fees provided shall be pro rated on the basis of the number of months remaining in any such period. For this purpose, 15 days or more shall constitute a full month.

Every application for a license shall be accompanied by a certificate of a qualified veterinarian showing that the dog to be licensed has been given a vaccination against rabies within the time hereinafter specified. Each application shall also be accompanied by proof that the applicant has at least $50,000 in homeowner's liability insurance coverage.

No license shall be granted for a dog which has not been vaccinated against rabies as provided in this section on such date and not more than two years will have elapsed from the date of such vaccination from the time of 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.

No license shall be issued for a spayed female dog unless it shall be filed with the application for a license a written statement of a licensed veterinarian to the effect that such dog has been spayed or otherwise rendered sterile.

No license shall be issued absent proof of insurance as required in this section.
As amended June, 5th, 1978.
As amended November 2nd, 2009.

503.04 Impounding. Every police officer shall impound any dog found unlicensed or running at large and shall give notice of the impounding to the owner of such dog if known. In case the owner is unknown, such officer shall

post notice at the city hall that if the dog is not claimed within five regular business days of the posting of the notice, it will be destroyed. If such dog is not claimed within the five specified days and all fees and charges paid, the dog shall be euthanized and disposed of in accordance with Minnesota law. The owner of the dog is responsible for all costs associated with the impounding, housing, and euthanization of the animal. If the cost is not paid, the City may undertake all legal remedies available to collect the costs from the owner including assessing the costs against the property in accordance with Chapter 429 of the Minnesota Statutes.
As amended June 5th, 1978.
As amended November 2nd, 2009

503.05 Obligation To Prevent Nuisances. It shall be the obligation and the responsibility of the owner or custodian of any animal in the city, whether permanently or temporarily therein, to prevent any 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 at night, to frequent school grounds, parks or public beaches, 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, or to molest, defile or destroy any property, public or private. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance shall be subject to the penalty hereinafter provided. ***As amended June 5th, 1978.***

503.06 Permissible Return Of Unrestrained Dog. Notwithstanding the provisions hereinabove, if an animal is found unrestrained and its owner can be identified and located, such animal need not be impounded but may, instead, be taken back to the owner. In such case, however, proceedings may be taken against the owner in violation of this ordinance.***As amended June 5th, 1978.***

503.07 Proceedings For Destruction Of Certain Dogs. Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exists:

a. That any dog at any time destroyed property or habitually trespasses in a damaging manner upon the property of persons other than the owner; or

b. That any dog at any time has attacked or bitten a person outside the owner's or custodian's premises; or

c. That any dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets or highways; or

d. That any dog is a public nuisance as hereinafter defined; or

e. That any dog is running at large in violation of this chapter;

The presiding officers of said court shall issue a summons directly to the owner of said dog commending him to appear before said court to show cause why said dog 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 but not more than six days from the date thereof and shall be served at least two days before the time of appearance in connection therein. Upon such hearing and finding of the facts true as complained of, the court may either order the dog killed or 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 violated such order, any police officer may impound any dog that is described in such order. The provisions of this section are in addition to and supplemental to the other provisions of this chapter.

Cost of the proceedings specified by this action shall be assessed against the owner or custodian of the dog; if the facts of the complaint are found to be true; or to the complainant if the facts are found to be untrue. If the cost is not paid, the City may undertake all legal remedies available to collect the costs from the owner including assessing the costs against the property in accordance with Chapter 429 of the Minnesota Statutes.
As amended June 5th, 1978.
As amended November 2nd, 2009.

503.08 Summary Destruction Of Certain Dogs. Whenever an officer has reasonable cause to believe that a particular dog 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 dog, may summarily destroy such dog. The owner of the dog is responsible for all costs associated with the impounding, housing, and euthanization of the animal. If the cost is not paid, the City may undertake all legal remedies available to collect the costs from the owner including assessing the costs against the property in accordance with Chapter 429 of Minnesota Statutes.
As amended June 5th, 1978.
As amended November 2nd, 2009.

503.09 Penalties. Any person, firm or corporation found guilty of violating any section of this part is guilty of a misdemeanor.
As amended June 5th, 1978.
As amended April 4th, 2019.

503.10 Potentially Dangerous and Dangerous Dogs. Dogs will be declared by the City to be potentially dangerous or dangerous in accordance with the provisions of Chapter 347 of the Minnesota Statutes. All owners that have an animal so declared potentially dangerous or dangerous will be subject to all requirements set forth therein. Additionally, any owner that after already having one animal previously declared dangerous, has a subsequent animal declared dangerous will be required to pay a $300 fine in addition to all other requirements and obligations.

As amended November 2nd, 2009.

503.11 Attack by Animal. It shall be unlawful for any person who owns, harbors, or keeps any animal, or the parents or the guardians of any such person under 18 years of age, to negligently or intentionally permit or fail to prevent the animal from inflicting or attempting to inflict bodily injury upon any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home without permission. Any person, firm or corporation found guilty of violating any section of this part is guilty of a misdemeanor.

As amended March 2nd, 2020.

503.12. DEFINITIONS.
For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

A. **ANIMAL**. Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

B. **DOMESTIC ANIMALS**. Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

C. **FARM ANIMALS**. Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, ratitae (ostriches and emus), farm raised cervidae (caribous and mule deer), llamas and alpacas and other animals associated with a farm, ranch, or stable.

D. **NON-DOMESTIC ANIMALS**. Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:

1) Any member of the large cat family (family felidae) inclnding lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

2) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

3) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

4) Any member or relative of the rodent family including any skunk (whether or not descented), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

5) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

6) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

E. ANIMAL CONTROL OFFICER. The Chief Law Enforcement Officer, or an individual or employee of a business retained by the City for purposes of enforcing the provisions of this Chapter.

F. AT LARGE. Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

G. CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

H. DOG. Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

I. OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

J. RELEASE PERMIT. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Clerk in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established the Council and listed in the Fine and Fee Schedule, as it may be amended from time to time.

503.13 NON-DOMESTIC ANIMALS. Except as provided in M.S. § 346.155, as it may be amended from time to time, it shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition. ***As amended August 2nd, 2021.***

503.14 FARM ANIMALS. Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. Any owner of a farm animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal. Exceptions shall be made to this section as provided in Code sections 506.01-506.03 (chickens), and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition. ***As amended August 2nd, 2021.***

PART 4. Open Burning

504.01 Minnesota Statutes Adopted. The provisions of Minnesota Statutes 88.16 through 88.195, relating to "Open Burning" are adopted and made part of this ordinance as if set out in full. Provisions relating, but not limited, to definitions, restrictions, exemptions, salvage operations, permit, permit applications, liability, recreational fires and all else specified therein are incorporated within this ordinance. ***As amended January 2nd, 1996.***

As amended May 19th, 1981.

PART 5. ***Repealed in its Entirety December 4th, 2019.***

PART 6. Chickens

506.01 Generally. Chickens are allowed on any lot with a single family residence that is issued a permit to do so by the City, with these caveats:

1. No roosters are permitted. All chickens must be hens. If a permit holder inadvertently keeps a rooster, then that rooster must be removed within twenty four (24) hours of the date of discovery.
2. Chicken food is to be kept in containers designed to prohibit access by rodents or other pests.
3. A run or exercise yard conforming with this section is required.
4. Chickens must not be kept in such a manner as to constitute a nuisance to the occupants of any adjacent property.
5. Dead chickens must be disposed of according to applicable law and must be removed immediately and in any event within twenty four (24) hours.
6. Chicken manure is to be contained in a weather and pest proof container and removed weekly or composted or used as fertilizer and incorporated into the soil. Chicken manure must not be allowed to accumulate in such a way as to cause an unsanitary condition or odors detectible on another property.
7. Chickens kept under this section may not be slaughtered within the City.
8. No more than four (4) chickens may be kept at any one lot at any time.
9. Chickens must be confined inside a coop or a fenced in run at all times and chickens may not be allowed to range freely.

506.02 Permits. A permit issued by the City is required to keep chickens. The application for a permit fee shall be set by the City Council. A permit lasts for two years from the date of issuance. The provisions of this ordinance apply to an approved application for the same time period, at which time a new permit must be secured. The application must specify the number of chickens anticipated. A permit may allow between one and four chickens. Only one permit per lot. If a person wishes to keep chickens at multiple lots then that person must obtain a different permit for each lot.

A permit may only be issued if all of the owners of all adjoining properties approve of the application by signing the application form. Adjoining property means all properties within fifty (50) feet of the proposed location of the coop and run that the applicant is applying for a permit to keep chickens on. If an adjoining property is occupied by a tenant of a rental property, then both the tenant and the owner must approve and sign. If there are multiple rental units in an adjoining property, such as an apartment building, then every tenant in addition to the registered owner must sign and approve. If an adjoining property is owned by a business or other entity, then the application must be approved and signed by an individual with authority to bind the business/entity. If adjoining property is owned by the State or the City or another governmental entity, then the application must be approved and signed by an individual with authority to bind the governmental entity. If the applicant is

living in a rental property, then the registered property owner must also sign and approve the application.

Permits are non-transferable and do not run with the property. A permit constitutes a limited license granted to the chicken keeper by the City and in no way creates a vested zoning right. Site plans and coop designs are to be included with the permit application. A site plan must be a part of the document approved by the adjoining property owners.

By accepting the permit, the applicant is authorizing the City to inspect the chickens and facility during normal City Hall work hours. Law enforcement is exempt from this normal work hours limitation.

506.03 Coop and run. Coops and runs must be constructed and maintained to meet the following minimum standards:

1. A separate coop is required to house the chickens. The coop may not be attached to or inside any other structure such as a home or garage.
2. Only one coop is permitted per lot.
3. The coop must be fully enclosed.
4. The maximum height shall not exceed six (6) feet.
5. The maximum total square area of the coop and run shall not exceed seventy two (72) square feet.
6. Maximum coop size shall not exceed sixteen (16) square feet (four square feet per chicken).
7. The run size shall not exceed fifty-six (56) square feet and must have at least ten (10) square feet per chicken. The run must be fenced in on all sides and include a roof. The height of the run fence and roof must not exceed six (6) feet.
8. The coop must be at least twenty four (24) inches off the ground or in the alternative the coop may be placed on a concrete pad.
9. There must be sufficiently sized windows to permit natural light inside. Windows must be able to be opened for ventilation. Sufficient ventilation and insulation is required.
10. The construction must be done in a workmanlike manner and with durable material.
11. The coop and run must be located in the back yard of the property.
12. There must be sufficient moisture drainage to keep the coop well drained.
13. The coop must be rodent and predator proof. Any door or access point to the coop or run shall be able to be locked or otherwise secured.
14. Coops and Runs must be constructed to comply with setbacks applicable to the zoning district in which the property to be permitted is located. .
15. In addition to complying with all other applicable setbacks, coops must be at least twenty five (25) feet away from the applicant's residence and any residence on an adjoining property.
16. Coop designs must meet basic humane needs of chickens including heat, cooling, food, water, and protection from the elements.

506.04 Violations. Any person who commits, causes, permits, or allows a violation of the provisions of this section shall be guilty of a petty misdemeanor punishable by a twenty five ($25) dollar fine. Each day during which a condition exists which is in violation of this section shall be deemed to be a separate offense. If a permit holder has two convictions under this subdivision within any two year permit period then that permit shall be revoked. Upon revocation all chickens must be removed from the property within forty eight (48) hours.
As amended October 6th, 2014.

PART 7. Peddlers

507.01. DEFINITIONS.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. NON-COMMERICAL DOOR-TO-DOOR ADVOCATE. A person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs, including door-to-door canvassing and pamphleteering.

B. PEDDLER. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personnel property that the person is carrying or otherwise transporting. For purpose of this ordinance, the term peddler shall have the same common meaning as the term hawker.

C. PERSON. Any natural individual, group, organization, corporation, partnership, or similar association.

D. PROFESSIONAL FUNDRAISER. Any person, including a corporation or other entity, who, for compensation, performs any solicitations or other services for a religious, politician, social, or other charitable organization.

E. SOLICITOR. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above.

F. TRANSIENT VENDOR. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days.

507.02. PROHIBITED ACTIVITY.

The action of any person of going in and upon private residences in the said City of Winthrop, by peddlers, professional fundraisers, solicitors, and transient vendors of merchandise, not having received an advance request or invitation to do so by an owner or adult occupant of said private residence, for the purpose of direct sales or soliciting orders for the sale of goods, services, wares, produce or merchandise is hereby declared to be a nuisance and is prohibited. A professional fundraiser working on behalf of an otherwise exempt group or person as defined in Section 507.06 below shall not be exempt from the prohibitions of this ordinance.

507.03. DISTRIBUTION OF ADVERTISING.

This ordinance does not prohibit the distribution of informational or advertising flyers or brochures on to the doorsteps or doors of private residences, but such distribution right shall not be used as a subterfuge to obtain the prohibited face to face contact with any owner or occupant of a personal residence. Therefore, anyone distributing any such advertising or informational flyer or brochure shall not attempt to physically hand such material to any owner or occupant of a personal residence, and shall not knock on the structure, ring the doorbell, or make any other physical attempt to alert any owner or occupant of a personal residence that the delivery of the flyer or brochure is being made, it being considered that any such physical activity is a deliberate attempt to achieve the physical contact with the owner or occupant which is prohibited under this ordinance.

507.04. SALES ON PUBLIC PROPERTY BY PERMIT ONLY.

The practice of selling goods, services, wares, produce or merchandise on city streets, boulevards, rights of way, city parks or any other public property is hereby prohibited, unless a permit to conduct such activity has been issued by the City of Winthrop, it being in the public interest to avoid the traffic hazards, parking congestion and health hazards that such practices create if unlicensed. The decision to issue any such permits shall be in the sole discretion of the city, in keeping with the health, safety and welfare of the citizens of Winthrop, and the rights and expectations of the citizens to use said public property unencumbered by any physical barriers, congestion or unwanted solicitations that such private business enterprises may create. Permits for such temporary sales locations on public property may be obtained upon application to the City Administrator. Forms and fees for such permits shall be set from time to time by the City Council.

507.05. PERMITS FOR SPECIAL EVENTS.

As an exception to the permit process set out in Section 507.04 above, the City of Winthrop in its sole discretion may issue event permits to Winthrop organizations sponsoring special events. Such organizations include, but are not limited to, the Winthrop Chamber of Commerce, Winthrop-based fraternal, religious, and other

non-profit organizations, and special interest clubs. Such an event permit would be issued to the organization sponsoring the event, and would cover all vendors of merchandise or services invited by the sponsoring organization to participate in such event. It would be the responsibility of the permitted sponsoring organization to screen and supervise the participating vendors, to include the requirement that said vendors provide proof that they are properly licensed and insured as required by government regulations. Any such event permit would cover only a specific time frame and a clearly defined area of public property. Only those vendors invited to participate in the event by the sponsoring organization will be covered by such permit, and only for the time frame and location specified in the permit. If the city decides to grant such an event permit, it may do so with conditions, which may include requirements for crowd and traffic control, defined parking areas, and refuse disposal. Forms and fees for such permits shall be set from time to time by the City Council.

507.06. EXCEPTIONS TO ORDINANCE.
The restrictions set out in this ordinance shall not apply to any of the following persons:

A. Non-commercial door-to-door advocates. Nothing within this ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. No person is prohibited from going house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person's exercise of constitutional rights is merely incidental to what would reasonably be considered to be primarily a commercial activity.

B. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.

C. Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.

D. Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.

E. Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.

F. Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales. However, this exemption shall apply only if the sale is conducted on the premises of the primary residence of said person.

G. Any person participating in an organized multi-person bazaar or flea market. However, this exemption shall apply only if the sale is conducted on the premises of the primary residence of one of the persons participating in said event, and the other persons participating in the event are all either residents of the City of Winthrop, or relatives of city residents.

H. Any person conducting an auction as a properly licensed auctioneer.

I. Any officer of the court conducting a court-ordered sale.

507.07. PROHIBITED CONDUCT.

No peddler, professional fund raiser, solicitor, transient vendor, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manner:

A. Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be audible within an enclosed structure.

B. Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

C. Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

D. Failing to provide proof of identification when requested by city staff or law enforcement officers.

E. Using the identification, permit or license of another person.

F. Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, professional fund raiser, solicitor, or transient vendor shall claim to have the endorsement of the city solely based on the city having issued a permit to that person.

G. Remaining on the property of another when requested to leave.

H. Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

507.08. SEVERABILITY.
If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

507.09.
Any violation of this ordinance shall be considered a misdemeanor, punishable by a jail term and/or monetary fine as set out for misdemeanors under state law from time to time.
As amended July 10th, 2017.