

## 16 Public Safety

### 16.1 Regulation of Fires and Burning

**16.1.1 Burning Prohibited - Exceptions.** No person shall start or allow to burn for any purpose any outdoor fire except as hereinafter provided:

**16.1.1.1** Fires in containers so constructed and in such condition that no flame or sparks may escape from the container and provided an adult remains within twenty (20) feet of the container and has an unobstructed view of the container at all times the fire is burning within.

**16.1.1.2** Fires used exclusively for preparing food no more than three (3) feet in diameter provided an adult remains within twenty (20) feet of the fire and has an unobstructed view of the fire at all times.

**16.1.1.3** Fires are allowed for which a special permit has been issued by a supervisor, the chairman of the Town Board, the Clerk or Deputy Clerk of the Township if conditions permit safe burning. Such permit shall set forth such time limits and other requirements as the issuing person may determine are necessary from the standpoint of preventing an uncontrolled fire. The person issuing the permit assumes no responsibility for any effect of the fire.

**16.1.1.4** The Town Board may by resolution from time to time appoint a fire warden with authority to issue special burning permits for a period of time designated in the resolution.

### 16.2 Recreational Vehicles

**16.2.1 Intent.** It is the intent of this ordinance to supplement Minnesota Statutes, 1967, Sections 84.81 through 84.88, as amended, and Minnesota Statutes Chapter 169, with respect to the operation of snowmobiles and recreational vehicles. Such statutes are incorporated herein by reference. This section is not intended to allow what the state statutes prohibit nor to prohibit what the state statutes allow.

**16.2.2 Definitions.** For the purposes of this ordinance, the terms defined herein shall have the meaning ascribed to them:

**16.2.2.1** "Owner" means a person, other than a lien holder having the property in or title to snowmobile or recreational vehicle entitled to the use or possession thereof.

**16.2.2.3** "Operate" means to ride in or on and control the operation of a snowmobile or recreational vehicle.

**16.2.2.3** "Operator" means to ride in or on and control the operation of a snowmobile or recreational vehicle.

**16.2.3 Lawful Use.** It is unlawful for any person to operate a snowmobile or recreational vehicle within the limits of the town of West Lakeland:

**16.2.3.1** On the portion of any right-of-way of any street, except the most right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing

another vehicle stopped in that lane or proceeding in the same direction. Snowmobiles may also be operated upon the outside slope of trunk, county state-aid and county highways, as permitted by State Statutes, where such highways are so configured within the corporate limits.

- 16.2.3.2** On a public sidewalk provided for pedestrian travel.
- 16.2.3.3** On boulevards within any public right-of-way.
- 16.2.3.4** On lands not his or her own, including private lakes, without specific written and dated permission of the owner, occupant or lessee of such land.
- 16.2.3.5** On any other public place except as may be specifically permitted by other provisions of the Code.
- 16.2.3.6** On streets as permitted by this ordinance at a speed exceeding twenty (20) miles per hour.
- 16.2.3.7** During the hours from 9:00 p.m. of any day, Sunday through Thursday, inclusive, to 7:00 a.m. of the following day and during the hours from 10:00 p.m. of any Friday or Saturday to 7:00 a.m. of the next day closer than three hundred (300) feet from any residence unless on a public street at speeds of no more than five (5) miles per hour.

### **16.3 Traffic ordinances**

- 16.3.1** Traffic ordinances shall apply to the operation of snowmobiles and recreational vehicles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application.
- 16.3.2** No snowmobile shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.
- 16.3.3** No person under fourteen (14) years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, county state-aid, county highway, or town road, as the operator of a snowmobile or recreational vehicle. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile or recreational vehicle on streets and highways as permitted under this ordinance and make a direct crossing of such streets and highways only if he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner. It is unlawful for the owner of a snowmobile or recreational vehicle to permit the snowmobile or recreational vehicle to be operated contrary to the provisions of this section.
- 16.3.4** It is unlawful for any person to operate a snowmobile or recreational vehicle within the limits of the Town of West Lakeland so as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the snowmobile or recreational vehicle or within 10 feet of any fisherman, pedestrian, skating rink or sliding area.

- 16.3.5** It is unlawful for any person to operate a snowmobile or recreational vehicle any place within the limits of the Town of West Lakeland unless it is equipped with the following:
- 16.3.5.1** Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a snowmobile or recreational vehicle motor.
  - 16.3.5.2** Brakes adequate to control the movement of and to stop and hold the snowmobile or recreational vehicle under any condition of operation.
  - 16.3.5.3** A safety or so-called “deadman” throttle in operational condition. A safety or “deadman” throttle is defined as a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.
- 16.3.6** When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility, the snowmobile or recreational vehicle shall have at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the road during hours of darkness under normal atmospheric conditions.
- 16.3.7** Every person leaving a snowmobile or recreational vehicle on a public place shall lock the ignition, remove the key and take the same with him.

#### **16.4 Parking Restrictions**

- 16.4.1 Intent.** The intent of this ordinance is to insure safe and adequate passage of vehicles on Township streets and roads. It is also to discourage residents and nonresidents from prolonged periods of parking of cars, trailers, watercraft, campers, recreational vehicles, etc, on such streets, roads and Right-of-Ways (ROW), which may impede the Township's ability to maintain and/or cause damage to such streets, roads and ROWs.
- 16.4.2** Upon any public road, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved, improved or main traveled part of the public road when it is practical to stop, park, or so leave such vehicle off such part of said public road, but in every event a clear and unobstructed width of at least twenty (20) feet of such part of the public road opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such public road.
- 16.4.3** This section shall not apply to the driver of any vehicle which is disabled while on the paved, improved or main traveled portion of a public road in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

- 16.4.4** Any motor vehicle or trailer, such as cars, trailers, watercraft, campers, recreational vehicles or motorcycles, indicated as for sale parked on a public roadway or in the right of way are prohibited.
- 16.4.5** No person shall park or leave standing any vehicle, trailer or watercraft, whether attended or unattended on a public roadway or right of way for more than 72 hours. If the town is unable to identify, locate and notify its owner within 48 hours of said violation, the town will by its authority have it towed away at the owner's expense. This section does not apply to any vehicle if the owner temporarily does not have available access to off street parking due, but not limited to, driveway sealing, construction or other temporary obstructions in the owner's driveway. Unavailable off street parking on the owner's property due to excessive vehicles is not an acceptable exception.
- 16.4.6** **Posted Areas.** No person shall stop, park or leave standing any vehicle, trailer or watercraft, whether attended or unattended on a public roadway or right of way in violation of the restrictions of any signs posted under the authority of the Town Board or other appropriate governing body.

## **16.5 Swimming Pools**

- 16.5.1 Purpose.** The Town Board of the town of West Lakeland finds that private swimming pools constructed on private property for residential or other use may constitute a hazard to health, safety and the public welfare unless constructed in a proper manner with appropriate safety precautions. This ordinance is adopted to assure that all swimming pools in the town of West Lakeland shall be properly constructed and maintained in a safe condition.
- 16.5.2 Permits Required.** No person, corporation, partnership, or firm shall construct, repair, enlarge, alter, change, remodel or otherwise significantly improve a swimming pool in the Town of West Lakeland without first having obtained a permit from the Building Official.
- 16.5.3 Application for Permit.** The Building Official may require plans, specifications, and pertinent explanatory data be submitted with an application for a permit.
- 16.5.4** An application for a permit must include a site plan showing:
- 16.5.4.1** The type and size of pool, location of pool, location of house, garage, fencing and other improvements on the lot.
  - 16.5.4.2** The location of structures on all adjacent lots.
  - 16.5.4.3** The location of filter unit, pump and specifications indicating the type of such units.
  - 16.5.4.4** The location of back-flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool.
  - 16.5.4.5** The location of existing overhead or underground wiring, utility easements, trees and similar features.
  - 16.5.4.6** The location of any water heating unit.
  - 16.5.4.7** The location of water supply systems, buried sewers, and sewage disposal systems, other utilities and proximate sources of possible contamination of the pool.

- 16.5.4.8** All dimensions, including the length, width, depth of the pool, the size of the pool deck and the liquid capacity of the pool. Plans shall be drawn to a scale of not smaller than one-fourth (1/4) inch to one foot.
- 16.5.5** The application shall be accompanied by such permit fee as the Town Board may establish by resolution.
- 16.5.6 Performance Standards**
- 16.5.6.1** Pools shall not be located within twenty (20) feet of any septic tank/drain field nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front or side yard setbacks.
- 16.5.6.2** Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
- 16.5.6.3** Pools shall not be located within any private or public utility, walkway, drainage, or other easement.
- 16.5.6.4** In the case of underground pools, the necessary precautions shall be taken during the construction to:
- 16.5.6.4.1** Avoid damage, hazards, or inconvenience to adjacent or nearby property.
- 16.5.6.4.2** Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringements upon adjacent property.
- 16.5.6.4.3** All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
- 16.5.6.4.4** Back-flush water or water from pools drainage shall be directed onto the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land.
- 16.5.6.4.5** The filter unit, pump, heating unit, and any other noise-making mechanical equipment shall be located at least fifty (50) feet from any adjacent or nearby residential structure and not closer than ten (10) feet to any lot line.
- 16.5.6.5 Pool Piping.** Pool piping systems shall be constructed of materials prescribed in the Universal Building Code. Installation of the piping, including the pool water supply line, shall be inspected by the Building Official prior to covering the piping.
- 16.5.6.6 Main Outlets.** Pools shall be equipped with facilities for completely emptying the pool and effecting surface drainage (by gravity if elevations permit). The drainage system shall be constructed in accordance with the provisions of the Building Code.
- 16.5.6.7 Water Supply.** Water supplies serving all swimming pools shall be of a safe sanitary quality and be acceptable to the County Health Officer. The installation of the pool water supply piping and connection to the course of supply shall be in accordance with the State Building Code.
- 16.5.6.8 Electrical Requirements.** All electrical installations provided for, installed, and used in conjunction with residential swimming pools shall

conform to State Electrical Code and shall be inspected and approved by a State Electrical Inspector.

- 16.5.6.9 Heating Requirements.** Permits shall be required for all heating units used in conjunction with swimming pools. Installation shall be made in accordance with the Town Heating Building Code in effect at the time of installation.
- 16.5.6.10 Pressure Relief Valves.** Pools shall be designed and constructed with under drain systems and pressure relief valves to prevent pool floatation, where the Building Official determines the same to be necessary.
- 16.5.6.11 Shield Lights.** Lights used to illuminate any swimming pool shall be so arranged and shielded so as to reflect light away from adjoining properties.
- 16.5.6.12 Location.** All swimming pools or appurtenances thereto shall be located in the rear yard and meet the setback requirements of the District in which it is located. Requests for a variance from the provisions of this section shall be referred first to the Planning Commission for its study and recommendation and then to the Town Board.
- 16.5.6.13 Safety Fence or Automatic Pool Cover.** All swimming pools shall have an approved automatic pool cover or be completely enclosed by a non-climbable type fence. A financial guarantee shall be required to assure one of these safety devices is installed.
  - 16.5.6.13.1 Safety Fence.** All swimming pools shall be completely enclosed by a non-climbable type fence. All fence openings or points of entry into the pool area shall be equipped with gates. The fence and gates shall be at least five (5) feet in height and shall be constructed of a minimum number eleven gauge woven wire mesh corrosion-resistant material or other material approved by the Building Official. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise be inaccessible to small children. All fence posts shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection. The openings between the bottom of the fence and the ground or other surface shall not be more than four (4) inches. Required fencing shall be completely installed within three (3) weeks following the installation of the pool and before any water is allowed in the pool.
  - 16.5.6.13.2 Automatic Pool Safety Cover.** As an alternative to a safety fence, an automatic pool safety cover may be utilized if it meets the standards of ASTM F1346-91 (2010) or its most current version. The cover must have a label attached that clearly states it meets this standard. Only power operated pool safety covers will be allowed. The cover must be closed if the pool will be left unattended for more than 10 minutes.
- 16.5.6.14 Safety Equipment.** Every swimming pool shall be equipped with one or more throwing ring buoys not more than fifteen (15) inches in diameter and having fifty (50) feet (or the diagonal measurement of pool - whichever is larger) of 3/16 inch nylon line (or equivalent) attached.

- 16.5.7 Above-Ground Swimming Pools.** Ladders or stairs which are attached to or placed against the outside of above-ground tank-type swimming pools having a depth of twenty-four (24) inches or more shall be removed from the outside of the pool when it is not being used by the owner or his authorized guests. All other applicable provisions of this Ordinance shall apply to above-ground pools.
- 16.5.8 Public or Semi-Public Swimming Pools.** Swimming pools other than residential pools shall be constructed and operated in conformance with standards for such installations established by the Minnesota State Board of Health. In addition, the person, firm, corporation or agency proposing the construction of a swimming pool other than residential shall file with the building official, prior to the beginning of any construction, a copy of the report prepared and issued by the Minnesota State Health Department showing approval of the plans, and one set of pool plans upon which such approval is indicated by stamp, seal or other official marking of that agency.
- 16.5.9 Existing Regulations.** The provisions of this section are in addition to and not in replacement of the provisions of those sections of the town of West Lakeland code relating to the building and land use.

## **16.6 Shooting and Carrying of Firearms and Weapons**

- 16.6.1 Purpose.** The purpose of this ordinance is to provide that the shooting of firearms within the township limits will not constitute an unreasonable nuisance to persons in the township. This ordinance is designed to prevent nuisances caused by the noise created from the discharge of firearms, and to minimize the potential that projectiles discharged from firearms could injure individuals or property. The town board deems these regulations necessary to protect public and private property and to promote health, safety, order, convenience, and the general welfare of persons within the township.
- 16.6.2 Definitions**
- 16.6.2.1 Carry.** The handling or transportation of a firearm, controlled weapon, or dangerous weapon, concealed or otherwise, outside a person's domicile.
- 16.6.2.2 Cased Firearm.** Any unloaded firearm or bow, placed in a case which is tied or otherwise secured in the manner provided, to prevent shooting it.
- 16.6.2.3 Controlled Weapon.** Any gun or device from which a shot or projectile is discharged by means of gas, or compressed air, or any other mechanical means capable of launching said projectile or arrow and includes but is not limited to, pellet and BB guns, archery bows, crossbows, wrist rockets, sling shots and paint ball guns.
- 16.6.2.4 Dangerous Weapons.** Clubs, blackjacks, spring guns, brass or metal knuckles or any knife with a switchblade which opens automatically under spring pressure with a button or release mechanism or by any other mechanical contrivance, daggers, stilettos, or figures or discs with sharpened points or edges (commonly known as throwing stars).
- 16.6.2.5 Firearm.** Any gun from which any projectile is discharged or propelled by means of an explosion, excluding devices used exclusively for the firing of stud cartridges, explosive rives, or similar industrial apparatus,

instruments or equipment used by construction personnel, licensed physicians or veterinarians in the course or scope of their professions.

**16.6.2.6 Landowner.** Any person, group, firm or corporation owning, leasing, or legally controlling any lands within the territorial limits of the township.

**16.6.2.7 Shooting.** The firing or discharge of any firearm or controlled weapon.

**16.6.2.8 Single Projectile.** Any single projectile, whether contained in a metallic, paper, plastic or other cartridge including any method of loading a muzzleloader which results in a single projectile being discharged.

**16.6.2.9 Suitable Backstop.** Any natural or manmade barrier of sufficient mass, size or construction to wholly contain the projectile being discharged.

**16.6.2.10 Written Permission.** The following information must be included: The full name, address, date of birth, phone number, and signature of the person authorized to hunt or shoot on identified land; and the full name, address, phone number and signature of the landowner or lessee. Written permission must be dated and include the duration of the approval.

### **16.6.3 Permitted Use of Firearms**

**16.6.3.1** The carrying of firearms in the township is regulated by Minnesota Statutes Chapter 624. The shooting of firearms and controlled weapons is permitted under the following circumstances so long as no innocent party is endangered, unless otherwise prohibited by state or federal law:

**16.6.3.1.1** By law enforcement officers in the line of duty or military personnel in the line of duty,

**16.6.3.1.2** By any person to resist or prevent an offense which that person reasonably believes exposes himself or another to great bodily harm or death.

**16.6.3.1.3** By a certified firearms safety training instructor while participating in a Department of Natural Resources approved firearms safety program.

**16.6.3.1.4** By any person while participating in a Department of Natural Resources approved firearms safety program.

**16.6.3.1.5** By any person for the destruction of diseased, injured, or dangerous birds, animals or reptiles by persons authorized to do so in writing by the Washington County Sheriff.

**16.6.3.1.6** By any person on a rifle, trap, archery, or target range established in accordance with town's zoning ordinance or as part of a township sponsored activity.

**16.6.3.1.7** By any person for target practice with a firearm provided that the projectiles are stopped by a suitable backstop and provided further that the shooting does not occur within five hundred (500) feet of a public park or trail or within five hundred (500) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom

permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.

**16.6.3.1.8** By any person hunting with a firearm; provided that no shooting occurs within five hundred (500) feet of a public park or trail or within five hundred (500) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.

**16.6.3.1.9** By any person hunting with a bow and arrow provided that no shooting occurs within two hundred (200) feet of a public park or trail or within two hundred (200) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.

**16.6.3.1.10** By any person for target practice with a controlled weapon other than a firearm, provided that the projectiles are stopped by a suitable backstop. Notwithstanding the foregoing, no shooting for the purpose of target practice shall occur within one hundred (100) feet of a public park or trail or within one hundred (100) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours. Target practice may also take place within the confines of a building if a suitable backstop is used.

**16.6.3.1.11** By any person participating in a special hunting season, which season may not conflict with state law or regulations, established by the Town Board for the purpose of wildlife management. The season shall be established by the Town Board when, based on competent professional advice such as a conservation officer, a season is needed to reduce an animal population. The Town Board may authorize the use of single projectiles as part of the special hunt regulations set forth in the resolution.

**16.6.3.1.12** By any person slaughtering farm animals which they own or with the owner's permission.

#### **16.6.4 Prohibitions**

- 16.6.4.1** The shooting of firearm or controlled weapon is prohibited except as allowed in this ordinance.
- 16.6.4.2** Unless otherwise permitted by State Statute, it shall be unlawful for any person to possess, carry, or have under his control any firearm or controlled weapon upon the land of another without the written permission, oral permission, or be in the presence of, the owner or lessee of that land. The person must have in their possession the written permission. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained, and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.
- 16.6.4.3** It is unlawful for any minor under the age of fourteen (14) years of age to handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parents or guardian, or certified safety-training instructor, any firearm, controlled weapon, or dangerous weapon of any kind for hunting or target practice or any other purpose, within the township.
- 16.6.4.4** Any person aiding or knowingly permitting any such minor to violate subsection 16.6.4.3 of this section violates the same and shall be guilty of a misdemeanor.
- 16.6.4.5** It shall be unlawful for any person to be in possession of, carry, or transport any firearm or other controlled weapon while under the influence of alcohol or a controlled substance.
- 16.6.5 Dangerous Weapons.** No person shall keep, carry or have in his possession, concealed or otherwise, any dangerous weapon when on any public street or in any public place, or when they are trespassing upon the premises or property of another person, within the township. This does not apply to military or police personnel engaged in their duties, or those who hold permits to possess and carry on their person said weapon
- 16.6.6 Penalty.** Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.
- 16.6.7 Deer Management**
- 16.6.7.1** At such times as the Town Board determines that there is an overpopulation of deer within the Town and in order to reduce damage from deer, reduce the occurrence of vehicle accidents involving deer and to limit the spread of disease spread by deer, the Town Board may from time to time, by permit, allow hunting of deer by bow and arrow within the Town not closer than 100 feet to any residence unless given written permission to hunt closer than 100 feet by the resident. The permit shall authorize the holder to shoot a bow and arrow from an elevated position, within the area where such shooting is otherwise prohibited by this section, as allowed by bow hunting regulations of the State of Minnesota. The permit shall only be valid on land where the permit holder has the written permission of the owner to hunt deer with bow and arrow and

shall only be issued where the applicant has training in bow hunting safety and has demonstrated proficiency in shooting with bow and arrow. The permit may be issued to a group or organization whose members have training in bow hunting safety in which case all members of the group shall be deemed to hold the permit. Where a group permit is applied for a roster with the names and addresses of the group membership shall be filed with the Town Clerk at the time of application for the permit. The Town may impose a fee for issuance of the permit in an amount determined from time to time by action of the Town Board. The Town Board may attach such conditions to the permit as the Town Board deems necessary to provide for the safety of the residents and their property.

**16.6.7.2** Nothing in this section shall be deemed to permit any hunting activity not otherwise allowed by the regulations of the Department of Natural Resources or any state or federal law.

### **16.6.8 Prohibition of Deer Feeding**

**16.6.8.1** During the deer bow hunting season as determined annually by the Minnesota Department of Natural Resources, no person or entity may intentionally place or permit to be placed on the ground, or within six feet of the ground surface, any grain, fodder, salt licks or blocks, fruit, vegetables, nuts, hay or other edible materials (including bird seed or bird food) which may reasonably be expected to result in deer feeding on the food substance, unless such food substance is screened or enclosed in a manner that prevents deer from feeding on the substance. Living trees, plants shrubs or other vegetation shall not be deemed to be prohibited by this ordinance.

**16.6.8.2 Exceptions.** Prohibitions of deer feeding shall not apply to the following: Veterinarians, animal control officers or government game officials who, in the course of their duties have deer in their custody or under their management and persons authorized by the Town of West Lakeland to implement the deer management program approved by the Town board, if any.

**16.6.9 Discharge of Firearms East of TH 95.** No person shall discharge any firearm in any portion of the township lying east of TH95.

### **16.7 Peddling and Soliciting**

**16.7.1 License Required.** No peddler, solicitor or transient merchant shall sell or offer for sale any goods, wares, merchandise or services within the Town unless a license therefore shall first be secured as provided in this Ordinance.

#### **16.7.2 Application and Issuance**

**16.7.2.1** Application for such license shall be made to the Town Clerk on a form supplied by the Town. The application shall state:

**16.7.2.1.1** The name and address of the applicant and of all persons associated with applicant in the applicant's business

**16.7.2.1.2** The type of business for which the license is desired

- 16.7.2.1.3 In case of transient merchants, the place where the business is to be carried out
- 16.7.2.1.4 The length of time for which the license is desired
- 16.7.2.1.5 The general description of the items or products to be sold or solicited
- 16.7.2.1.6 The places of residence of the applicant for the five years preceding the date of the application.

16.7.2.2 Blank applications shall be issued on payment of one dollar, which amount shall be credited on the license fee if the license is granted. Every application shall bear the written report and recommendation of the Town Clerk or Chairman after an investigation of the moral character of the applicant. The completed application shall be presented to the Town Board for consideration. If granted by the Town Board, a license shall be issued by the Town Clerk upon payment of the required fee, as may be determined by the Town Board from time to time.

### 16.7.3 License Restrictions

- 16.7.3.1 No activity under any license issued, or any activity conducted by any person or organization exempted from the licensing requirement, shall be carried out except between the hours of 9:00 AM and 7:00 PM Monday through Saturday.
- 16.7.3.2 At all times a true and legible copy of the license shall be in the possession of the person conducting the activity. In the case of an organization or person exempted from licensing requirements, such person shall have in his or her possession proof of registration with the town for the activity being conducted.
- 16.7.3.3 All persons conducting such activity within the town shall have in his or her possession a photograph bearing identification card or current driver's license.
- 16.7.3.4 All licenses or registrations hereunder shall be effective only for the dates and times shown on the license. Failure by any exempt person or organization to register its intent to conduct activity within the Town constitutes a violation of this Section.

### 16.7.3.5 Exempt Organizations and Persons

16.7.3.5.1 The following persons and/or organizations are exempted from the licensing requirements of this section

16.7.3.5.1.1 Political, religious and charitable organizations having a tax exempt certificate from the State of Minnesota or the United States of America.

16.7.3.5.1.2 Private farmers having a principal residence within the State of Minnesota, while selling their produce or farm products which have been grown upon their own land.

16.7.3.5.2 Persons or Organizations exempted from licensing provisions of this Ordinance must register with the Town in advance, identifying all persons who may be conducting activities within the Town, the nature of the activity to be conducted, and the dates and times upon

which such activity is to be conducted. No such activity may be conducted except between the hours of 9:00 am and 7:00 pm Monday through Saturday.

- 16.7.3.6 Revocation.** Any license may be revoked by the Town Board for violation of any provision of this section if the licensee has been given reasonable notice and opportunity to be heard.
- 16.7.3.7 Practices prohibited.** No peddler, solicitor, or transient merchant shall call attention to his business or to his merchandise, by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise.
- 16.7.3.8** Any person who violates any provision of this Section is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding the limits for a misdemeanor under state law or by imprisonment for a period not exceeding 90 days, or both plus in either case, the costs of prosecution.

## **16.8 Obstructions in Town Rights of Way**

- 16.8.1 Purpose.** The Town Board finds that there is a continuing problem with encroachment onto and obstruction of town rights of way by lawn sprinkler systems, landscaping materials, fencing, trees and shrubs or other similar materials (hereinafter collectively referred to as “encroaching materials” for private homes being constructed within the town or other public rights of way. Where such encroaching materials exist, the encroaching material may cause damage to or be damaged by town or public maintenance equipment. In order to protect the town rights of way and equipment and in order to minimize disputes over damage to private property encroaching onto town rights of way the Town Board prohibits any such encroachment.
- 16.8.2 Prohibition.** No portion of any encroaching material shall be constructed or placed in a town or other public right of way. It shall be the responsibility of the property owner and installer to determine the location of the town or other public right of way.
- 16.8.3 Reimbursement for Damage.** The owner of any property on which encroaching materials exist shall reimburse the town or any employee, contractor or agent employed by the town for any damage to equipment being used for purpose of maintenance of the town rights of way where such damage is caused by contact of the equipment with the encroaching material.
- 16.8.4 Penalty.** Any violation of this section shall be punishable as a misdemeanor.