

**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 permittee shall comply with the applicable ordinance and laws pertaining to the licensed or permitted activity and that the licensee or permittee 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 permittee, his agents or employees.

Subdivision 5. Insurance.

- a) When a licensee or permittee 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 permittee 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 be 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 one 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 petty misdemeanor.

As amended June 5th, 1978.

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.

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.

CITY of WINTHROP DATA PRACTICES POLICY

This policy is established by the City of Winthrop pursuant to the authority set forth in Minnesota Statutes, Chapter 13.

This policy is established for the purpose of regulating:

- ◆ what information can be collected;
- ◆ who may see or have copies of the information;
- ◆ the classification of specific types of government data;
- ◆ the duties of government personnel in administering the provisions of the Act;
- ◆ procedures for access to the information;
- ◆ procedures for classifying information as not public;
- ◆ civil penalties for violation of the Act; and
- ◆ the charging of fees for copies of government data.

DEFINITIONS AND CLASSIFICATIONS OF DATA

Definitions and classifications of data are hereby adopted and hereto attached as “Exhibit A”.

1. Data Classification Report shall be maintained.
 - a) Report shall describe types of data kept on individuals.
 - b) Report shall list how data is classified.
 - c) Report shall cite the law setting classification.
2. Responsible Authority or Designee shall make copies of the report available for review or purchase.

CUSTOMER SERVICE

M.S. § 13.03, subd. 2 & MN Rules 1205.0300

Procedures are hereby established to ensure that officials respond promptly to requests for government data.

The public may request and receive public information over the phone, in person, through the mail, or via e-mail. If it is not possible to give the public the info in the way they ask, the City will contact them to decide on another way to give them the information they requested..

The “REQUEST FOR DATA” will say the data request is being made under the Minnesota Government Data Practices Act (MGDPA). On the form the public must state as clearly as they can what information they want to see. If they are not sure exactly

what information they are requesting, the City will ask them, but they are not required to explain who they are or why they are asking for the data.

The City will inform the public as soon as possible whether or not the requested data is available. If public data is requested and the City has the data, it can be reviewed or copies will be made available immediately. The City will inform the public if more time is needed to identify, find or copy the requested data, and when the data will be available.

The City cannot charge the public a fee for separating public data from data that are not public.

ACCESS PROCEDURES

M.S. § 13.05 subd. 8

A “public document”, setting forth the rights of data subjects and procedures for subjects to access public and private data about themselves, is hereby adopted and hereto attached as “Exhibit B”.

If the City does not maintain the data requested the public will be informed of said immediately. The City is not required to collect or create data for the public in order to respond to the public’s request.

To look at public data that kept by the City, the public a “DATA REQUEST” form must be completed. “DATA REQUEST” forms are available from any employee at the City Clerk/Administrator’s Office in City Hall during our normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday.

The City will provide the requested data in the form in which the City maintains the data. If the form provided is not, and cannot be conveniently converted to the form requested, the public will be given the data in the City format to be converted into the public’s desired format. If the City can provide the data in the form requested, the City will inform the public of the time and cost to provide the data in the format requested. The public can then decide if it wants the data in the format they requested or not.

The public has the right to look at public data at no cost. The City will allow the public to look at computerized data on a computer screen, or print a copy, so the public can inspect the data at no charge.

The public also may inspect public data on their own computer, and they may print or download the data using their own computer, at no cost.

The public also has the right to make a standing request. Standing requests expire automatically at the end of each month unless it is extended for another month by written request to the City Clerk/Administrator’s Office.

The public may ask to see:

- specific types of data or data elements;
- specific documents or portions of documents;
- entire records, files or data bases;
- all public data kept by the City.

If the public has any questions about the meaning of public data kept by the City, they can contact [name, title, phone, and location of responsible authority or appropriate designee] and ask for an explanation. If the public asks, the City will provide an interpreter or find another way to explain the data.

The public has the right to have a copy of any data that they have a right to see. This includes the right to have copies of all or parts of specific documents, files, records, databases or types of data that the City keeps. If the public asks for the copies in electronic form, and the City keeps the data in electronic form, the City will give the public the data in electronic form.

To request a copy of public data that the City keeps the public must use the data request form available from any employee at the City Clerk/Administrator's Office in City Hall.

In the request the public must say that you are making a request for copies of data under the MGDPA. The public must tell the City as clearly as possible what types of data or information for which they are requesting copies. If the City has any question about the copies the public are requesting, we will ask you. The public is not required to tell the City who they are or explain the reason for requesting the data.

Upon receiving a request for copies from the public, the City will provide the copies as soon as reasonably possible, depending on how many copies are requested and how many staff the City has available to respond to the request.

The City will charge a fee for making copies of the data requested. If public asks the City to mail or fax the copies to them, the fee will include postage or long distance phone charges. If the public requests a certified copy of a document, the City will charge a fee to certify the document.

If the public requests copies of data that have commercial value, the City will charge the public a fee in addition to the fee for the copies.

The City fee for providing copies is 25¢ per page. Data copied on both sides of a sheet will be charged as two pages. The City will require payment in advance.

If the information requested for is not public data, the City will inform the public upon receiving their request, or will notify them in writing as soon as possible. The City also will tell public which specific law makes the information not public. If the public asks, the City will put this in writing for them.

If the public asks the City, the City will tell them if it keeps information about them and the City will tell them if the data are classified as public, private or confidential. To find out what information the City keeps about the public, they must use a special form to make their request. A copy of this form is at the end of this document.

If the public asks the City, it will show them the public and private data that it keeps about them. Use the data request form at the end of this document.

In the request, the public must tell the City as clearly as they can what types of data or information they want to see. The public has the right to see specific documents, files, records or types of data that we keep. The public also have the right to ask for and see all of the public and private data about them that the City keeps.

Once the City has the public's data request, it will show them the data right away if it can. If the City can't show the public the data right away, it will show them the data in no more than ten business days.

By law the City must protect private data about the public. For this reason, a member of the City staff may be with the public when they inspect the information.

After the public has looked at the data they requested, the City is not required let the public see the data again for six months, unless it collects or creates more information about them before six months have passed. The public does not have to wait for six months to see the data again if the City has collected new data about them, or if they have challenged any of the data, or if they are appealing the results of that challenge. See the information below about how to challenge the accuracy and/or completeness of government data.

If the public is a minor, they have the right to ask the City not to let their parents or guardian have private data about them. If they don't want the City to give their parents information about them, they must write to [name, title, address of appropriate person]. They must tell the City why they don't want it to release the information to their parents; then sign their name, on their request. If the public has any questions about how to do this, they must talk to [name, title, phone and location of appropriate person].

After the public makes its request, the City must to decide if it will let their parents see the data. Before the City makes this decision, it must think about:

- Is there a law that says the City must give the data to its parents?
- Does the minor have a good reason for asking us not to release the data?
- If the City gives the minor's parents the data, would the minor be harmed in any way?
- Does the minor understand what will happen if the City doesn't release the data?

The City also has to think about whether it is in the minor's best interest for it not to give the data to their parents.

The public does not need to pay any money just to look at data about themselves, even if the City has to make a copy of the information so that you the public can look at it.

If the public has questions about the data the City keeps about them, please contact [name, title, phone, and location of responsible authority or appropriate designee]. The City will explain the data in a way the public will understand. If the public asks, the City will provide an interpreter or explain the data in some other way.

The public has the right to have a copy of public and private data about themselves-- in other words, the public may have a copy of any information they have the right to see.

To get a copy of public or private data that the City keeps about them, they must contact use the data request form available from [.....].

In their request, the public must tell the City as clearly as they can what data or information they want copied. The public has the right to have copies of specific documents, files, records or types of data that the City keeps. The public also has the right to have copies of all of the public and private data about them that the City keeps.

Once the City has the public's request for copies, it will give them the copies right away if it can. If the City can't give the public the copies right away, it will give them to the public in no more than ten business days.

The City will charge the public a fee for making copies of the data they ask for. The City can only charge the public the actual cost of making and compiling the copies. If the public asks us to mail or fax the copies to them, the fee will include postage or long distance phone charges. If the public requests a certified copy of a document, the City will charge them a fee to certify the document.

If the information the public wants to see is not public or private data about them, the City will tell them that, and the City will tell them what part of the law says the City can't show it to them.

DATA QUALITY

M.S. § 13.05, subd. 5(1) & MN Rules 1205.1500

Procedures are hereby established to ensure that data on individuals are accurate, complete and current.

If the public believes that public or private data that the City keeps about them is inaccurate and/or incomplete, they may file a data challenge with the City. The public may challenge only accuracy and completeness of data.

- Accurate means the data are reasonably correct and do not contain any errors.
- Complete means that the data describe the history of the public's contacts with the City in a complete way.

For example, data may be inaccurate or incomplete if a wrong word, name, or phrase is used; if the data give a false impression about the public; if certain information is missing from the record; or if certain information should not be in the record.

To make a data challenge, the public must write a letter to [name, title, and address of responsible authority] saying that they are challenging the accuracy and completeness of data the City maintains about them.

The public must tell the City very clearly what data they are challenging. The public must be very specific. For example, the public must make it clear whether they are challenging a specific word, sentence, date, time, or name.

The public must tell the City very clearly why or how the data is inaccurate or incomplete. The public must be very specific and write down as many reasons as they can.

The public must tell the City very clearly what they think should be done to make the data accurate or complete. For example, the public may ask the City to add information, change the data we have, or remove information from its records.

When the City receives the public's letter, it must by law and within 30-days, review the letter and the data the public is challenging, to decide whether all, some or none of the data are inaccurate or incomplete, and respond to the public's challenge.

If the City agrees with all or part of the public's challenge, it will correct the inaccurate or incomplete data and try to notify anyone who has received the data in the past. This includes anyone whom they tell the City has received the data.

If the City doesn't agree with all or part of the public's challenge, it will tell the public they believe that the data the public is challenging is accurate and/or complete.

If the public believes that public or private data the City has about them is not accurate or complete, they have the right to include a statement of disagreement with the data. If the City releases the disputed data to anyone else, it must include the public's statement of disagreement with the data.

If the public doesn't agree with the City's decision about the public's challenge, they may appeal the decision to the Commissioner of the state Department of Administration. When the City responds to the public's challenge letter, it will tell them that they have the right to appeal the City's decision. The public then has 60 days (about two months) to file its appeal. If the City does not tell them about their right to appeal its decision, the public will have 180 days (about six months) to file their appeal.

The public's appeal must be made to the Commissioner of Administration in writing (such as sending a letter, an e-mail message, or fax). The public must include their name, address, and a phone number,

and make sure they name the City of Winthrop and its Responsible Authority.

The public must say that it is appealing a decision the City made about their data challenge (or their challenge to accuracy and/or completeness of data the City keeps about them). The public must tell the Commissioner what data they believe is inaccurate or incomplete and why they disagree with the City's decision.

The public must tell the Commissioner what they want to happen because of their appeal. For example, do they want the City to add, change or delete data in its files?

The public must include a copy of their challenge letter and any other letters about their challenge that they have sent or received. They are to send their appeal to:
Commissioner of Administration, State of Minnesota, 50 Sherburne Avenue, Saint Paul, MN 55155

DATA SECURITY

M.S. § 13.05, subd. 5(2)

Procedures are hereby established to ensure security safeguards for data on individuals.

INVENTORY OF RECORDS

M.S. § 13.05, subd. 1 & MN Rules 1205.1500, subpart 3

An inventory of records, containing data on individuals, shall be created and annually updated. The inventory shall include data collection forms.

CONTRACT PROVISIONS

M.S. § 13.05, subd. 11

Contracts enlisting private sector contractors to perform government functions shall contain provisions that clearly oblige the contractor to comply with the Minnesota Government Data Practices Act, as if the contractor were a government entity.

SUMMARY DATA

M.S. § 13.05, subd. 7

Summary data shall be prepared upon the request of any person, and a procedure to gain access to the summary data is hereby established.

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The City will prepare summary data for the public if a request is made in writing (letter, fax, e-mail, etc.) to [name of responsible authority or appropriate designee] and pay us what it costs to prepare the data. **The costs will include all copies, telephone calls, faxing, mailing and the hourly wage rate for the person preparing the summary.**

The City will require prepayment. When the City receives the public's request, the City will contact the public to make detailed arrangements to prepare the summary data.

The City will **not** allow the public or someone else prepare the summary data.

DISSEMINATION OF “NOT PUBLIC” DATA TO OTHER GOVERNMENTAL ENTITIES WITHOUT AUTHORITY

M.S. § 13.05, subd. 9, 10

The City of Winthrop shall not share “not public” data with another entity unless sharing is required or permitted by state statute or federal law.

The City can collect, keep, use and release private and confidential data about the public only when a state or federal law allows or requires the City to do it. The law also says the City can collect, keep, use and release private and confidential data about the public only if necessary for the City to conduct its normal operation.

When the City asks the public to provide private or confidential data about themselves, the City will give the public a notice. The notice sometimes is called a Tennessee warning notice. The notice will tell the public these things:

- The City will tell the public why it is collecting the data from the public and how it plans to use the data.
- If there is a law that says the public has to give the City the data, the City will tell the public that. The City also will tell the public if they do not have to give the City the data.
- The City will tell the public what might happen (consequences) to them if they give the City the data.
- The City also will tell the public what might happen (consequences) to them if they do not give the City the data.
- The City will tell the public what other people or entities have the legal right to know about, see or have copies of the data the public gives the City. When the City tells the public this, the City will be as specific as it can be.

Parts of the City may collect information about the public for different reasons and use it in different ways, so the City may give the public more than one notice, and the notices may be different. The City will explain anything in the notice if public asks it.

Whenever it can, the City will give the notice to the public in writing for it to read [and sign], and the City will give the public a copy of the written [and signed] notice to keep. If the City asks the public for information over the phone, the City will give the public the notice when the City talks to the public, and the City will give or send the public a copy in writing [for it to sign] as soon as the City can after that. The public does not have to sign the notice.

The City only has to give the public the Tennessee warning notice when it is asking the public to give the City private or confidential data about them. The City does not have to give the public the notice when:

- the public gives the City information the City hasn’t asked for,
- the information the City is asking for is about someone else,
- the information the City is asking for is public data about them, or

- the information is collected by a law enforcement officer who is investigating a crime. This includes police officers, and members of the fire department and sheriff's office.

Usually, after the City gives the public the Tennessee warning notice and the public chooses to give the City the data it asks for, the City will use and release the data only in the ways that were stated in the notice. There are some exceptions to this rule. These exceptions are:

- If a federal, state or local law is passed after the City gives the public the notice and collects the data from the public, and if that law says the City may or must use or release the data in a way the City didn't tell the public about in that notice, then the City will use or release the information in order to comply with the new law.
- Sometimes, after the City collects private or confidential data about people for one purpose, the City needs to use or release that information for a different purpose. If there is no law that says the City can use the data for the new purpose, the City needs permission from those people in order to use or release the information in the new way. Sometimes the City can't get their permission. This might happen if the City needs to ask hundreds or thousands of people for permission to use data about them, or if the people can't give the City their permission to use the data in the new way. If this happens, the City may ask the Commissioner of the Minnesota Department of Administration to approve the new use or the new release of the information. The City will use or release the data in the new way if the Commissioner approves.
- If the City collected private or confidential data about the public before August 1, 1975, the City has the right to use, keep and release the data for the reasons the City collected it. The City also can ask the Commissioner of Administration for permission to use, keep or release the data to protect public health, safety or welfare.
- If a court orders the City to release private or confidential data about the City, the City has to release the data.

DISPOSITION OF RECORDS

M.S. § 138.163 & M.S. § 15.17, subd. 3

Records will be disposed of and/or transferred in accordance with procedures established by state statute.

PLAN FOR PERIODIC REVIEW

MN Rules 1205.1500, subpart 1

The City of Winthrop shall formulate a plan for reviewing the administration of data practices.

MODIFICATION OF DATA HANDLING PROCEDURES

MN Rules 1205.1500, subparts 4, 5

Data collection and maintenance procedures shall be modified to eliminate unnecessary data, if necessary following the periodic review.

PARENTAL ACCESS AND NOTICE TO MINORS

MN Rules 1205.0500, subpart 3

Procedures for parents to access data about their minor children are hereby established.

The parent(s) or guardian of a minor (anyone not yet eighteen years old) usually have the same rights as the minor does. This means that each of the parents or the guardian usually can look at and have copies of information we keep about the minor. Usually, they each have the right to give their consent to release the data about minor. They each can challenge the accuracy and completeness of the data about minor.

If the minor has no parents, or if the minor's parents are not a part of the minor's life, then the person who is caring for the minor has these rights.

In some cases, the minor's parent(s) or guardian does not have these rights. For example, the City won't let the Minor's parent(s) or guardian exercise the rights the law gives the minor if there is a court order that takes these rights away from them. The court order might be about a divorce, separation, custody or some other matter, or it might take away the parental rights of the minor's parent(s). When prohibited by a Federal or State law, the City will not allow the parent(s) or guardian of a minor see information about the minor.

Anyone who has been appointed as the legal guardian for someone, may exercise that individual's rights under the Minnesota Government Data Practices Act upon showing proof of their appointment as legal guardian.

AUTHORIZED USES OF DATA

MN Rules 1205.1300, subpart 4

The authorized uses of data by category are enumerated and hereto attached as "Exhibit C".

INFORMED CONSENT

MN Rules 1205.1600

Forms for obtaining informed consent for new release or use of private data shall be created and hereto attached as "Exhibit D".

If the City needs to use or release private data about the public in a way that the City didn't tell the public about in the Tennessen warning notice, the City will ask the public for its informed consent. This has to be done in writing, so the City will ask the public to read and sign a consent form. A copy of the form the City uses is at the end of this document.

The consent form tells the public:

- What information the City wants to release, or what information the City wants someone else to give it. They may consent to release all of the information, some of the information or none of the information that is listed on the form.

- The reasons the City is asking for their consent and how the information will be used. They may consent to all, some or none of the uses/purposes listed on the form.
- Who will release the information and who will receive it. They may consent to release information to all, some, or none of the entities or people listed on the form.
- What will happen (the consequences) if they let the City release or use the information in a new way.
- Who to talk to if they have any questions.

The public doesn't have to let the City use or release the information in the new way. Before the public decides, they should look at the information. The consent form tells them who to talk to if they want to look at the information or have copies of it.

The City must explain everything on the consent form in a way that the public can understand. After the public reads and understands the consent form, the City will ask them to sign it.

If the public gives the City its consent, the City can release the information for the length of time that is written on the consent form. The public may stop its consent any time before that time is over. If the public wants to stop its consent, it must write to the person named on the form and clearly say that it wants to stop all or part of its consent. Stopping its consent will not affect information that already has been released because the public gave its consent.

The City also will ask for the public for its consent if someone asks the City for private data about them and the law doesn't let the City give the data to that person.

If the public asks the City to release private data about them to someone else, we will ask for the public's informed consent. If the public gives us their informed consent, the City must release the data in the way they ask.

The City will only ask the public for their informed consent to release private data about them. The City doesn't need to ask for the public's consent to release public data about them because the law says the City must give public data to anyone who asks. The law does not give the public the right to see confidential data about them or to let anyone else see the data.

RESPONSIBLE AUTHORITY

MN Rules 1205.1000

The City of Winthrop shall appoint a "Responsible Authority" who shall be the principal decision maker about data practices.

DATA PRACTICES COMPLIANCE OFFICIAL

M.S. § 13.05, subd. 13

The City of Winthrop shall appoint a "Compliance Official" to whom questions and data practices problems shall directed.

DESIGNEES

M.S. § 13.03, subd. 2 & MN Rules 1205.1200 subpart 2

The City of Winthrop, if necessary, shall identify other key data practices officials. The names of these officials shall be posted if appointed.

TRAINING

MN Rules 1205.1300, subpart 5

The appointed “Responsible Authority” shall train designees and other staff to ensure compliance and avoid liability.

“EXHIBIT A”

DEFINITIONS AND CLASSIFICATIONS OF DATA

<p>GOVERNMENT DATA All data kept in any recorded form, regardless of physical form, storage media, or conditions of use MS §13.02, SUBDIVISION 7</p>		
<p>DATA ON INDIVIDUALS* MS §13.02, SUBDIVISION 5</p>	<p>DATA ON DECEDENTS MS §13.10, SUBDIVISION 1</p>	<p>DATA NOT ON INDIVIDUALS * MS §13.02, SUBDIVISION 4</p>
<p>PUBLIC Accessible to anyone for any reason MS §13.02, SUBDIVISION 15</p>	<p>PUBLIC Accessible to anyone for any reason MS §13.02, SUBDIVISION 15</p>	<p>PUBLIC Accessible to anyone for any reason MS §13.02, SUBDIVISION 14</p>
<p>PRIVATE Accessible to the data subject; Not accessible to the public MS §13.02, SUBDIVISION 12</p>	<p>PRIVATE ** Accessible to the representative of the decedent; Not accessible to the public MS §13.10, SUBDIVISION 1B.</p>	<p>NONPUBLIC Accessible to the subject of the data, if any; Not accessible to the public MS §13.02, SUBDIVISION 9</p>
<p>CONFIDENTIAL Not accessible to the data subject;</p>	<p>CONFIDENTIAL** Not accessible to the representative of the decedent;</p>	<p>PROTECTED NONPUBLIC Not accessible to the data subject;</p>

Not accessible to the public MS §13.02, SUBDIVISION 3	Not accessible to the public MS §13.10, SUBDIVISION 1A	Not accessible to the public MS §13.02, SUBDIVISION 13
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* Individual is defined at MS §13.02, subdivision 8. Individual means a living human being. It does not mean any type of entity created by law, such as a corporation.

**** Private and confidential data on decedents become public data ten years after the death of the data subject *and* 30 years after the creation of the data.**

As amended June 4th, 2001

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.