



Memorandum

To: Mayor Nelson and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: May 27, 2020

Subject: Code Re-Enactment

The City Council authorized staff to move forward with a new ordinance codification system offered by Municipal Code Corporation (known as Municode). The new codification system will speed the publication of ordinances on our website, reducing resident confusion after new ordinances are adopted. The new system will also save the City money.

As we worked with Municode to transfer the City Code to their system, we discovered that there was not a consistent standard for numbering ordinances. That can happen when several individuals draft ordinances over a period of years. City staff agreed that a new numbering and reference standard should be implemented to ensure a consistent City Code for all users. I have attached the standards for your review.

Staff requests the City Council to readopt the City Code with the new numbering system. No text within the Code has changed – just the numbering. The new numbering system will make it easier for staff to organize City Council approved amendments within the Code.

If you have any questions, please don't hesitate to contact me at 763-784-6491.

(This page intentionally left blank)

ORDINANCE NO. 466

**AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF
SPRING LAKE PARK, MINNESOTA**

WHEREAS, Minnesota Statutes Sections 415.02 and 415.021 authorize the City to cause its ordinances to be codified and printed in a book; and

WHEREAS, a new set of standards relating to the format of the ordinance has been established by the City as part of a recodification to make the code more accessible, uniform, and simple to the users of the Code, resulting in changes to code numbering, alphanumeric numbering, reference standards, and stylization but not otherwise disturbing the content of the Code; and

WHEREAS, the City desires to adopt the following with the applicable attachments provided herein.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Spring Lake Park, Minnesota, ordains:

Section 1. The Spring Lake Park City Code, attached hereto as Exhibit A, along with and including all City Maps and other attached documents, is hereby adopted in its entirety as provided in Exhibit A and incorporated herein by this reference.

Section 2. All ordinances or parts thereof which are in conflict herewith prior to the date of this Ordinance, to the extent of such conflict, are hereby repealed, subsumed and replaced with the Exhibit adopted herein.

Section 3. *Severability.* If any provision of this City Code or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Section 4. This ordinance adopting the City Code shall be a sufficient publication of any ordinance included in it and not previously published in the City's official newspaper. The official copy of this City Code shall be marked and be kept in the office of the Administrator, Clerk/Treasurer.

Section 5. The City Code is declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota.

Section 6. This ordinance adopting the City Code, and the Code of Ordinances, itself, shall take effect upon publication of this ordinance in the City's official newspaper.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this 1st day of June 2020.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator/Clerk

EXHIBIT A
SPRING LAKE PARK CITY CODE

1 GENERAL PROVISIONS

1.04 GENERAL PROVISIONS

1.04 GENERAL PROVISIONS

1.04.010 Title Of Code

1.04.020 Rules Of Interpretation

1.04.030 Application To Future Ordinances

1.04.040 Captions

1.04.050 Definitions - General Provisions

1.04.060 Severability

1.04.070 Reference To Other Sections

1.04.080 Reference To Offices

1.04.090 Errors And Omissions

1.04.100 Official Time

1.04.110 Reasonable Time

1.04.120 Ordinances Repealed

1.04.130 Ordinances Unaffected

1.04.140 Effective Date Of Ordinances

1.04.150 Repeal Or Modification Of Ordinance

1.04.160 Ordinances Which Amend Or Supplement Code

1.04.170 Preservation Of Penalties, Offenses, Rights, And Liabilities

1.04.180 Copies Of Code

1.04.190 Adoption Of Statutes And Rules By Reference

1.04.200 General Penalty

1.04.010 Title Of Code

- A. All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “city code,” for which designation “code of ordinances,” “codified ordinances,” or “code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.
- B. All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “Traffic Code.” Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01.” Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

1.04.020 Rules Of Interpretation

- A. *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.
- B. *Specific rules of interpretation.* The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.
 - 1. *Acts by assistants.* When a statute, code provision, or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

2. *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.
3. *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

1.04.030 Application To Future Ordinances

All provisions of SLPC 1 compatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

1.04.040 Captions

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

1.04.050 Definitions - General Provisions

- A. *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- B. *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The area within the corporate boundaries of the City of Spring Lake Park, Minnesota, as presently established or as amended by ordinance, annexation, or other legal actions at a future time. The term **CITY** when used in this code may also be used to refer to the City Council and its authorized representatives.

CODE, THIS CODE, or THIS CODE OF ORDINANCES. This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Anoka County and Ramsey County, Minnesota, in which the city is located.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**. All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

PERSON. Extends to and includes an individual, person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or **FOLLOWING**. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION**. Includes a mark when the person cannot write.

STATE. The State of Minnesota.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have SUBCHAPTERS.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

1.04.060 Severability

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

1.04.070 Reference To Other Sections

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered, unless the subject matter is changed or materially altered by the amendment or revision.

1.04.080 Reference To Offices

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

1.04.090 Errors And Omissions

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

1.04.100 Official Time

The official time, as established by applicable state and federal laws, shall be the official time within this city for the transaction of all city business.

1.04.110 Reasonable Time

- A. In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

- B. The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is a legal holiday or a Sunday, it shall be excluded.

1.04.120 Ordinances Repealed

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

1.04.130 Ordinances Unaffected

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

1.04.140 Effective Date Of Ordinances

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

1.04.150 Repeal Or Modification Of Ordinance

- A. Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided.
- B. No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force, unless it is otherwise expressly provided.
- C. When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

1.04.160 Ordinances Which Amend Or Supplement Code

- A. If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.
- B. Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

1.04.170 Preservation Of Penalties, Offenses, Rights, And Liabilities

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings, and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize

highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment, or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

1.04.180 Copies Of Code

The official copy of this code shall be kept in the office of the City Administrator, Clerk-Treasurer for public inspection. The Administrator, Clerk-Treasurer shall provide a copy for sale for a reasonable charge.

1.04.190 Adoption Of Statutes And Rules By Reference

It is the intention of the City Council that, when adopting this code, all future amendments to any state or federal rules and statutes adopted by reference in this code or referenced in this code are hereby adopted by reference or referenced as if they had been in existence at the time this code was adopted, unless there is clear intention expressed in the code to the contrary.

1.04.200 General Penalty

- A. Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.
- B. Any person, firm, or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.
- C. In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added.
- D. The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

(This page intentionally left blank)

3 ADMINISTRATION

3.04 CITY GOVERNMENT

3.08 BOARDS AND COMMISSIONS

3.12 EMERGENCY MANAGEMENT

3.16 CITY POLICIES

3.20 ADMINISTRATIVE OFFENSES

3.24 TAXATION

3.04 CITY GOVERNMENT

3.04.010 City Council

3.04.020 Councilmembers And Mayor; Election, Term Of Office

3.04.030 City Officials

3.04.010 City Council

A. *Initial Meeting; Organization.* At the first regular Council meeting of January of each year, the Council shall:

1. Designate the depositories of city funds;
2. Designate the official newspaper;
3. Choose an Acting Mayor from the Councilmembers, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
4. Appoint officers and employees and members of boards, commissions, and committees as may be necessary; and
5. The following appointment procedure will be used when there are multiple positions available with more candidates than positions:
 - a. Nominations will be accepted by the Mayor from any Councilmember;
 - b. Nominations will optionally be presented by the Mayor;
 - c. Nominations from the floor will be accepted;
 - d. Any written nominations will be honored;
 - e. Brief supporting statements will be allowed if desired;
 - f. The Council Secretary will prepare the following chart on the board:

Councilmember Voting	Candidate A	Candidate B	Candidate C	Candidate D	Candidate (as needed)
Mayor					
Councilmember A					
Councilmember B					
Councilmember C					
Councilmember D					

- g. Each Councilmember and the Mayor will be asked to rank, on paper, his or her choice for the appointment. If there are three positions open, the first choice would get five points; if there are two positions open, the first choice would get four points; and if there is only one position open, the first choice would get three points. Everyone would then give his or her second choice one less point, third choice one less point, fourth choice one less point, and fifth choice one less point. If, for example, there are five candidates and two openings, everyone must give one candidate a four, one a three, one a two, and one a one;
- h. The Administrator, Clerk/Treasurer will collect the ballots and record the totals on the board; and
- i. The accumulation of the five votes will determine the appointee. Ties, when they are significant, will be broken by lot.

B. *Regular And Special Meetings.*

1. *Regular meetings.* Regular meetings of the City Council shall be held on the first and third Monday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned Council meetings, shall be held in the Community Center, 1301 81st Avenue NE, unless specially called for another location.
2. *Special meetings.* The Mayor or any two members of the Council may call a special meeting of the Council upon at least 24 hours written notice to each member of the Council. This notice shall be delivered personally to each member or shall be left at his or her usual place of residence with some responsible person. Similar notice shall be given to the official publications of the city and posted at the Community Center.
3. *Public meetings.* All Council meetings, including special and adjourned Council meetings and meetings of Council committees, shall be open to the public.

C. *Presiding Officer.*

1. *Who presides.* The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the Administrator, Clerk/Treasurer shall call the meeting to order and shall preside until the Councilmembers present at the meeting choose one of their number to act temporarily as presiding officer.
2. *Procedure.* The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine, subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the Council shall be conducted in accordance with Robert's Rules of Order, Newly Revised.
3. *Appeal.* Any member may appeal to the Council from a ruling of the presiding officer. The appeal shall be sustained if it is approved by a majority of the members present.
4. *Rights of presiding officer.* The presiding officer may make motions or speak on any question except that on demand of any Councilmember, he or she shall vacate the chair and designate a Councilmember to preside temporarily.
5. *Variations from Robert's Rules of Order, Newly Revised.*
 - a. Motions will not need a second.
 - b. Any motion may be debated; debate may be limited by a successful motion to limit.

D. Minutes.

1. *Who keeps.* Minutes of each Council meeting shall be kept by the City Administrator, Clerk/Treasurer or, in his or her absence, by the Deputy Clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the Administrator, Clerk/Treasurer and can be accurately identified from the description given in the minutes.
2. *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Administrator, Clerk/Treasurer, and copies thereof shall be delivered to each Councilmember as soon as practicable after the meeting. At the next regular Council meeting following that delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.
3. *Official record.* The minutes of the City Council, once approved as provided in Paragraph B, shall constitute the official record of the city. Following official approval of the minutes, any tapes or videos of the meeting may be erased at the discretion of the Administrator, Clerk/Treasurer.

E. Order Of Business; Agenda.

1. *Order of business established.* Each meeting of the Council shall convene at the time and place appointed therefor. Council business shall be conducted in the following order:
 - a. Call to order;
 - b. Roll call;
 - c. Pledge of Allegiance;
 - d. Consent Agenda (includes routine, non-controversial items e.g. minutes, claims, disbursement/budget to date, licenses, and the like);
 - e. Discussion from the floor (citizens only);
 - f. Presentations (proclamations and resolutions received from/given to the city, City Council, staff, and the like);
 - g. Police report; public works report; code enforcement report; liquor store report; parks and recreation report;
 - h. Items relating to police; public works; code enforcement; liquor store or parks and recreation report;
 - i. Public hearings (if needed);
 - j. Petitions, requests, and communications;
 - k. Ordinances and resolutions;
 - l. Unfinished business;
 - m. New business;
 - n. Engineering report;

- o. Attorney's report;
 - p. Reports;
 - q. Other; and
 - r. Adjournment.
2. *Varying order.* The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of hearing.
 3. *Agenda.* An agenda of business for each regular meeting shall be prepared and filed in the office of the Administrator, Clerk/Treasurer, not later than three days before the meeting. The agenda shall be prepared in accordance with the order of business, and copies thereof shall be delivered to each Councilmember and to the official newspaper and others who may request it as far in advance of the meeting as time for preparation will permit. If any member of the Council who is present objects, an item of business shall not be added to the agenda for the meeting.

F. *Quorum And Voting*

1. *Quorum.* At all Council meetings a majority of all the Councilmembers shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.
2. *Voting.* The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes as to his or her name shall be marked "present -- not voting."
3. *Votes required.* A majority vote of all members of the Council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.
4. *Roll call vote.* When a roll call is requested by the presiding officer, it will be called in the following order:
 - a. Non-presiding Councilmembers in order of seniority (most senior first, newest last); and
 - b. Presiding officer.

G. *Ordinances, Resolutions, Motions, And Petitions.*

1. *Readings.* Every ordinance shall be presented in writing. An ordinance or resolution need not be read in full unless a member of the Council requests such a reading.
2. *Signing and affidavit of publication.* Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the Administrator, Clerk/Treasurer, and filed by him or her in the ordinance or resolution book. Affidavits of publication of every ordinance shall be attached and filed with the ordinance.
3. *Motions and petitions.* Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every petition addressed to the Council shall be in writing and shall be read in full upon presentation to the Council unless the Council dispenses with the reading. Each petition shall be recorded in the minutes by title and filed with the minutes of the Administrator, Clerk/Treasurer.

Cross-reference:

Ordinances which amend or supplement code, see SLPC 1.04.160

Repeal or modification of ordinance, see SLPC 1.04.150

H. *Committees And Appointments.*

1. *Committees and appointments designated.* The following committees shall be appointed by the Council at the first regular Council meeting in January of each year. (“*” indicates Mayoral appointment with Council approval.)

- a. Agent of Record;
- b. Attorney;
- c. Auditor;
- d. Engineer;
- e. Weed Inspector;
- f. *Assistant Weed Inspector;
- g. Animal Control;
- h. Park and Playground Commission;
 - i. Anoka County Joint Law Enforcement;
 - j. Liquor Commission;
 - k. Variance Committee;
 - l. Negotiations -- Police;
 - m. Negotiations -- Liquor;
 - n. Negotiations -- Public Works;
 - o. Administrator, Clerk/Treasurer;
 - p. Police Chief;
 - q. Police Sergeant;
 - r. Parks and Recreation Director;
 - s. Public Works Director;
 - t. Director of Liquor Operations;
 - u. Assessor;
 - v. Building Official;
 - w. Plumbing Inspector;
 - x. Fire Marshal;
 - y. Planning and Zoning Commission;
 - z. *Emergency Management Director;
- aa. *Environmental Quality Commission;
- ab. North Metro Cable Communications Commission; and
- ac. North Metro Cable Commission Operating Committee.

2. *Referral and reports.* Any matter brought before the Council for consideration may be referred by the presiding officer to the appropriate committee or to a special committee appointed by him or her for a written report and recommendation before it is considered by the Council as a whole.

I. *Suspension Of Rules.*

1. These rules, except as they relate to quorum and voting, may be suspended by a three-fourths vote of the Council.
2. By unanimous consent, the Council may in an individual circumstance waive Robert's Rules of Order.

3.04.020 Councilmembers And Mayor; Election, Term Of Office

- A. *Purpose.* The purpose of this section is to provide for an orderly transition to the biennial election plan and schedule to conform with the provisions of M.S. § 205.07, as it may be amended from time to time.
- B. *Elections.* The regular city elections for this city shall be held biennially in even-numbered years. Regular city elections shall be on the first Tuesday after the first Monday in November of each even-numbered year.
- C. *Term Of Office; Mayor.* The term of office of the Mayor shall be for four years.
- D. *Term Of Office; Councilmembers.*
 1. *Term of office.* The terms of Councilmembers hereafter elected shall be for four years.
 2. *Schedule of elections.* The two candidates receiving the highest number of votes at this election shall be elected to four-year terms. The candidate receiving the third highest number of votes shall serve a term of two years.
- E. *Compensation Of Mayor And Council Members.* The compensation of the Mayor and the compensation of each Council member shall be established from time to time by City Council ordinance pursuant to M.S. § 415.11, as it may be amended from time to time.

3.04.030 City Officials

- A. *Administrator, Clerk/Treasurer.* The offices of Clerk and Treasurer shall be combined into the office of Clerk/Treasurer. The office of Administrator shall be added and the new job title shall be Administrator, Clerk/Treasurer. The Administrator, Clerk/Treasurer shall be appointed by the City Council for an indefinite term.
- B. *Audit.* City financial affairs shall be audited by the Public Examiner or a public accountant in accordance with minimum auditing procedures prescribed by the Public Examiner. The Council shall, at the first meeting each year, designate the Public Examiner or a public accountant to make the audit for the ensuing year.

3.08 BOARDS AND COMMISSIONS

3.08.010 General Provisions

3.08.020 Parks And Recreation Commission

3.08.030 International Code Board Of Appeals

3.08.010 General Provisions

- A. *Intent; Appointment And Attendance.* The city appoints persons on an annual basis to boards and commissions for the purpose of assisting the City Council with its policy and decision-making functions. These boards and commissions serve a vital role within the city government and it is deemed imperative by the City Council that those chosen to serve attend meetings with regularity.
- B. *Automatic Resignation By Absence.* Any three consecutive, unexcused absences from duly called board or commission meetings shall constitute automatic resignation from that board or commission. Replacement for a vacancy created in this manner shall be in the same manner as the original appointment.

3.08.020 Parks And Recreation Commission

- A. *Establishment.* There is hereby established a Parks and Recreation Commission for the purpose of advising the Council on the operation of public recreation, parks, and playgrounds. The Parks and Recreation Commission is referred to herein as the "Commission."
- B. *Composition.* There is hereby established a Parks and Recreation Commission for the purpose of advising the Council on the operation of public recreation, parks, and playgrounds. The Parks and Recreation Commission is referred to herein as the "Commission."
- C. *Terms.* Appointment shall be made at the first regular January meeting of the City Council. Members shall be appointed for three-year terms, beginning January 1 and ending December 31 of the third year following. Initial appointment shall be as follows: three members appointed for terms of one year; three members appointed for terms of two years; and three members appointed for terms of three years. Members may serve for more than one term by reappointment by the Council.
- D. *Vacancies.* Commission members may resign voluntarily. Three consecutive, unexcused absences from duly called Commission meetings shall constitute automatic resignation from office. Replacements for vacancies shall be appointed by the City Council.
- E. *Compensation.* Members of the Commission shall serve without compensation.
- F. *Organization*
 - 1. *Officers.* The Commission shall annually, at the February meeting, elect one member to serve as chairperson, one member to serve as vice chairperson, and one member to serve as secretary.
 - 2. *Responsibilities.*
 - a. The chairperson is responsible for the agenda, presiding at meetings, and making all reports and recommendations of the Commission to the City Council.
 - b. The vice chairperson is responsible for the chairperson's responsibilities when the chairperson is absent.
 - c. The secretary is responsible for the minutes of all meetings.
 - d. The Parks and Recreation Director and Council Commissioner are non-voting members.
- G. *Procedures.* The proceedings of the Commission shall be conducted in accordance with Robert's Rules of Order, Newly Revised.
- H. *Presiding Chairperson.*
 - 1. *Who presides.* The chairperson shall preside at all meetings of the Commission. In the

absence of the chairperson, the vice chairperson shall preside. In the absence of both, the secretary shall call the meeting to order and shall preside until the Commission members present at the meeting have chosen one of their number to act temporarily as presiding chairperson.

2. *Rights of the presiding chairperson.* The presiding chairperson may make motions, or speak on any question, except that on demand of any Commission member, he or she shall vacate the chair and designate a Commission member to preside temporarily.

I. *Meetings.*

1. *Regular meetings.* The Commission shall hold at least one regular meeting each month which shall be on the first Tuesday of each month at 7:00 p.m. All meetings, including special meetings, shall be held in the Community Center, 1301 81st Avenue NE, unless specially called for at another location.
2. *Special meetings.* The chairperson, Parks and Recreation Director, or Council Commissioner may call a special meeting upon at least one day's notice to each member of the Commission. Notice of a special meeting shall be posted at the Community Center.
3. *Public meetings.* All Commission meetings, including special meetings and meetings of Commission committees, shall be open to the public.

J. *Minutes And Reports.* The Commission shall keep a public record of all motions, resolutions, findings, minutes, and reports which shall be reduced in writing and a copy forwarded to the City Council. The Parks and Recreation Department shall maintain all records and minutes of the Commission.

K. *Order Of Business.*

1. *Order established.* Each meeting of the Commission shall convene at the time and place appointed therefor. Commission business shall be conducted in the following order:
 - a. Call to order;
 - b. Roll call;
 - c. Approval of minutes;
 - d. Discussion from the floor;
 - e. Commission member reports;
 - f. Unfinished business;
 - g. New business;
 - h. Director's report;
 - i. Council Commissioner's report;
 - j. Other; and
 - k. Adjournment.
2. *Varying order.* The order of business may be varied by the presiding chairperson.
3. *Agenda.* The agenda shall be prepared in accordance with the order of business. Copies thereof shall be given to each Commission member and posted in the Community Center as far in advance of the meeting as time for preparation will permit.

L. *Budget And Finance.* The Director shall furnish written budget-to-date reports to the Commission

at monthly intervals for the purpose of budgeting, accounting, and reporting. The fiscal year of the Commission and the fund shall be from January 1 to December 31 of each year. The Commission must present, no later than August 1 of each year, an estimate in such detail as the Council shall require for its financial needs for the Parks and Recreation Department for the ensuing year.

M. *Duties And Functions.* The duties and functions of the Commission shall be as follows:

1. Serve in an advisory capacity to the City Council;
2. Maintain an interest in and an understanding of the functions and operations of the Parks and Recreation Department;
3. Endeavor to secure a full understanding of the city's needs and desires for parks and recreation facilities and be sensitive to the acceptance within the community of the current programs;
4. Convey to the Council its understanding of the community's sentiment regarding recreation and parks and submit recommendations to the Council on parks and recreation programs and policies;
5. Review conditions and adequacy of park property;
6. Provide hearings for groups or individuals regarding parks and recreation matters;
7. Keep informed and consider all financial aspects pertaining to parks and recreation;
8. Consider proper names for city park property;
9. Propose regulations for control of city park property to the Council;
10. Advise and assist architectural engineers on preparation of specific plans prior to their presentation to the Council for formal approval;
11. Represent the city at community functions where appropriate and approved by the Council;
12. Represent the city at meetings with other communities, county, or state boards of similar nature where appropriate and approved by the Council; and
13. Perform other duties and functions or conduct studies and investigations as specifically directed or delegated by the Council.

3.08.030 International Code Board Of Appeals

- A. *Establishment.* There is hereby established an International Code Board of Appeals (the Board) pursuant to Minn. Rules part 1300.0230.
- B. *Membership; Qualifications.* The Board shall consist of a minimum of three and a maximum of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the city. Members must live within the city limits of the city of Spring Lake Park. The Building Official shall be an ex-officio member of the Board but shall have no vote on any matter before the Board. Members shall be appointed by the Mayor with approval of the Council. Members shall be appointed for a term of three years and shall serve until a successor has been appointed. Regular terms shall commence on January 1. Initial terms shall be shortened or lengthened and thereby staggered so that there will be continuity of representation on the Board. Vacancies shall be filled by the Mayor with approval of the Council to fill any portion of an unexpired term. Members may be appointed to serve successive terms. Members shall serve without compensation.

C. *Organization.* At the first meeting of each calendar year, the Board shall elect from its members a chair and a vice chair, each to serve throughout the year and until a successor is chosen. The Board shall follow the rules of the state and the city, provided that it may establish additional procedures and policies so long as they are not inconsistent with any provision of state or local law. The city shall provide a secretary who shall attend all meetings of the Board, take minutes, and keep the records of the Board.

D. *Meetings.* The Board shall hold an annual meeting in January each year, at which it shall select officers and review its obligations under this section. Otherwise the Board shall meet upon receipt of an appeal, or upon the call of the chair or any three members of the Board. Written notice of all meetings shall be given to the members by the secretary, setting forth the purpose of the meeting. All meetings shall be properly noticed and open to the public unless otherwise provided by state law. A majority of all members of the Board shall constitute a quorum to conduct business, but less than a quorum may adjourn from time to time.

E. *Powers And Duties.*

1. The Board shall fulfill duties imposed upon it by, and in accordance with, Minn. Rules, part 1300.0230.
2. The Board shall hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the building code. A decision on appeal shall be limited to:
 - a. Whether the true intent of the international code or the rules legally adopted hereunder has been incorrectly interpreted;
 - b. Whether the provisions of the building code do not fully apply: or
 - c. Whether an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of the international code.
3. The Board shall come to a decision within five working days of the completion of the hearing on an appeal. The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official and to the State Building Official within five working days of the decision. The decision and findings of the Board shall be submitted to the State Building Official by first class mail, accompanied by a letter stating that if the State Building Official has concerns about the decision of the Board, the State Building Official is requested to so notify the local building official within ten days of the date of the letter to the State Building Official and to inform the local building official of how the State Building Official's concerns will be addressed.
4. The Board shall study and review new types of materials and methods of construction and the suitability of alternate materials and methods of construction as such issues arise in the context of an appeal.

F. *Appeals.*

1. *Limitation.* An application for appeal shall be based on a claim that the true intent of the international code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the international code do not fully apply, or an equally good or better form of construction is proposed. An application shall explain how the appeal meets this limitation. The Board shall make an initial determination whether the appeal meets this limitation. An application which does not make such a claim shall not be heard by the Board.
2. *Filing.* Appeals to the Board shall be made by filing a written appeal with the Building Official within 30 days of the date of the order, decision, or determination being appealed,

containing the following information.

- a. A heading in the words: "Appeal to the International Code Board of Appeals."
 - b. A caption reading: "Appeal of _____," giving the name and year of the international code, the section, and names of all appellants participating in the appeal.
 - c. A brief statement setting forth the legal interest of each of the appellants in the property involved in the appeal.
 - d. A brief statement in ordinary and concise language of the specific order, decision or determination appealed from, the basis for the appeal as required by Paragraph A, and any material facts claimed to support the contentions of the appellant.
 - e. A brief statement in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested order, decision or determination should be reversed, modified or otherwise set aside.
 - f. The signatures of all parties named as appellants and their official mailing addresses.
3. *Fee.* At the same time as an appeal is filed, the appellant shall pay a fee for the processing of the appeal in the amount established by the City Council by resolution from time to time.
 4. *Scheduling of hearing.* The Building Official shall schedule a hearing within ten working days from the date of receipt of a properly completed application for appeal. If a hearing is not held within this time, the applicant may appeal directly to the State Building Code Appeals Board. The hearing may be continued as the Board deems necessary to gather the information needed to make a decision on the appeal but shall not be unnecessarily delayed. The appellant(s) and the Board may mutually agree in writing to postpone any deadlines provided by this paragraph.
 5. *Notice of hearing.* Upon the filing of an appeal and the scheduling of a hearing, the Building Official shall give notice of the date, time and place of the hearing to the appellant and the Board. Written notice of the date, time and place of the hearing shall be given to the appellant at least five working days prior to the date of the hearing, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof by first class mail, postage prepaid, addressed to the appellant at the address shown on the appeal. If notice is sent by mail, three calendar days shall be added to the five working day notice requirement.
 6. *Record of proceedings.* A record of the entire proceedings shall be made by tape recording or audio-video recording.
 7. *Form of decision.* The Board shall render its decision and findings in writing, and serve its decision and findings as provided in Paragraph E,3.

G. *Final Interpretive Authority.*

1. Under state law, the State Building Official has final interpretive authority for all codes adopted as part of the building code except for the following.
 - a. International Fire Code which is enforced by the state Fire Marshal and locally appealed through the Spring Lake Park, Blaine, Mounds View Fire Department.
 - b. International Property Maintenance Code which is enforced by the local municipality.

- c. Plumbing Code which is enforced by the Commissioner of Health.
 - d. Electrical Code which is enforced by the State Board of Electricity.
2. All requests for final interpretation must come from a local or state level building code board of appeals. The procedures for final interpretations by the State Building Official are as established in M.S. § 16B.63. In addition, if any person is aggrieved by the final decision of the local board of appeals and the decision is not rectified by the State Building Official following submission of the decision to the State Building Official, the person aggrieved may appeal to the Commissioner of Administration within 180 days of the decision, as provided by M.S. § 16B.67.

3.12 EMERGENCY MANAGEMENT

3.12.010 Policy And Purpose

3.12.020 Definitions - Emergency Management

3.12.030 Establishment Of Emergency Management Organization

3.12.040 Powers And Duties Of Director

3.12.050 Local Emergencies

3.12.060 Emergency Regulations

3.12.070 Emergency Management A Government Function

3.12.080 Participation In Labor Disputes Or Politics

3.12.090 Penalty

3.12.010 Policy And Purpose

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds, or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

- A. To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;
- B. To provide for the exercise of necessary powers during emergencies and disasters;
- C. To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; and
- D. To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

3.12.020 Definitions - Emergency Management

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

DISASTER. A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

EMERGENCY. An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

EMERGENCY MANAGEMENT. The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. **EMERGENCY MANAGEMENT** includes those activities sometimes referred to as **CIVIL DEFENSE** functions.

EMERGENCY MANAGEMENT FORCES. The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster-preparedness activities and assures implementation of federal and state program requirements.

3.12.030 Establishment Of Emergency Management Organization

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the "Director." The Director shall be appointed by the Mayor with approval of the City Council for an indefinite term and may be removed by him or her at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration, and operation of the emergency preparedness organization, subject to the direction and control of the Mayor.

3.12.040 Powers And Duties Of Director

- A. The Director, with the consent of the Mayor, shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action. These arrangements shall be consistent with the State Emergency Plan.
- B. The Director shall make studies and surveys of the human resources, industries, resources, and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions, subject to the approval of the Mayor.
- C. The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all city agencies and all emergency-preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency

management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

- D. In accordance with the State and City Emergency Plan, the Director shall institute training programs and public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.
- E. The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.
- F. The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.
- G. Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.
- H. The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.
- I. The Director shall prepare and submit reports on emergency-preparedness activities when requested by the Mayor.

3.12.050 Local Emergencies

- A. A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Administrator, Clerk/Treasurer.
- B. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or interjurisdictional disaster plans, and may authorize aid and assistance thereunder.
- C. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Penalty, see SLPC 3.12.090

3.12.060 Emergency Regulations

- A. Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by

resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services; emergency health, fire, and safety regulations; drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

- B. Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited; and shall be filed in the office of the City Administrator, Clerk/Treasurer. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the Administrator, Clerk/Treasurer's office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.
- C. The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.
- D. During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

3.12.070 Emergency Management A Government Function

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

3.12.080 Participation In Labor Disputes Or Politics

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

3.12.090 Penalty

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.

3.16 CITY POLICIES

[3.16.010 Voter Registration](#)

[3.16.020 Issuance Of Citations](#)

[3.16.030 License And Permit Fees](#)

[3.16.040 Employment Background Checks](#)
[3.16.050 Acceptance Of Credit Card Payments](#)

3.16.010 Voter Registration

- A. *System Established.* A permanent system of registration of voters is hereby established. M.S. Ch. 201, as it may be amended from time to time, is hereby expressly adopted.
- B. *Voting; Registration Required.* No person shall be permitted to vote, hereafter, unless registered in accordance with the provisions of M.S. Ch. 201, as it may be amended from time to time.

3.16.020 Issuance Of Citations

- A. *Employees Authorized To Issue Citations.* The following city employees and independent contractors performing services for the city may issue citations in lieu of arrest or continued detention for violation of this code:
1. Full-time peace officers;
 2. Building Inspector;
 3. Fire Inspector; and
 4. Animal Warden.

Cross-reference:

Administrative Offenses, see SLPC 3.20.

3.16.030 License And Permit Fees

- A. *Fees And Charges.* The City Council may enact an ordinance establishing those fees and charges that are authorized by this code. Until that ordinance becomes effective, all fees and charges established by ordinance or resolution prior to the adoption of this code shall remain in effect. All fees and charges established by the ordinance establishing fees and charges may be amended from time to time by amendment of that ordinance.

3.16.040 Employment Background Checks

- A. *Purpose.* The City Council finds it to be in the best interest of the public, and further finds that public safety and welfare concerns require that certain prospective employees and volunteers must be screened for criminal history prior to any possibility of employment or volunteer position with the city. The purpose and intent of this paragraph is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Paragraph B.
- B. *Criminal History Background Investigations.*
1. The Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for all regular part-time and full-time city employment, and for other positions involving work with children or vulnerable adults, unless the city's hiring authority concludes that a background investigation is not needed.
 2. In conducting the criminal history background investigation, in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History

information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official, or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the City Administrator or other city staff involved in the hiring process.

C. *Procedure; Consent.* Before the investigation is undertaken, the applicant must authorize the Police Department, by written consent, to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. § 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought, and the conviction is for a felony, gross misdemeanor or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

1. The grounds and reasons for the denial;
2. The applicant complaint and grievance procedure set forth in M.S. § 364.06;
3. The earliest date the applicant may reapply for employment;
4. That all competent evidence of rehabilitation will be considered upon reapplication.

3.16.050 Acceptance Of Credit Card Payments

A. *Purpose.* The City Council finds it necessary for the convenience of its citizens to implement a program to accept credit card payments for various accounts due the city, such as but not limited to, utility payments, applications fees, permits fees, parks and recreation services, and administrative fines.

B. *Implementation.* The City Council may enter into an agreement with a suitable vendor(s) for a software program to accept credit card payments and a suitable merchant(s) to process the payments. The Mayor and City Administrator are authorized to execute such documents and agreements as necessary to implement the program.

C. *Fees.*

1. The city will incur certain fees for the use of credit cards and is authorized by state law to pass on to the customer a reasonable fee for the use of credit cards.
2. The City Council is hereby authorized to establish service fees to be charged to the user for the use of credit cards to make payments for various accounts due the city for permits, fines and/or other administrative activities. These fees shall be included in the city's fee schedule and reviewed on an annual basis.
3. Fees for the payment of recreation program charges shall be included in the program fees, with no additional service charge to the registrant.

3.20 ADMINISTRATIVE OFFENSES

[3.20.010 General Provisions](#)

[3.20.020 Implementation; Policies And Procedures](#)

Cross-reference:

Issuance of Citations, see SLPC 3.16.020 Paragraph A.

3.20.010 General Provisions

A. Definitions; Violations.

1. *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATIVE OFFENSE. A violation of any section of this code when one performs an act prohibited, or fails to act when that failure is thereby prohibited; and subject to the penalties set forth in this code and the adopted schedule.

CITY. The City of Spring Lake Park.

CITY CODES. The City of Spring Lake Park code of ordinances.

2. *Violations.* Any person violating a section of this code, for which no other specific penalty is provided, shall be subject to the scheduled penalty, as a petty misdemeanor. Any person that continues to violate the same section of this code after initial offense and/or payment of penalty may be subject to an additional penalty fee as low as every 14 days such initial offense exists and double penalty fee every 60 days such initial offense exists.

B. *Notice.* Any member of the Police Department or any other person employed by the city with authority to enforce this code shall, upon determining that there has been a violation, notify the violator, or person responsible for the violation, or in the case of a vehicular violation attach to the vehicle notice of the violation; that notice setting forth the nature, date, time of the violation, the name of the official issuing the notice, and the amount of the scheduled initial penalty, and where applicable, any charges relating thereto.

C. *Payment.* Once notice is given, the person responsible for the violation shall, within seven days of the time of issuance of the notice, pay full satisfaction of the stated violation schedule to the City Administrator, Clerk/Treasurer. The penalty may be paid in person or by mail and payment shall be admission of the violation. A late charge shall be imposed for each seven days the administrative ticket remains unpaid.

D. *Hearing Officer.* The Administrator, Clerk/Treasurer, or his or her designee, is authorized to hear or determine a cause of controversy under this chapter. The Hearing Officer is not a judicial officer but is a public officer as defined by M.S. § 609.415, as it may be amended from time to time, and is subject to Minnesota Statutes relating to public officers.

E. *Hearing.* Any person aggrieved by this chapter may request, within seven days of the time of issuance of the notice, to be heard by the Hearing Officer, who shall hear and determine the grievance. The Hearing Officer shall have the authority to dismiss the violation for cause, or reduce or waive the penalty upon terms and conditions as can be agreed upon by the parties; however, reasons for dispositions of this type shall be stated in writing by the Hearing Officer. If the violation is sustained by the Hearing Officer, the violator shall pay satisfaction of the penalty or shall sign an agreement to pay upon terms and conditions as set forth by the Hearing Officer.

F. Failure To Pay.

1. If a violator fails to pay the penalty imposed by this chapter, or as agreed upon following hearing before the Hearing Officer, the matter may be processed as a code violation through the Anoka or Ramsey County Court system.
2. Alternatively, for property violations, pursuant to M.S. §§ 429.101 and 514.67 and any other applicable law, as they may be amended from time to time, a lien in the amount of the penalty and any accrued late charges may be assessed against the property on which the code offense occurred and collected in the same manner as taxes. Any such

assessment shall not preclude the city from issuing additional citations for a continuing code offense, nor shall it preclude the city from making additional assessments against the same property resulting from a continuing or new code offense.

3. The city may suspend or revoke a license or permit or other approval issued for a property associated with the code offense if the penalty and accrued late charges are not paid in a timely manner.

G. *Disposition Of Penalties.* All penalties collected shall be paid over to the Administrator, Clerk/Treasurer. The Administrator, Clerk/Treasurer may receive negotiable instruments in payment of penalties as conditional payment and shall not be held accountable therefor. Receipt shall be issued for cash payments.

H. *Powers And Duties Of Administrator, Clerk/Treasurer.* In addition to all other duties set forth in the code, the Administrator, Clerk/Treasurer may delegate and supervise the work of city employees implementing and administering this chapter. The Administrator, Clerk/Treasurer shall make and have custody of all records necessary and shall keep proper accounts of the proceeds received.

I. *Penalty Schedule Adopted.* Penalties shall be imposed for violation of the scheduled administrative offenses according to a schedule duly established and adopted, from time to time, by resolution of the City Council.

3.20.020 Implementation; Policies And Procedures

A. *Hearing Officers; Appointment And Duties.*

1. The Administrator, Clerk/Treasurer shall act as a Hearing Officer or shall appoint at least four additional Hearing Officers as follows:

- a. Police Chief;
- b. Sergeant;
- c. Public Works Director; and
- d. Building Official.

2. These individuals shall be responsible as primary Hearing Officers for the following general subject matter offenses:

a. Police Chief and Sergeant:

- (1) Traffic and parking;
- (2) Animals;
- (3) Snowmobiles;
- (4) Trespass;
- (5) Beer and alcohol in parks;
- (6) Fireworks;
- (7) Public nuisance; and
- (8) Water ban violations.

b. Building Official:

- (1) Housing Code;
- (2) Construction; and
- (3) Building and Fire Code.

c. Public Works Director:

- (1) Sewer and water;
- (2) Garbage and rubbish;
- (3) Signs;
- (4) Water ban violations;
- (5) Streets and driveways; and
- (6) Wetlands.

d. Administrator, Clerk/Treasurer:

- (1) Zoning;
- (2) Housing Code;
- (3) Subdivision regulations; and
- (4) Regulated business activity.

3. The Administrator, Clerk/Treasurer may conduct hearings on all offenses when primary Hearing Officers are unavailable.
4. The Hearing Officers shall meet from time to time as needed as a committee chaired by the Administrator, Clerk/Treasurer to discuss their duties as Hearing Officers and review individual cases to ensure equitability and consistency in their findings from time to time as needed.
5. In the absence of all of the appointed Hearing Officers, the Administrator, Clerk/Treasurer may appoint a temporary Hearing Officer.

B. *Payments; Receipt.* Only those municipal personnel authorized by the Administrator, Clerk/Treasurer to receipt monies may receive payment of penalties and provide receipt to the person responsible for the violation.

C. *Records Management.* Each municipal department having authority to enforce SLPC 3.20.010 Paragraph A shall maintain the office copy of administrative offenses issued by members of the respective department until a hearing is conducted or penalty payment received. At that time the department shall turn over to the Hearing Officer or employee receiving payment the office copy. That copy shall be dated and stamped "paid" or shall include a notation regarding the determination of the hearing before it is turned over to the Administrator, Clerk/Treasurer's office attached to the violator's copy for filing and retention pursuant to the city's records retention schedule as approved by the state.

3.24 TAXATION

3.24.010 Watershed Management Tax District

3.24.020 Collection Of Assessments For Ramsey County

3.24.010 Watershed Management Tax District

- A. *Purpose.* The purpose of this section is to establish a watershed management tax district and to authorize the city to levy a special tax on all taxable property within the watershed district or a sub-watershed district to pay for the capital costs and maintenance of the water management facilities within those districts pursuant to M.S. § 103B.245, as it may be amended from time to time.
- B. *District Established.* There is hereby established a watershed management tax district (“district”) within the portion of the city that encompasses the Stoney Brook Creek Watershed. The land to be included in the special tax district is described and shown in the Watershed Management Tax District Exhibit, available for public inspection at the City Clerk’s office during regular city business hours.
- C. *Authority To Tax.* The City Council is authorized to annually levy a tax on all taxable property within the district to recover the cost of capital improvements and maintenance of the water management facilities authorized by the capital improvements program, in accordance with M.S. § 103B.245, as it may be amended from time to time.

3.24.020 Collection Of Assessments For Ramsey County

A. Purpose; Authority Of County Officers.

- 1. *Reason for section.* The city deems it necessary to enact this section because the legislature of the state did, in 1969, enact Chapter 1095 whereby amendment was made to M.S. § 429.061(3), providing that the remaining balance of an assessment, if paid in advance of the regular scheduled procedure for payment, shall be paid to the municipal treasurer.
 - 2. *Purpose.* This section is made for the purpose of authorizing county officers to collect remaining balances of assessments for improvements in order to afford property owners and other members of the public the convenience of making that payment in the same place and in the manner that they pay general taxes and installments of assessments.
- B. *Authority To Establish Payment Procedure.* Whenever any property owner or other person desires to pay the remaining unpaid installments of any assessment for improvement, the assessment roll of which has been certified to the Ramsey County Auditor for collection with general taxes, the Ramsey County Treasurer and the Ramsey County Auditor are hereby authorized to establish whatever procedure is necessary to make possible the payment of that balance to those county officials in lieu of paying same to the municipal treasurer as provided in M.S. § 429.061(3), 1967, as it may be amended from time to time. Those county officials are hereby designated as agents for the city to collect such assessments and the mechanics thereof shall be set up by the County Auditor, County Treasurer, and the City Administrator, Clerk/Treasurer so that the intent and purpose of this section is accomplished.

(This page intentionally left blank)

5 PUBLIC WORKS

5.04 WATER AND SEWER

5.08 GARBAGE; SOLID WASTE

5.12 STORM AND SURFACE WATERS

5.04 WATER AND SEWER

5.04.010 General Provisions

5.04.020 Construction And Connections

5.04.030 Water Meters

5.04.040 Rates And Charges

5.04.050 Nonessential Water Usage

5.04.010 General Provisions

- A. *Department Established.* There is hereby established a Public Works Department for the city. The water and sewer systems as they are now constituted or shall hereafter be enlarged or extended shall be operated and maintained under the provisions of this chapter subject to the authority of the City Council at any time to amend, alter, change, or repeal the same.
- B. *Council Authority Over Systems.* The City Council shall have charge and management of the water and sewer systems subject to such delegation of the authority to other employees as the Council shall provide.
- C. *Disclaimer.* The city shall not be held liable at any time for any deficiency or failure in the supply of water to the customer whether the same be occasioned by shutting off the water for repairs or connections or for any cause whatever.
- D. *Emergency Conservation Regulations.* The City Council may impose emergency regulations pertaining to the conservation of water by resolution of the City Council and by giving notice by publication or by posting in the city office and at public places as the Council may direct.

5.04.020 Construction And Connections

A. Connection; Application, Permits, And Fees.

1. No person, firm, or corporation shall make any type of connection to the water system, sanitary sewer system, or storm sewer system except upon making application therefor on a form provided by the city and receiving a permit issued by the city for those purposes. The application shall include the legal description of the property to be served, the uses for which the connection is requested, and the size of the service line to be used.
2. At the time of taking the application, there shall be paid to the City Administrator, Clerk/Treasurer the following fees for the following purpose:
 - a. No connection shall be made with respect to any sanitary sewer, water system, or storm sewer system serving property of any person or occupants of the land, parcel, or premises affected that have not paid or provided for the payment of the full and proportionate share of these utilities, which share shall be payable as follows:
 - (1) For service to property to which service lines have not been previously run from the street laterals to the property lines, the owner, occupant, or user shall pay into the city treasury an amount not less than the cost of making the necessary connections, taps, and installation of pipe and

appurtenances to provide service to the property and the necessary street repairs.

- (2) For service to property to which service lines have been run to the property lines but which have not been paid for, the owner, occupant, or user shall pay in cash or agree to pay charges in the form of special assessments to be levied against the property to be spread over a number of years coincident with the maturity requirements of any special improvement bonds sold for the purpose of financing the construction of the sanitary sewer, municipal water, or storm sewer system serving the property. The cash payment or assessment charge shall be in the principal amount of not less than the payments made by or charges placed against comparable properties for like services for the sanitary sewer, water, or storm sewer system in an amount as may be established by the City Council.
- (3) In the instance of water services run to the property lines as provided under Paragraph A,2,a,(1), the payment to the City Administrator, Clerk/Treasurer of any amount required under Paragraph A,2,a,(2) shall be reduced by the amount paid to the city under Paragraph A,2,a,(1). Where any property has heretofore been assessed a lump sum as established by the city's fee schedule and did not receive a connection from the street lateral to the property line, that assessment shall be reduced as hereinafter provided at the time application is made for a connection. For a long side service connection, the abatement shall be in the sum as established by the city's fee schedule. For the short side, it shall be established by the city's fee schedule. The Administrator, Clerk/Treasurer is authorized and directed to make and certify these reductions in the assessment roll at the time the applicant has paid for having the connection made. If the applicant has already fully paid the assessment, the applicant shall then be given credit in the amount provided herein toward the cost of the connection. Where the lump sum assessment has not heretofore been levied, the applicant shall pay a connection charge in the amount set by the Council from time to time by resolution in addition to other charges and fees provided herein. Any parcel of real estate having more than one residential living unit shall pay a charge as set by the Council from time to time by resolution for each residential unit before being connected to the municipal water system. Any parcel of real estate used for commercial or industrial purposes shall be required to pay a residential equivalent charge to be permitted to connect to the municipal water system. This charge shall be determined by the City Council with the advice of the City Engineer and Administrator, Clerk/Treasurer and shall be based upon the usage and needs of the business and demand upon the city system. In no event shall the connection charge be less than the amount set by the Council from time to time by resolution.
- (4) For sanitary sewer service to property to which sewer service lines have not been previously run to the property lines, the owner, occupant, or user shall pay an amount not less than the cost of installation of the connection and the necessary street repairs. Where the lump sum assessment has not heretofore been levied, the applicant shall pay a lump sum charge in the amount set by the Council from time to time by resolution in addition to the other charges and fees provided herein.
- (5) Before proceeding with the construction, enlargement, alteration, or repair of any water or sewer lines connecting the water system, sanitary sewer system, or storm sewer system and any house or building, the owner or his

or her agent shall first obtain a permit for the purpose from the municipality through its Administrator, Clerk/Treasurer.

- (6) The applicant shall pay to the Administrator, Clerk/Treasurer a permit fee in the amount set from time to time by Council resolution for any water connection. The applicant shall pay to the Administrator, Clerk/Treasurer a permit and inspection fee for any sanitary sewer connection. The fees shall be in amounts set from time to time by Council resolution for inside inspection plus for inspection of the outside work from the dwelling or structure to the sewer service. In the event that the owner, occupant, or user installs the house sewer prior to the time the city system is in operation, an additional fee as set from time to time by Council resolution shall be paid at time of the application for the added inspection which will be required at the time of connection. There shall be an additional fee as set from time to time by Council resolution for each additional opening in the system.
- (7) The Plumbing Inspector shall examine all applications before construction is begun, and after the construction, enlargement, alteration, or repair is complete, the Plumbing Inspector shall be notified. It shall be unlawful to cover any connecting line until an inspection has been made and the connection and the work incident thereto has been approved by the city as a proper and suitable connection. Prior to connection to the public sanitary sewer system, the Plumbing Inspector shall examine the existing drainage system and the interior plumbing system. All systems of this type shall conform to the requirements of this chapter and the requirements of the State Plumbing Code.
- (8) In the event that the drainage or plumbing system does not conform to the above requirements, the applicant shall do whatever corrective work may be necessary before final hook-up to the city system is made. In the event a request for services of the city utility employees in respect to installation of sewer and water or outdoor inspection thereof is made on a Saturday, Sunday, or holiday, or any other time for which the city is obliged to pay overtime, the applicant shall be charged, in addition to all other fees provided for, the sum equal to the overtime costs that will be incurred by the city if affording the installation.

B. *Implied Consent To Rules, Regulations, And Rates.* Every person applying for water or sewer service, every owner of property for which any such application is made, every person accepting water or sewer service, and every owner of property where this type of service is accepted subsequent to the passage of this chapter, shall be deemed, upon making the application or accepting the service, to consent to all rules, regulations, and rates as established by this chapter and as may hereafter be set forth and adopted by the Council by resolution or ordinance.

C. *Repairs, Maintenance, Leaks; Responsibility.*

1. The repair and maintenance of all sewer and water service connections from the city main, including all valves, stop boxes, or other appurtenances thereto, shall be the responsibility of the property owner served by the service line.
2. In the event any service line should become in need of repair, the owner shall make the repairs immediately. If the owner fails or refuses to make repairs promptly, the city may if it chooses make the repairs, and charge the expenses to the owner.
3. The city may, in that event, add the repair costs to the water or sewer bill of the owner.

Any owner, occupant, or user of a premises shall notify the city immediately if a leak in a water service line shall be discovered. If the city is not notified within 24 hours of any noticeable leak, the water wasted due to the leak shall be estimated by the Administrator, Clerk/Treasurer and the owner shall be charged for that water at the established rate.

D. Connection Requirements, Standards.

1. *Water connection.* There shall be installed in every connection to the city water system, one full flow valve which shall be installed at a point near and before the meter so that the water may be turned off and the meter and house water distribution system can be entirely drained. There shall also be installed another approved full flow gate valve near and after the meter in the water distribution pipe on the house side of the meter. All water service pipes connected to the city water system shall be Type K copper, a minimum of one inch inside diameter, and shall be laid at a depth of not less than seven feet below the estimated grade. All new construction shall provide a wire for a remote water meter reader from the meter to the outside of the structure in a place that is readily accessible at any time of the year. This wire shall be a three-wire, number 18 gauge wire and shall extend six inches beyond the finished outside wall line.
2. *Sewer connection.* All service pipe connecting to the city sewer system may be PVC of SDR 35 or greater quality pipe with a minimum size of four inches inside diameter. All pipe shall be installed with solvent cement joints. The joint at the connection may be made with a Fernco type fitting matching the pipe type and size. All house services shall have a grade of not less than one-fourth inch per foot. No connecting sewer shall contain bends or a combination of bends which at any point shall be greater than 45 degrees, and no more than two bends regardless of angle shall be permitted in any single house connection except where manholes or clean-outs are provided. No cesspool or septic tank shall be connected to any portion of the house sewer.

E. Connection Installation. All connections to the water system or sanitary sewer system shall be performed by a plumber licensed to do plumbing in the city, except that nothing in this paragraph shall be construed as to prohibit an individual owner from obtaining a permit and installing the connection by his or her own labor, provided, however, that construction is conducted under the regulations of this chapter and requirements of the City Engineer and City Plumbing Inspector.

F. Clear Water In Sanitary Sewer System Prohibited. It shall be unlawful for any owner, occupant, or user of any premises to direct into or allow any storm water, ground water, or surface water, or water from air conditioning systems to drain into the sanitary sewer system of the city.

G. Excavation And Construction.

1. All installation work or repair of connections to the water and sewer systems, including grade bends and backfilling, shall be performed under the direction and supervision of the Plumbing Inspector. No work shall be covered or backfilled until directed by the Inspector. All work and excavations shall be protected by barricades and warning markers and lights reasonable and suitable to the purpose. The city shall be held harmless of any claim or loss as might otherwise arise for damage, loss, or injury caused by or arising by reason of the work being performed; and the applicant causing the work to be done shall give undertaking to the city with respect thereto.
2. No digging in any permanent type street shall be permitted except by special permission from the city.

H. Private Water; Separation From City System. Whenever any premises are connected to the city water system, there shall be maintained a complete physical separation between the city water

supply system and the private water supply system so that it is impossible to intentionally allow any water produced by a private system to be introduced in the supply line from the city system.

- I. *Delayed Connection Charge.* Any person, firm, or corporation that does not connect to the city water system or sanitary sewer system within six months after the system is available shall be required to pay the minimum charges that would be charged in the event they were hooked up to services. A penalty in the amount set from time to time by Council resolution may be assessed for hook-ups delayed more than six months after the service has been available.
- J. *Available Sewer; Connection Required.* It shall be the duty of every owner or occupant of any property having a building thereon used as a dwelling or business building which property abuts upon any public street or alley, or easement, along which a main or lateral sewer has been constructed, to connect therewith. No owner or occupant of any property shall fail to make connection with the sewer within 30 days after written notice has been given to the owner or occupant by the Administrator, Clerk/Treasurer.
- K. *Future Sanitary Sewers.*
 1. All homes, apartments, and commercial buildings hereafter constructed within the limits of the city which do not have the city sewer system available to them shall have a future sanitary sewer line installed consisting of four-inch standard weight cast iron pipe with leaded joints. The sewer line shall run under the footing toward the street side extending three feet beyond the outside basement wall and shall be plugged. Also, all future inside openings shall be plugged.
 2. There shall be a four-inch Minneapolis-style clean-out installed with top at floor level as close to the inside basement wall as possible. In cases where laundry tubs or other drainage lines are run on the opposite side of the building away from the main stack, a future opening shall be left for same.
- L. *Right Of Entry.* The city, by any authorized employee or agent, shall have the right to enter and be admitted to any lands and buildings in the city for the purpose of inspections of materials, plumbing work, and fixtures of all kinds used by or in connection with the water and sewer systems.

5.04.030 Water Meters

A. Water Meter Regulations.

1. Before any water conveyed through the municipal water system shall be used or utilized on the land or premises of any person, firm, or corporation, there shall first be installed a water meter that will accurately measure the water consumed on the premises, unless the installation shall be exempted by the city. All meters installed shall be of a type approved by the city. All commercial or industrial meters shall be furnished by the applicant. An applicant for a residential connection may request that the city furnish the meter, in which event the applicant shall purchase the meter for an amount that the Council may set from time to time by resolution. All water meters installed, whether provided by the city or the applicant, shall be and remain the property of the applicant or his or her successors.
 - a. All water meters installed prior to the passage of this paragraph or under the provisions of this chapter shall be and remain the property of the applicant or his or her successors. Whenever a new application for water service is made, the city shall inspect the existing water meter, if any, to determine whether the meter is in good repair and will accurately measure the flow of water consumed on the premises. The cost of this inspection shall be determined from time to time by Council resolution and shall be charged to the applicant.

- b. No person, firm, or corporation other than the city or its designee shall install, maintain, or repair any water meter within the city limits. Every water meter connected to the water system shall be sealed by or under the direction of the Administrator, Clerk/Treasurer and no person, firm, or corporation shall break or remove the seal; provided, however, that a plumber licensed to do business in the city may break the seal or remove the meter for necessary repairs. In all cases where a seal is broken or a meter is removed by a licensed plumber, the plumber shall notify the Administrator, Clerk/Treasurer of the fact within 24 hours after the seal is broken or the meter is removed. Whenever any seal attached to a water meter by or under the direction of the Administrator, Clerk/Treasurer is found broken, the broken condition of the seal shall be prima facie evidence that the seal was broken contrary to the terms and provisions in violation of this paragraph.
 - c. All water meters connected to the water system shall be accessible to the Administrator, Clerk/Treasurer or designee at any reasonable hour of any business day, and the refusal of admission by any owner or occupant of any premises wherein a water meter is installed after the owner or occupant has been notified that admission is desired for the purpose of inspecting a water meter installed in the premises shall constitute a violation of this paragraph.
 2. The meters shall be repaired from time to time as is necessary to insure accurate measuring of the flow of water, except that whenever a meter has been damaged due to negligence on the part of persons other than the employees of the city, the owner, occupant, or user of premises or other persons desiring the use of the water shall reimburse the city for the expense of repairing any such meter. Upon failure to reimburse the city within a reasonable time and upon demand therefor, the water service and supply to the premises may be shut off or discontinued as determined to be in the best interest of the city.
 3. It shall be unlawful for any person to tamper with, alter, bypass, or in any manner whatsoever interfere with the proper use and functioning of any water meter within the city.

B. Meter Readings.

1. The Council may provide a system of water meter reading by post card, meter person, or any other method deemed suitable to the purpose of the Council. The Council may also establish billing areas or districts and provide for the reading of meters and billing charges by calendar quarters or monthly quarters or such periodic intervals as the Council shall determine suitable and necessary from time to time.
2. The Council reserves the right to discontinue service to any customer of the water and sanitary sewer system without notice when necessary for repairs, additional connection, or reconnection or for non-payment of charges or bills, or for disregard of any rules or regulations in connection with the use or operation of the system. Whenever any service has been discontinued for non-payment of charges or bills or for disregard of any rules or regulations or for any other purpose, it shall not be resumed except upon payment of the charges or bills accrued together with interest thereon in the amount of 10% per annum, or compliance with the rules and regulations previously violated and payment to the Administrator, Clerk/Treasurer of a restoration fee in the amount set from time to time by Council resolution.
3. In the event a water or sewer bill, whether incurred prior or subsequent to the passage of this paragraph, is unpaid at the end of the calendar quarter or the billing period under which the billing is sent out, the bill shall be considered delinquent and the service may be discontinued as provided in Paragraph B,2 and the Council may cause the charges noted

in the billing to become a lien against the property served by certifying to the County Auditor the amount of the delinquent bill in accordance with the statutes of the state.

- C. *Meter Testing.* Whenever a water user questions the accuracy of his or her meter and desires that the meter be tested, he or she shall pay a fine in the amount set from time to time by Council resolution if the meter tests accurate within a range of minus 3% to plus 1.5%. If it is not accurate within this range, no charge will be made for the period of time that the meter is assumed to be inaccurate, not to exceed two billing periods.

5.04.040 Rates And Charges

- A. *Billing Regulations; Council Authority.* The Council shall have authority to prescribe by resolution the rates to be charged for water and sewer service to the customer from time to time and may prescribe the date of billing, a discount for payment within a prescribed period and penalty for failure to pay within that period, and further rules and regulations relative to the use and operation of those systems as it may deem necessary from time to time. In addition, all utility charges will be the responsibility of the owner and therefore all service accounts shall be carried in the name of the property owner. Bills may be mailed to a property manager or agent.
- B. *Faulty Meters; Billing.* If a meter fails to register or accurately measure the water, the charge for water consumed shall be paid for at the established rate based upon past average billings as determined by the City Administrator, Clerk/Treasurer.
- C. *Delinquent Payment; Tax Lien.* As provided by M.S. § 444.075(3), as it may be amended from time to time, it is hereby approved, adopted, and established that if payment of lawful charges levied by the city in connection with this chapter are not paid before the sixtieth day next succeeding the date of billing thereof, those charges plus the interest allowed by law shall be deemed to be a charge against the owner, lessee, and occupant of the property served, and the city or its agent shall certify the unpaid delinquent balance to the County Auditor with taxes against the property served for collection as other taxes are collected; provided, however, that this certification shall not preclude the city or its agent from recovery of the delinquent charges under any other available remedy.
- D. *Water Rates Set By Resolution.* From and after the effective date of this paragraph, the water rates within the city shall be amended from time to time by resolution of the City Council.
- E. *(Reserved)*
- F. *Sewer Rates; Definition.* For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

REC. A unit of sewage volume of 100,000 gallons per year; and shall be assigned as follows:

1. Single-family houses, townhouses, and duplex units shall each comprise one unit;
 2. Condominiums and apartments shall each comprise 80% of a unit;
 3. Mobile homes shall each comprise 80% of a unit;
 4. Other buildings and structures shall be assigned one unit for each 100,000 gallons of flow or part thereof which it is estimated they will discharge; and
 5. Public housing units and housing units subsidized under any federal program for low and moderate income housing shall be counted as 75% of the unit equivalent for that type of housing.
- G. *Sewer Rates Set By Resolution.* From and after the effective date of this paragraph, the sewer rates within the city shall be amended from time to time by resolution of the City Council.

H. Sewer Service Availability And Connection Charges.

1. *Connection charges.* No building or structure shall be permitted to be connected to the city sewer system until sewer service availability and connection charges as established herein have been paid to the city.
2. *Recitals.* The Metropolitan Sewer Board has determined to reserve unused capacity in the metropolitan disposal system each year for local government units in which new buildings to be connected to the system and new connections to the system are commenced during that year; and to allocate the debt service costs of the unused capacity for the year among local government units. In order for the city to pay those costs allocated to it each year, it will be necessary to establish sewer service availability and connection charges for all buildings to be constructed or connected to the metropolitan disposal system.
3. *Establishment of charges.*
 - a. For the purpose of paying costs of reserve capacity allocated to the city each year by the Metropolitan Sewer Board, there is hereby established a charge for:
 - (1) The availability of treatment works and interceptors comprising the metropolitan disposal system; and
 - (2) Connections, direct and indirect, to the metropolitan disposal system.
 - b. The charge is imposed on each building or structure in the city and each connection to the metropolitan disposal system directly or through the city's system, inside any sewer service area established by the Metropolitan Sewer Board, construction of which is commenced on or after January 1, 1973. The charge shall be payable upon the issuance of a building permit or a connection permit, as the case may be, but no charge shall be due upon the issuance of a connection permit if a charge was paid upon issuance of a building permit.
 - c. The charge for each building or structure shall be equal to the number of units or sewage volume which it will discharge, multiplied by the current service availability charge as established annually by the Metropolitan Waste Control Commission. A unit of sewage volume shall be 100,000 gallons per year and shall be assigned as follows:
 - (1) Single-family houses, townhouses, and duplex units shall each comprise one unit;
 - (2) Condominiums and apartments shall each comprise 80% of a unit;
 - (3) Mobile homes shall each comprise 80% of a unit;
 - (4) Other buildings and structures shall be assigned one unit for each 100,000 gallons of flow or part thereof which it is estimated they will discharge; and
 - (5) Public housing units and housing units subsidized under any federal program for low and moderate income housing shall be counted as 75% of the unit equivalent for that type of housing.
4. *Administration.* The City Administrator, Clerk/Treasurer shall prepare or revise building permit or sewage connection permit application forms to provide information necessary for the computation of the number of units assignable to the building or structure in question, and shall collect the applicable charge before issuance of a permit. The Administrator, Clerk/Treasurer shall make this information available to the Sewer Board

upon request. If, upon filing a report covering the permit with the Metropolitan Sewer Board, the Board determines that a greater number of units is assignable to the building or structure in question, any additional amount of cost allocated to the city as a result shall be paid by the person or company to whom the permit was granted.

I. *Industrial User Sewer Strength Charge.*

1. *Recitals.* The Metropolitan Waste Control Commission (the "Commission"), a metropolitan commission organized and existing under the laws of the state, in order to receive and retain grants in compliance with the Federal Water Pollution Control Act Amendments of 1972, being 33 USC 1251 et seq. and regulations thereunder (the "Act"), as it may be amended from time to time, has determined to impose an industrial user sewer strength charge upon users of the metropolitan disposal system (as defined in M.S. § 473.121(24), as it may be amended from time to time) to recover operation and maintenance costs of treatment works attributable to the strength of the discharge of industrial waste, this sewer strength charge being in addition to the charge based upon the volume of discharge. In order for the city to pay those costs based upon strength of industrial discharge and allocated to it each year by the Commission, it is hereby found, determined, and declared to be necessary to establish sewer strength charges and a formula for the computation thereof for all industrial users receiving waste treatment services within or served by the city. Furthermore, M.S. § 444.075(3), as it may be amended from time to time, empowers the city to make that sewer charge a charge against the owner, lessee, occupant, or all of them and certify unpaid charges to the County Auditor as a tax lien against the property served.
2. *Establishment of strength charges.* For the purpose of paying the costs allocated to the city each year by the Commission that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the city, there is hereby approved, adopted, and established, in addition to the sewer charge based upon the volume of discharge, a sewer charge upon each person, company, or corporation receiving waste treatment services within or served by the city, based upon strength of industrial waste discharged into the sewer system of the city (the "strength charge").
3. *Establishment of strength charge formula.* For the purpose of computation of the strength charge established by Paragraph I,2, there is hereby established, approved, and adopted in compliance with the Act the same strength charge formula designated in Paragraph J, this formula being based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the Commission.
4. *Strength charge payment.* It is hereby approved, adopted, and established that the strength charge established by Paragraph I,2 shall be paid by each industrial user receiving waste treatment services and subject thereto before the twentieth day next succeeding the date of billing thereof to that user by or on behalf of the city, and the payment thereof shall be deemed to be delinquent if not so paid to the billing entity before that date. Furthermore, it is hereby established, approved, and adopted that if the payment is not paid before that date an industrial user shall pay interest compounded monthly at the rate of 0.67% per month on the unpaid balance due.

J. *Strength Charge Formula.* The Metropolitan Waste Control Commission hereby approves the Public Hearing Officer's report and findings and adopts the following:

1. The Metropolitan Waste Control Commission strength charge system as recommended by the Hearing Officer and determined annually by application of:

- a. Plant unit process evaluations;
 - b. Current quality control data; and
 - c. Current budgeted operation and maintenance costs for the treatment facilities.
2. The basic strength charge system formula as follows.
- a. Strength charge formula.

$$SCF = SR [(R_{ss} (SS - SS_0) / SS_0) + (R_{cod} (COD - COD_0) / COD_0)]$$

Where:

SCF = Strength charge factor;

SR = Strength phase ratio (strength costs to system costs for administrative and O&M of treatment works);

R_{ss} = Suspended solids cost ratio;

R_{cod} = Chemical oxygen demand cost ratio;

SS = Suspended solids concentration of discharge (SS SS₀);

SS₀ = Suspended solids concentration of base;

COD = Chemical oxygen demand concentration of discharge (COD COD₀); and

COD₀ = Chemical oxygen demand concentration of base.

(2) Strength charge.

$$SC = (SCF)(V)(TW)$$

Where:

SC = Strength charge;

SCF = Strength charge factor;

V = Volume of discharge; and

TW = Treatment works unit cost.

5.04.050 Nonessential Water Usage

- A. *Purpose.* This section establishes water conservation restrictions; and the plan will be in effect at any time the governor declares by executive order a critical water deficiency, pursuant to M.S. § 103G.291.
- B. *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR, CLERK/TREASURER. The person assigned duties pursuant to M.S. § 412.151.

DEPARTMENT. The city water department.

EMERGENCY. The declaration of a critical water deficiency by the governor.

IRRIGATION. The watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.

NOTIFICATION TO PUBLIC. Notification through local media, including interviews and issuance of news releases.

PUBLIC WATER SUPPLIER. The city or other entity that owns, manages, or operates a public water supply, as defined in M.S. § 144.382, Subd. 4.

RECLAIMED WATER. Water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.

WATER RECIRCULATION SYSTEM. Any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

C. *Application.*

1. This section applies to all customers of public water suppliers who own or control water use on any premises.
2. No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this section.
3. Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the governor.

D. *Declaration Of Critical Water Deficiency.* Upon the declaration of a critical water deficiency by the governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the City Council, or the official city bulletin board. The city shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.

E. *Mandatory Emergency Water Conservation Measures.* Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:

1. Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.
2. Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.
3. The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.
4. Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.
5. Operation of outdoor misting systems used to cool public areas is prohibited.
6. The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.
7. The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

F. *Variances.* The Administrator, Clerk/Treasurer or their designee, is authorized to grant variances to this section where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

G. *Enforcement.* The Administrator, Clerk/Treasurer or his/her designee is authorized to designate city employees or law enforcement personnel to enforce the provisions of this section.

H. *Violations And Penalty.* Violations of Paragraphs A through G shall be determined and cited by the Administrator, Clerk/Treasurer or his/her designee. A violator may appeal the citation within five days of its issuance by submitting a written appeal to the city. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.

1. Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall describe the remedy and fines for future violations.
2. Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the city to pursue other legal remedies.

5.08 GARBAGE; SOLID WASTE

[5.08.010 Solid Waste Disposal](#)

[5.08.020 Yard Waste; Storage And Deposit](#)

[5.08.030 Recycling](#)

[5.08.040 Administration](#)

5.08.010 Solid Waste Disposal

A. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Includes only organic refuse resulting from the preparation of food and decayed and spoiled food from any sources.

RECYCLABLE MATERIALS. All those items which are required to be recycled under SLPC 5.08.030 Paragraph A.

REFUSE. All inorganic waste, including construction and demolition material, from residential, commercial, industrial, professional, governmental or institutional operations that is the result of their normal operations, excluding compost, recyclables, toxic waste and hazardous waste.

SOLID WASTE. Includes both garbage and refuse of all kinds which accumulates in the ordinary operation of a residential household, business, professional, government or institution. This includes putrescible wastes, refuse, paper products, and ashes. Specifically excluded are recyclable materials, sewage and other water-carried wastes, non-putrescible wastes such as rocks, earth, sand, gravel, cement, brick, and other similar substances which may accumulate as a result of construction or demolition operations.

SOLID WASTE HAULER. A collector or transporter of solid waste.

B. *Solid Waste Collection; License.*

1. No person, firm, or corporation shall, for hire, collect or remove any solid waste in this city except a person who is licensed by the city.
2. The annual license fees for the first vehicle and for each additional vehicle owned by any one licensee shall be in the amounts set from time to time by Council ordinance. The

license year shall be from February 1 to January 31. Licenses are not transferable, and the fee shall not be prorated.

3. A license may be issued upon receipt of the fee and an application with the following information:
 - a. The name and address of the applicant;
 - b. A description of the vehicle and evidence that it complies with this paragraph;
 - c. The area of the city which will be serviced;
 - d. Deposit certificates of insurance in a form satisfactory to the city with the City Administrator, Clerk/Treasurer as follows:
 - (1) A standard form motor vehicle policy, providing limits of liability as set forth in the insurance limits schedule;
 - (2) A certificate of insurance in respect to general liability with the same limits as shown in the preceding paragraph;
 - (3) A certificate indicating statutory workers' compensation coverage or evidence of self-insured status approved by the State of Minnesota; and
 - e. A schedule of rates to be charged by the hauler during the license period for which the application is made.

4. *Limitation on number of licenses.*

- a. *Purpose.* It is the intent of the city to reduce the number of solid waste licenses issued. The means of this reduction will be through attrition. Said limitation is deemed necessary to protect the health, safety and welfare of the city and its residents.
- b. No more than four solid waste licenses may be in force at any time, except that all companies licensed by the city as of August 1, 2017 may be relicensed according to the following conditions:
 - (1) The licensee has conformed to all city, county, state and federal laws related to solid waste collection;
 - (2) There is no lapse in the license period;
 - (3) The licensee submits a fully completed annual renewal form, payment and all required documentation by the due date for renewals. Incomplete applications shall be returned to the licensee and must be resubmitted by the original due date. Failure to submit a renewal, payment and all required documentation by the original due date will be cause for the city to deny the renewal of the license;
 - (4) Licenses are non-transferrable, except whereby an existing licensee undergoes incorporation, sale or merger with another existing city licensed collector;
 - (5) The type of service offered has not increased from the previous license period;
 - (6) There has been no increase in the number of trucks used in the city at any one time as listed in the application for the previous year license; and
 - (7) License must not have been suspended more than two times in a 12-

month period, or revoked.

- C. *Hauler's Equipment.* Licensees shall use equipment so constructed that the solid waste material shall not leak or spill during transport to the disposal site. The equipment shall be kept as clean and free from offensive odors as possible and shall not be allowed to stand in any street or public place longer than is necessary to collect the solid waste materials. The licensee shall also ensure that the collection site is left free of litter.
- D. *Solid Waste Containers; Placement For Collection.* It shall be the duty of every residential dwelling unit and every business to place solid waste materials in containers that are watertight with a tight-fitting lid and impervious to insects, rodents, vermin and the absorption of moisture and set the solid waste materials out for collection in the manner designated by this section.
- E. *Container Location.* Solid containers at residential dwellings shall be out of public view except within 24 hours of pickup. Solid waste containers shall be placed at curbside in the front of the property, and shall be accessible to collectors during the times and days indicated in Paragraph I. Seniors and handicapped persons shall receive pick-up service at their garage if requested. Solid waste containers shall be removed from the curb within 24 hours of pick-up.
- F. *Dumpster Enclosures Required.*
1. The owners or responsible parties of all commercial, industrial, and residential/rental properties with three or more units within the city having a dumpster for the containment of garbage, rubbish or recyclables shall provide an enclosure for that dumpster.
 2. The construction and location of the enclosure referenced above shall be approved by the City Building Official. The dumpster enclosure shall be constructed of concrete block for all commercial and residential rental properties. The dumpster enclosure may be constructed of an approved composite wood with a minimum-three-quarter-inch thickness for all residential rental properties housing up to eight units.
 3. All owners of existing properties defined in Paragraph F,1 shall be required to come into compliance with these regulations no later than December 31, 1992.
- G. *Collection Required.* Every single residential dwelling, multiple family residential dwelling, commercial establishment or other establishment generating solid waste shall make arrangements for the collection and disposal of solid wastes with a hauler licensed to do business in the city. Exceptions may be approved by the Administrator, Clerk/Treasurer for environmentally-sound alternatives.
- H. *Non-Residential Recycling.* Any solid waste hauler wishing to haul solid waste from non-residential structures must also offer recycling services to its non-residential customers. At a minimum, all solid waste haulers must provide their customers with the same recycling services that are offered to residential structures within the city.
- I. *Collection Times.* No garbage or rubbish shall be collected in any residential area within the city except between the hours of 7:00 a.m. and 8:00 p.m. Garbage and rubbish collection shall be limited to Wednesday and Thursday of each week.

5.08.020 Yard Waste; Storage And Deposit

- A. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL ESTABLISHMENT. Any premises where commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, and schools where food is

prepared and served.

COMPOST. A mixture of decaying organic matter in a contained area.

COMPOSTING. Any above-ground microbial process that converts yard waste to organic soil amendment or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.

GARDEN. Ground area for cultivation of flowers, vegetables, or shrubs.

MULTIPLE-FAMILY DWELLING. Any building designed for or occupied by two or more families, together with the lot or parcel of land on which it is situated.

SINGLE-FAMILY DWELLING. Any single building designed for or occupied exclusively by one family, together with the lot or parcel of land on which it is situated.

YARD WASTE. Lawn and garden clippings and leaves.

B. Storage.

1. It is unlawful for the owner or occupant of a single-family dwelling or multiple-family dwelling to store garbage, except fruit or vegetable waste, or coffee grounds, in a compost pursuant to Paragraph C, at the dwelling for more than one week. All storage of this type shall be in five- to 100-gallon metal or plastic containers with tight-fitting covers which shall be maintained in a clean and sanitary condition.
2. It is unlawful for the owner or occupant of a single-family dwelling to store yard waste in the front yard setback.
3. It is unlawful for the owner or occupant of a multiple-family dwelling to store garbage, except fruit or vegetable waste, or coffee grounds, in a compost pursuant to Paragraph C, at the dwelling for more than a week. All storage of this type shall be in containers as for single-family dwellings, except that so-called dumpsters with tight-fitting covers may be substituted.
4. No garbage may be buried within the city.

C. Compost.

1. It is prohibited for the owner or occupant of a single-family or multiple-family dwelling to engage in composting yard waste, or fruit or vegetable waste, or coffee grounds, at a dwelling except as hereinafter provided.
 - a. A compost shall be established in a manner so as not to create an odor or other condition that is a nuisance.
 - b. A compost may consist only of yard waste, fruit or vegetable waste, or coffee grounds generated from the site on which the compost is located.
 - c. A compost may not occupy any front yard setback and must be three feet from any side or rear yard lot line, and no closer than 20 feet to any habitable building other than the composter's home.
 - d. A compost that includes fruit or vegetable waste or coffee grounds must be enclosed in a container or other manner which will prevent animals from disturbing or removing the contents.
 - e. A compost shall not be larger than ten feet wide by ten feet long, not to exceed a total of 100 square feet, and shall be no more than four feet in height. Every

compost must be contained within a fenced area or enclosed container; except a compost consisting of yard waste only, not exceeding 18 inches in height, may be placed upon a garden area without a fence or closed container.

- f. None of the following may be placed in a compost: meat or bones, human or animal feces, fat, oil, dairy products, plastic fibers or resin, logs, or brush larger than one-fourth inch in diameter.

2. It is prohibited for any person to engage in composting on public, commercial, office, or industrial property within the city.

- D. *Deposit.* It is unlawful for any person to deposit garbage from any source, rubbish, offal, or body of a dead animal in any place other than a sanitary landfill or licensed disposal facility.

5.08.030 Recycling

- A. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED RECYCLING PROGRAM. A program for the collection and recycling of recyclable materials which is instituted, sponsored, authorized and controlled by the city.

RECYCLABLE MATERIALS. All items of refuse designated by the City Council to be part of an authorized recycling program and which are intended for transportation, processing, remanufacturing or reuse.

SCAVENGING. The unauthorized collection of recyclable materials that have been set out by the residents of the city specifically for participation in curbside recycling programs.

- B. *License Required.* It is unlawful for any person to pick up recyclable materials from residences and multiple family residential buildings without a license from the city. There shall be issued by the city one residential recycling license. The holder of the residential recycling license shall be able to collect recyclable materials from residential buildings as part of an authorized recycling program. Application shall be made in the same manner as required by ordinance for a solid waste hauler in the city.
- C. *Hauler's Equipment.* Licensees shall use equipment so constructed that the solid waste material shall not leak or spill during transport to the disposal site. The equipment shall be kept as clean and free from offensive odors as possible and shall not be allowed to stand in any street or public place longer than is necessary to collect the solid waste materials. The licensee shall also ensure that the collection site is left free of litter.
- D. *Designation Of Items.* Items designated for recycling shall be listed by resolution of the City Council to be part of an authorized recycling program.
- E. *Ownership Of Recyclable Materials* Ownership of recyclable materials set out for the purpose of participating in a curb side recycling program shall remain with the person who set out the recyclable materials until they are removed by the recycling hauler licensed by the city. Until the recyclable materials are removed by the licensed recycling hauler, the person who set out the recyclable materials is totally responsible for their proper preparation, handling, and storage. Ownership and responsibility for the proper handling of the recyclable materials shall vest in the licensed recycling hauler upon removal by it.
- F. *Unauthorized Collection.* It shall be unlawful for any person who is not authorized by the city to take, collect or scavenge recyclable materials set out for authorized recycling programs within the city.

- G. *Contract*. The city may require recycling haulers to enter into a contract with the city which more specifically spells out the details and requirements of an authorized recycling program. Violation of the contract will be grounds for revocation of any license issued pursuant to this paragraph.
- H. *Recycling Fee Authorized*. The City Council is hereby authorized to set fees for the collection of recyclable materials by ordinance. The fees may be amended from time to time by ordinance.

5.08.040 Administration

- A. *Suspension And Revocation*. A licensee's failure to comply with the provisions of this chapter or any of the conditions attached to a license, or any applicable contract with the city shall be grounds for license suspension or revocation, without refund of the license fee. Except in cases of lapse of proof of insurance, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that act, or it may contract with the Office of Administrative Hearings for a hearing officer. Lapse of required proof of insurance shall affect an immediate suspension of any license issued pursuant to this chapter without further action of the Council. Notice of cancellation or lapse of insurance required under this chapter shall also constitute notice to the licensee of the impending suspension of the license. Any suspension due to a lapse of required proof of insurance shall continue until the Council determines that the insurance requirements of this chapter have again been met.

5.12 STORM AND SURFACE WATERS

5.12.010 General Provisions

5.12.020 Watershed District Review And Approval

5.12.030 Private Surface Water Facility Maintenance

5.12.040 Wetland And Public Water Management

5.12.010 General Provisions

- A. *Intent*. To promote the health, safety and general welfare of the citizens of Spring Lake Park, Minnesota by requiring illicit discharge and illicit connection management practices for all discharge activities.
- B. *Statutory Authorization*. These regulations are adopted pursuant to M.S. § 462.351.
- C. *Findings*. The City of Spring Lake Park hereby finds that non-storm water discharges to the city's Municipal Separated Storm Sewer System (MS4) are subject to higher levels of pollutants which enter receiving water bodies adversely affecting the public health, safety and general welfare by impacting water quality, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the city to provide adequate water, sewage, flood control and other community services.
- D. *Purpose*. The purpose of this chapter is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by non-storm water discharges by prohibiting illicit discharges and connections to the MS4 or water courses that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land.
- E. *Definitions*. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directive.

AUTHORIZED ENFORCEMENT AGENCY. Employees or designees of the director of the

municipal agency designated to enforce this section.

BEST MANAGEMENT PRACTICE (BMP). Sediment and erosion control and storm water management practices used to mitigate adverse effects of land use activities, runoff, sedimentation and non-point source pollution on stream bank erosion, stream hydrology, surface and groundwater replenishment.

CITY. The City of Spring Lake Park.

CONSTRUCTION ACTIVITY. Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of five acres or more. The activities include, but are not limited to, clearing and grubbing, grading, excavating and demotion.

DISCHARGE. Adding, introducing, releasing, leaking, spilling, casting: throwing or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute waters of the state in the county.

EROSION. The process by which ground surface is worn away by action of wind, water, ice or gravity.

GROUNDWATER. Water contained below the ground surface in the saturated zone including, without limitation, all waters whether under confined, unconfined or perched conditions, in near surface unconsolidated sediment or in rock formations deeper underground.

HAZARDOUS MATERIALS. Any material, including any substance, waste or combination thereof, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTION. Defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including any non-storm water discharge such as sewage, processed wastewater and wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency; or
2. Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any direct or indirect non-storm water discharge to the storm sewer system, except as exempted in Paragraph G.

MPCA. The Minnesota Pollution Control Agency.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) owned or operated by the city and designed or used for collecting or conveying storm water and which is not used for collecting or conveying sewage.

NON-STORM-WATER DISCHARGE. Any discharge to the storm drain system that is not

composed entirely of storm water.

NPDES. The National Pollutant Discharge Elimination System. The program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits under the Clean Water Act (§§ 301, 318, 402 and 405) and 33 C.F.R. §§ 1317, 1328, 1342 and 1345 authorizing the discharge of pollutants to water of the United States.

PERSON. Any individual, firm, corporation, partnership, franchise, association or governmental entity.

POLLUTANT. Any substance which, when discharged, has potential to or does, interfere with state designated water uses, obstruct or cause damage to waters of the state, change water color, odor or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater, add an unnatural surface film on the water, adversely change other chemical, biological, thermal or physical conditions, in any surface water or stream channel, degrade the quality of ground, or harm human life, aquatic life, or terrestrial plant and wildlife. **POLLUTANT** includes dredged soil, solid waste, garbage, wastewater, wastewater sludge, chemical waste, biological materials, radioactive materials rock, sand, dust, industrial waste, sediment, nutrients, toxic substances, pesticide, herbicide, trace metal, automotive fluid petroleum-based substance and oxygen-demanding material.

POLLUTE. To discharge pollutants into waters of the state.

POLLUTION. The direct or indirect distribution of pollutants into waters of the state.

STATE. The State of Minnesota.

STATE DESIGNATED WATER USES. Uses specified in state water quality standards.

STORM SEWER SYSTEM. A conveyance or system of conveyances that is owned or operated by the city or other entity and designed or used for collecting or conveying storm water.

STORM WATER. As defined under Minn. Rules 7077.0105, subpart 41(b), means “precipitation runoff, storm water runoff, snow melt runoff and any other surface runoff and drainage.”

SURFACE WATERS. All waters of the state other than ground waters, which include ponds, lakes, rivers, streams, wetlands, public ditches, and public drainage systems except those designed and used to collect, convey or dispose of sanitary sewage.

WATERS OF THE STATE. As defined in M.S. § 115.01, Subd. 22, are all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

F. *Illegal Disposal And Dumping.*

1. No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alleyway, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land, so that the same might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.
2. No person shall intentionally dispose of grass, leaves, dirt or landscape material into a

water resource, buffer, street, road, alley, catch basin, culvert curb, gutter, inlet, ditch, natural watercourse, flood control channel canal storm drain or any natural conveyance.

G. Illicit Discharges And Connections.

1. No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:
 - a. Consists of non-storm water that is authorized by an NPDFS permit obtained from the MPCA or a federal agency;
 - b. Is associated with fire fighting activities or other activities necessary to protect public health and safety; or
 - c. Is one of the following exempt discharges: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools (except for routine maintenance of chlorinated swimming pool water) and any other water source not containing pollutants
2. Dye testing is an allowable discharge, but requires a verbal notification to the city two business days prior to the time of the test.
3. No person shall use any illicit connection to intentionally convey non-storm water to the city's storm sewer system.
4. The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
5. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.

H. Good Housekeeping Provisions. Any owner or occupant of property within the city shall comply with the following good housekeeping requirements;

1. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This paragraph shall apply to both actual and potential discharges.
 - a. Individual septic systems must be maintained to prevent failure which has the potential to pollute surface water.
 - b. Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste should not be discharged in an area where drainage to streets or storm sewer system may occur.
 - c. Prior to draining swimming pools, water shall be allowed to sit seven days without the addition of chlorine to allow for chlorine to evaporate before discharge.
2. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions of city codes.
3. Mobile washing companies (carpet cleaning, mobile vehicle washing, and the like) shall

dispose of wastewater to the sanitary sewer. Wastewater should not be discharged where drainage to streets or storm sewer system may occur.

4. *Storage of materials, machinery and equipment.*

- a. Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to runoff.
- b. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.

5. *Debris and residue shall be removed, as noted below.*

- a. All motor vehicle parking lots and private streets shall be swept, at a minimum of once a year in the spring to remove debris. Such debris shall be collected and properly disposed.
- b. Fuel and chemical residue or other types of potentially harmful materials, such as animal waste, garbage or batteries shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through the county collection program or at any other appropriate disposal site and shall not be placed in a trash container.

I. *Industrial Activity Discharges.* Any person subject to an industrial activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the city prior to the following discharges to the storm sewer system. All facilities that have storm water discharges associated with industrial activity must adhere to the following guidelines:

1. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system.
2. These BMPs shall be part of a Storm Water Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

J. *Notification Of Spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the storm sewer system, or water of the state, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city no later than the next business day.

K. *Access To Building For Inspection, Monitoring, And/or Dye Testing.*

1. The city shall be permitted to enter and inspect all buildings as often as may be necessary to determine compliance with this chapter.
2. Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, dye testing, examination and copying of records that relate to the discharge of storm water.

3. The city shall have the right to set up at any building, such devices as are necessary to conduct monitoring, sampling and/or dye testing of the facility's storm water discharge.
4. The city has the right to require the discharger to install monitoring equipment as necessary.
5. Unreasonable delays in allowing the city access to a facility is a violation of this chapter.
6. If the city has been refused access to any part of the premises from which storm water is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this paragraph, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

L. *Suspension Of Storm Sewer System Access.*

1. *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or waters of the state, or to minimize danger to persons.
2. *Suspension due to the detection of illicit discharge.* Any person discharging to the storm sewer system in violation of this chapter may have their storm sewer system access terminated if such termination would abate or reduce an illicit discharge. A person commits an offense if the person reinstates storm sewer system access to premises terminated pursuant to this paragraph, without the prior approval of the city.

M. *Enforcement.*

1. *Notice of violation.* Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this paragraph, the city may order compliance by written notice of violation to the responsible person. The notice may require without limitation:
 - a. The performance of monitoring, analyses and reporting;
 - b. The elimination of illicit connections or discharges;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of a fine to cover administrative and remediation costs; and
 - f. The implementation of source control or treatment BMPs.
2. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
3. If the bill received for abatement and/or restoration is not paid within 30 days, the city may

draw the amount of the bill from any financial guarantees the city may hold or may assess the property from which the offense originated. After notice and hearing as provided pursuant to M.S. § 429.061, the City Council may then spread the charges against the property benefitted as a special assessment under M.S. § 429.101 for certification to the County Auditor and collection along with the current taxes the following year or in annual installments not exceeding ten as the Council may determine in each case.

5.12.020 Watershed District Review And Approval

A. *Requirement.* Local property related activities that are regulated by the watershed district(s) exercising control over said property shall be reviewed and approved by the applicable watershed district(s) prior to local permit or final subdivision approval.

5.12.030 Private Surface Water Facility Maintenance

A. *Maintenance Plan.* No private stormwater best management practice (BMP) shall be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance and the maintenance intervals.

B. *Maintenance Of Existing BMPs.*

1. The city requires that existing stormwater BMPs be maintained as follows:

a. *Private stormwater BMPs.* All private stormwater BMPs shall be maintained by the property owner so that the BMPs are in proper condition consistent with their original design.

b. *Ponds, stormwater wetlands and other non-structural BMPs.* Settled materials from ponds, sumps, grit chambers and other BMPs, including settled solids, shall be removed and disposed of as needed to maintain BMP function. Brush, shrubs and trees shall be removed from ponds and non-structural BMPs where they interfere with the BMP function as originally designed.

c. *Infiltration, filtration, underground storage and other structural BMPs.* Annual inspections, removal of litter, debris, sediment and replacement of mulch, vegetation and eroded areas are required to maintained the function as originally designed.

2. *Inspection.* The city shall inspect, or require the inspection of, all stormwater BMPs during construction, during the first year of operation and at least once every five years thereafter.

C. *Enforcement.*

1. *Notice of violation.* Whenever the city finds that BMP maintenance has not been provided to meet a requirement of this paragraph, the city may order compliance by written notice of violation to the responsible person/entity.

2. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

3. If the invoice sent to the responsible person/entity for abatement and/or restoration is not paid within 30 days after date of invoice, the city may draw the amount of the invoice from

any financial guarantees the city may hold from the responsible person/entity or may assess the property from which the offense originated pursuant to M.S. § 429.101, as it may be amended from time to time.

5.12.040 Wetland And Public Water Management

A. *Regulation And Review.* Land disturbance and/or drainage alterations that impact or have the potential to impact wetland areas and/or public waters within the city are subject to review by the acting local government unit (LGU) for the location of potential impacts. LGUs in Spring Lake Park are Coon Creek Watershed District (CCWD) and Rice Creek Watershed District (RCWD), as defined in the city's Local Surface Water Management Plan, as amended from time to time. Coordination should occur with the LGU having jurisdiction over the applicable wetland(s) to be impacted or potentially impacted.

B. *Penalty.*

1. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to SLPC 1.04.200.
2. The offending party may be issued an administrative citation for the unsatisfactory condition at the time written notice of violation is given. The city may also enforce M.S. § 169.42 with the maximum penalty for a misdemeanor as prescribed by law.

7 TRAFFIC CODE

7.04 TRAFFIC REGULATIONS

7.08 PARKING REGULATIONS

7.04 TRAFFIC REGULATIONS

7.04.010 General Provisions

7.04.020 Seasonal Road Restrictions

7.04.030 All-Terrain Vehicles

7.04.040 Snowmobiles

7.04.050 Bicycles

7.04.010 General Provisions

- A. *State Statutes Adopted By Reference.* The regulatory provisions of M.S. Ch. 168, 169, and 171, as they may be amended from time to time, are hereby adopted as a traffic code regulating use of highways, streets, and alleys within the city, and are hereby incorporated and made a part of this title as completely as if set out here in full.
- B. *Definitions.* For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLE or **ATV.** Trail bikes, mini bikes, amphibious vehicles, and other powered devices other than snowmobiles and state licensed motor vehicles, used at least partially for travel on natural terrain, but not “special mobile equipment” defined in M.S. § 168.011(22), as it may be amended from time to time.

DEADMAN THROTTLE or **SAFETY THROTTLE.** A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

NATURAL TERRAIN. Areas other than roadways or driveways (private or public), parking lots, and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

OPERATE. With regard to an ATV, to ride in or on and control the operation of an ATV.

OPERATOR.

1. In general. Includes every individual who shall operate a vehicle as the owner thereof, or as agent, employee, or permittee of the owner, or any individual who is in active physical control of a vehicle.
2. For ATVs. Every person who operates or is in actual physical control of an ATV.

OWNER OF AN ATV. A person other than a lien holder having the property in or title to an ATV entitled to the use or possession thereof.

PARKED or **STOPPED.** The standing of a vehicle, whether occupied or not, upon a street, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers or loading or unloading merchandise, or in obedience to traffic regulations, signs, or signals, or involuntary stopping of the vehicle by reasons or causes beyond the control of the operator.

PERSON. Includes an individual, partnership, corporation, the state and its agencies and

subdivisions, and any body of persons, whether incorporated or not.

PUBLIC PROPERTY. Property that may be used by all of the public subject to reasonable regulation by a governmental body. This type of property includes city parks or parking lots and school parking lots or yards.

SEMI-PUBLIC PROPERTY. Private property generally open for use by the public but not owned or maintained by a governmental body. This type of property includes, without limitation, church property, shopping center property, and other property generally used by patrons of a commercial or private business establishment.

STREET. Any public street, avenue, road, alley, or highway located in the city and established for the use of vehicles.

VEHICLE. Any device in, on, upon, or by which any person or property is or may be transported upon a public highway.

C. *Unreasonable Acceleration; Prima Facie Violations.*

1. *Unreasonable acceleration.* No person shall unreasonably and unnecessarily accelerate a motor vehicle so rapidly and abruptly that a tire or tires break traction with the street surface, causing a squealing sound or dislodging sand, gravel, or other objects by the tires. Unreasonable or unnecessary acceleration is prohibited on any public street or highway or on any private property within the city.
2. *Prima facie violations.* It shall be a prima facie violation of this paragraph if a motor vehicle is observed accelerating in a manner so as to cause squealing or screeching sounds of the tires, fishtailing of the vehicle, or the throwing of sand, gravel, or other materials by the tires of the vehicle, or any combination of the herein described actions.

7.04.020 Seasonal Road Restrictions

- A. *Road Restrictions; Council Authority.* Whenever any street, alley, or public highway of the city, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use, operation or movement of vehicles thereon is prohibited or permissible weights thereon reduced, the City Council may by resolution prohibit the operation of vehicles thereon or impose restrictions as to the weight of vehicles to be operated thereon.
- B. *Notice Requirement.* Notice of prohibition or any restriction imposed under Paragraph A hereof shall be made in the manner provided in M.S. §169.87 and by posting printed signs at each end of the restricted streets and other places as the City Council shall deem advisable. Thereafter, it shall be unlawful for any person to use, operate or move any vehicle or combination of vehicles in and upon such street or public highway in the City contrary to the prohibitions set forth in such resolution and notice.
- C. *Restrictions.*

1. It is hereby prohibited to operate trucks having a gross weight of more than 10,000 pounds on the following designated streets:

Street	From	To
81st Avenue	University Avenue Service Drive	Able Street

2. The above weight restrictions shall not apply to trucks making deliveries to, and refuse

trucks making collections at, residences and businesses at the street(s) set forth in Paragraph C,1. The above weight restrictions set forth in Paragraph C,1 shall not apply to vehicles parked in residential districts in accordance to SLPC 16.20.120 Paragraph B.

- D. *Exception; Permission And Bond Required.* If any person shall desire to use an alley, street, or public highway of the city in a manner not authorized by reason of prohibitions or restrictions as are imposed under this section, the City Council may, at its discretion, grant permission upon such conditions as it may prescribe, provided that the person shall first furnish to the city a bond or certified check with good and sufficient corporate surety thereon, guaranteeing to secure the payment of all costs of putting the street in as good condition as it was before prohibition or restriction, that bond or certified check and the amount thereof to be approved by the City Council.
- E. *Police; Right Of Weight Inquiry.* Any police officer having reason to believe that the weight of a vehicle and load is unlawful is hereby authorized to require the driver to stop and submit to weighing of the same either by means of portable or stationary scales, and may require that the vehicle be driven to the nearest public scales. Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to weighing or who fails or refuses when directed by an officer, upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section shall be guilty of a misdemeanor.

7.04.030 All-Terrain Vehicles

A. Operating Restrictions.

1. *Location restrictions; ATV without motor vehicle license.* Except as herein specifically permitted and authorized, it is unlawful for any person to operate an ATV not licensed as a motor vehicle within the limits of the city:
 - a. On the portion of any right-of-way of any public highway, street, road, trail, or alley used for motor vehicle travel;
 - b. On a public sidewalk provided for pedestrian travel;
 - c. On boulevards within any public right-of-way;
 - d. On private property of another without specific permission of the owner or person in control of that property;
 - e. On any other public or semi-public place, except as may be specifically permitted by other provisions of this code; or
 - f. On that portion of the St. Paul Waterworks Easement.
2. *Operating prohibitions; all ATVs.* It is unlawful for any person to operate an ATV not licensed for highway use or an ATV licensed for highway use when operating on natural terrain within the limits of the city:
 - a. At any place, while under the influence of alcohol or drugs as defined in M.S. Ch. 169A, as it may be amended from time to time, which is hereby incorporated herein by reference;
 - b. At a rate of speed greater than reasonable or proper under all surrounding circumstances;
 - c. At any place in a careless, reckless, or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property;

- d. During the hours from 9:00 p.m. to 9:00 a.m. on any day;
- e. So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the ATV;
- f. Within 100 feet of any skating rink or sliding area where the operation would conflict with use or endanger other persons or property; or
- g. On posted private property.

B. *Equipment Requirements.* It is unlawful for any person to operate an ATV any place within the limits of the city unless it is equipped with the following:

- 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, bypass straight pipe, or similar device on an ATV motor;
- 2. Brakes adequate to control the movement of and to stop and hold the ATV under any condition of operation;
- 3. A safety or so-called "deadman" throttle in operating condition;
- 4. When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility, 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 and under normal conditions. The head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming ATV operator. The ATV shall also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions; and
- 5. Reflective material at least 16 square inches, on each side, forward of the handlebars or steering device of an ATV and at the highest practical point on any towed object, as to reflect light at a 90-degree angle.

C. *Locking Ignition.* Every person leaving an ATV on a public or semi-public place shall lock the ignition, and remove the key and take the same with him or her.

D. *Unlawful Use.* It is unlawful to intentionally drive, chase, run over, or kill any animal with an ATV.

7.04.040 Snowmobiles

A. *State Statutes Adopted By Reference.* The provisions of M.S. §§ 84.81 - 84.89, 168.011(4), 168.012(3), 171.01(39), and 171.03, as they may be amended from time to time, are hereby specifically adopted by the city.

B. *Use Prohibitions.*

1. *Public property.*

- a. Snowmobiles may not be operated upon or within any city park of the city.
- b. Snowmobiles may not be operated upon Laddie Lake within the city.
- c. Snowmobiles may not be operated upon city streets or city rights-of-way within the city.

2. *Private property.* No person shall operate a snowmobile on any privately owned property unless he or she has received the express permission of the owner of that property.

- C. *Hours Of Operation.* No person shall operate a snowmobile within the city either on public or private property except between the hours of 8:00 a.m. and 10:00 p.m.
- D. *Muffler Required.* Snowmobiles must be equipped with a muffler as required by M.S. § 84.871, as it may be amended from time to time, whether the snowmobile is used on either public or private property.

7.04.050 Bicycles

- A. *(Reserved)*
- B. *(Reserved)*
- C. *Operating Restrictions.*
 - 1. *Interference with pedestrians.* No person shall ride or propel any bicycle upon any sidewalk in a manner so as to interfere with any pedestrian thereon.
 - 2. *Control and prudence.* No person shall ride or propel any bicycle upon a public street, highway, or sidewalk except in a prudent and careful manner and unless the person shall be capable of efficient control and operation of the bicycle; nor shall any person propelling or operating a bicycle upon a public street, highway, or sidewalk carry any other person upon that bicycle.
 - 3. *Speed and safety.* No bicycle shall be ridden faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and other persons upon the streets and other public highways of the city.
 - 4. *After 10:00 p.m.* No person under the age of 16 years shall ride or propel a bicycle upon any street, highway, or sidewalk at night after the hour of 10:00 p.m.
- D. *Equipment Requirements; Lights.* No bicycle shall be permitted on any street or other public highway between 30 minutes after sunset and 30 minutes before sunrise, without a head light visible from the front thereof for not less than 200 feet indicating the approach or presence of the bicycle, firmly attached to the bicycle and properly lighted, nor without a red tail light, or in lieu thereof, a reflector attached to and visible from the rear of the bicycle for a distance of not less than 200 feet.
- E. *Traffic Rules And Signs Apply.*
 - 1. *Traffic signs.* Persons riding bicycles shall observe all traffic signs and stop at all stop signs.
 - 2. *Observe traffic rules.* Every person riding or propelling a bicycle upon any public street, highway, or sidewalk shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right-hand side of the street or highway, pass to the left when passing overtaken vehicles that are slower moving, and shall pass to the right when meeting.

7.08 PARKING REGULATIONS

[7.08.010 General Provisions](#)

[7.08.020 Parking Restrictions](#)

[7.08.030 Administration And Enforcement](#)

Cross-reference:

Abandoned Vehicles and Property, see SLPC 9.04

7.08.010 General Provisions

A. Parking Regulations; Council Authority.

1. The City Council is authorized to regulate the parking or stopping of vehicles within the city, including establishment of no parking zones and regulation of the length of time the parking may be permitted.
2. In establishing or changing parking zones or restrictions, the Council shall pass a resolution adequately describing and defining the parking zone or restrictions. The resolution shall be published once in the official city paper, and a sign giving notice of the regulations shall be posted upon or at the entrance of the parking zone, after which time it shall be in force and effect.

B. Emergency Parking Regulations. The Police Chief or the City Administrator, Clerk/Treasurer is hereby authorized to forbid the parking of vehicles for temporary periods in case of emergency at any place within the city.

7.08.020 Parking Restrictions

A. Parking; Time Limit. It shall be unlawful for any person to leave, park, permit, or allow any motor vehicle to stand or remain upon any city street or right-of-way for more than 24 hours at any time.

B. Large Trucks And Commercial Vehicles; Parking Restricted.

1. *Legislative findings.* The City Council finds that the parking of large trucks, tractors, and other commercial vehicles on the streets and rights-of-way within the city, for other than temporary parking for delivery or unloading, creates an unnecessary risk of personal injury, and often produces excessive noise.
2. *Prohibition.* It is a violation of this chapter for any person to leave, park, permit, or allow any motor vehicle described below upon any public street or right-of-way:

- a. Commercial trucks with over one ton carrying capacity;
- b. Tractors used for hauling trailers;
- c. Trailers (the type pulled by tractor); or
- d. Commercial buses, except that school buses used in the transportation of children to and from school may be parked upon the street or public right-of-way between the hours of 9:00 a.m. and 2:00 p.m. during the school year.

3. *Exception.* Temporary parking of the above motor vehicles for delivery or unloading is excepted from this paragraph.

C. Property Standing On Right-Of-Way Restricted. No property of any kind or description, except motor vehicles, together with property lawfully attached thereto, may be parked, stored, or permitted to stand upon any city street or right-of-way at any time, except as the same may be permitted by act of the City Council.

D. Interference With Access Prohibited. It shall be unlawful for any person to leave, park, or permit any motor vehicle to be parked in front of or in a manner or place so as to interfere with or hinder access by persons or vehicles to mail boxes or receptacles therefor, or to park or permit to be parked any vehicle in a place or manner so as to obstruct or hinder access to any driveway, whether the same are public or private.

E. Seasonal Restrictions. It shall be unlawful for any person to park or permit to be parked any

vehicle upon any city street between the hours of 2:00 a.m. and 8:00 a.m. from November 1 through March 31. It shall also be unlawful for any person to park any vehicle upon any city street following a snowfall of three inches or more in depth regardless of the time of day, until such time as the snow has been plowed curb to curb.

7.08.030 Administration And Enforcement

- A. *Violations.* It shall be unlawful to cause, allow, permit, or suffer any vehicle to be parked or stopped in violation of the provisions of any resolution regulating parking of vehicles. The registered owner of a vehicle unlawfully parked shall be responsible therefor. This type of violation shall constitute a petty misdemeanor.
- B. *Removal Of Vehicles In Violation.* The Police Department is hereby authorized and empowered to remove or cause to be removed any vehicle parked, stored, stalled, or standing on city streets in violation of any of the provisions of this chapter. These vehicles may be removed by towing or otherwise and be stored in garages or outdoor storage areas by persons, individuals, or firms engaged in the general garage or towing business within the city. The vehicles shall not be removed from the place stored until the owner or his or her authorized agent shall have fully paid the costs incurred for towing and storage to the person or firm who has furnished that service.
- C. *Unclaimed Vehicles; Storage Lien.* In the event that any vehicle held or stored is not claimed or recovered by the owner thereof, there is deemed to be imposed upon that vehicle a possessory lien for the amount of the costs incurred for towing and storage. The lien shall be foreclosed in the manner provided by law for the foreclosure of possessory liens.
- D. *Registered Owner Responsible.* The registered owner of any vehicle parked or stored in violation of any of the provisions of this chapter shall be presumed to have parked or permitted the same to have been parked, stored, or allowed to stand.

(This page intentionally left blank)

9 GENERAL REGULATIONS

9.04 ABANDONED VEHICLES AND PROPERTY

9.08 ALARM SYSTEMS

9.12 ANIMALS

9.16 FIRE PREVENTION

9.20 HEALTH AND SAFETY; NUISANCES

9.24 OPEN HOUSING

9.28 PARKS AND RECREATION

9.32 STREETS AND SIDEWALKS

9.36 SPECIAL EVENTS

9.04 ABANDONED VEHICLES AND PROPERTY

9.04.010 Abandoned And Junked Vehicles

9.04.020 Disposition Of Unclaimed Personal Property

9.04.010 Abandoned And Junked Vehicles

- A. *Outside Parking Or Storage Of Vehicles.* For the purpose of promoting health, safety, order, convenience, prosperity, and general welfare in the city, the outside parking or outside storage, on or near residential district properties, of vehicles, materials, supplies, or equipment not customarily used or needed for use in connection with the occupancy of residential property for residential purposes is hereby found to create nuisances and detrimental influences upon the public health, safety, property, good order, and general welfare in those districts, including obstructing of view on streets and on private properties, bringing unhealthful and noisome odors and materials into residential neighborhoods, creating cluttered and otherwise unsightly areas, preventing the full use of residential streets for residential parking, introducing commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, and otherwise adversely affecting residential property values and neighborhood patterns.
- B. *Junked Vehicles On Streets Prohibited.* No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the city.
- C. *Junked Vehicles On Private Property Prohibited; Exceptions.* No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on that property longer than 96 hours; and no person shall leave any such vehicle on property within the city for a longer time than 96 hours; except that this paragraph shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of that business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

9.04.020 Disposition Of Unclaimed Personal Property

- A. *Possession By City; Claim Period.* Any item of personal property that shall come into the possession of the city, in the course of municipal operation, and shall remain unclaimed by its owner for at least 90 days, shall be sold by the city as hereinafter provided.
- B. *Public Sale; Notice.*
1. The above-mentioned sale shall be open to the general public and shall be held only after there has been at least ten days' published and posted notice of the sale. The notice shall specify the time and place of the sale and shall, in general terms, list the articles to be

offered for sale. The notice shall specify a time prior to the sale when the articles may be viewed by prospective purchasers. The sale shall be under the management and direction of the Police Chief.

2. The sale shall be by auction or by accepting sealed written bids. The method to be used shall be in the discretion of the Police Chief. The published notice shall indicate if the sale shall be by auction or receipt of written bids.

C. *Alternate Disposition*. If no bids shall be received for any articles, the Chief shall furnish a list of those items to the Council with an estimate of their value. The City Council may then direct the disposition in any manner it deems to be reasonable.

D. *Disposition Of Proceeds*. The funds received from any sales of this type shall be paid into the general fund of the city. The funds shall be held by the city for six months from the date of the sale, subject to the right of the former owner to payment of the sale price from the fund if the owner can give satisfactory proof of ownership.

E. *Claim By Finder*. If the true owner does not claim the property during the 90-day period, the Police Chief may release the unclaimed property to the person who found the same, if at the time of delivery to the city the finder indicated in writing that he or she wished to assert a claim to the property as a finder.

F. *Forfeiture Of Vehicles; State Statute Applies*. The disposition of vehicles forfeited pursuant to M.S. § 169A.63 (vehicle forfeiture), as it may be amended from time to time, is excepted from the requirements of public sale under this section. The disposition of those vehicles shall be as provided by the aforementioned statute.

9.08 ALARM SYSTEMS

9.08.010 Policy

9.08.020 Definitions - Alarm Systems

9.08.030 Exceptions

9.08.040 Fees

9.08.050 Prerecorded Telephone Alarm Messages Prohibited

9.08.060 Liability Of City

9.08.010 Policy

A. The city deems it necessary to provide for the special and express regulation of alarm systems which are designed to signal the presence of a hazard requiring urgent attention and to which public safety personnel are expected to respond in order to protect public health, safety, and welfare.

B. The city finds that the regulation of alarm systems is necessary in order to reduce the increasing frequency of false alarms in the city. The great number and increasing frequency of these false alarms requires intensive, time-consuming efforts by the Police Department and thereby distracts from and reduces the level of services available to the rest of the community. This diminishes the ability of the city to promote the general health, welfare, and safety of the community. In consideration for the necessity on the part of the city to provide numerous law enforcement and public safety services to all segments of the community, without an undue consideration of public services in one area to work to the detriment of members of the general public, it is hereby decided that the alarm systems shall be regulated through the process described below.

9.08.020 Definitions - Alarm Systems

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

ALARM SYSTEM. An assembly of equipment and devices (or a single device such as a solid state unit) arranged to signal the presence of a hazard. The alarm, when triggered, must either be directly connected to the police or fire station, or may signal a central monitoring agency which then notifies the Police or Fire Department of an emergency to which public safety personnel must respond, or may emit an audible signal which will require urgent attention and to which the public safety personnel are expected to respond.

ALARM USER. The person, firm, partnership, association, corporation, company, or organization of any kind on whose premises an alarm system is maintained. **ALARM USER** shall include persons occupying dwelling units for residential purposes. **ALARM USER** shall not include persons maintaining alarm systems in automobiles.

CALENDAR YEAR. The period January 1 through December 31 of each year.

EXCESSIVE FALSE ALARMS. More than three false police alarms or more than two false fire alarms generated or reported by an alarm user during a calendar year.

FALSE ALARM. The activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his or her employees or agents. It does not include activation of the alarm by utility company power outages, acts of God, or criminal activity.

PERSON. Any individual, partnership, corporation, association, cooperative, or other entity.

9.08.030 Exceptions

The provisions of this chapter are not applicable to alarm systems affixed to automobiles, boat trailers, house trailers, and recreational motor vehicles.

9.08.040 Fees

- A. The user fee for excessive false alarms shall be as provided in SLPC 3.16.030 Paragraph A.
- B. Payment of user fees provided for herein must be paid to the City Administrator, Clerk/Treasurer within 30 days from the date of notice by the city to the alarm user. Failure to pay the fee within 30 days will result in the imposition of a penalty of 10% of the user fee.
- C. All unpaid user fees and penalties shall be certified as an assessment against the property on which the alarm was located and shall be collected each year along with the taxes on the property. Administrative costs in the amount of 10% of the unpaid fee and penalty shall be added to each assessment.
- D. An alarm user which is required by the city to pay a user fee as a result of a false alarm may make a written appeal of the false alarm user fee to the Police Chief or Fire Chief within ten days of notice by the city of the false alarm charge. An adverse decision by the Police Chief or Fire Chief may be appealed to the City Administrator, Clerk/Treasurer within ten days of receipt of the Police Chief's or Fire Chief's decision. The City Administrator, Clerk/Treasurer will have authority to make a final determination as to whether or not the user is to be charged a user fee for the false alarms.

9.08.050 Prerecorded Telephone Alarm Messages Prohibited

No person shall install, monitor, or use and possess an operative alarm which utilizes tapes or prerecorded messages which deliver a telephone alarm message to the Police or Fire Department.

9.08.060 Liability Of City.

The regulation of alarm response shall not constitute acceptance by the city of liability to maintain equipment, to answer alarms or to respond to alarms in any particular manner,

9.12 ANIMALS

9.12.010 General Provisions

9.12.020 Potentially Dangerous And Dangerous Dog Or Cat

9.12.010 General Provisions

A. Unlawful Acts.

1. a. No person shall allow an animal to run at large within the city.
- b. For the purpose of this paragraph, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RUNNING AT LARGE. Permitting an animal to go on or about any public streets, alleys, or public place, or permitting an animal on the private property of others without permission.

- c. Animals may be allowed off their premises as long as they are on a leash.
2. No person shall allow an animal to be unleashed or unrestrained within its own yard unless that animal is contained within a fenced area or unless the owner is present in the yard and has the animal under his or her direct control.
3. No person shall keep or harbor an animal which is loud or is frequently barking, yelping, or howling, or which shall cause a serious annoyance to any person or persons within the city.
4. No person shall own or harbor a fierce or vicious animal or an animal that has been bitten by any animal known to have been afflicted with rabies.
5. No person shall allow an animal under his or her control to defecate in city parks or public land without picking it up and disposing of it in a sanitary manner.

B. Rabies Control; Vaccination; Bites.

1. All dogs and cats owned, kept, or harbored within the city shall be vaccinated for rabies by a qualified veterinarian. These animals shall wear a tag showing evidence of current rabies vaccination.
2. Any person who shall own or have in his or her possession an animal which has contracted or is suspected of having contracted rabies or which has been bitten by an animal known to have been afflicted with rabies, shall, upon demand of the City Animal Control Authority/Officer or any police officer of the city, produce or surrender the animal to that officer. The animal shall be held for observation or treatment by the Animal Control Authority/Officer.
3. Any animal that has bitten a person may be taken by the Animal Control Authority/Officer or police officer for observation. If it is deemed necessary and advisable by the Animal Control Authority/Officer, after holding the animal for a period of time as determined by the Animal Control Authority/Officer for observation, the animal may be released to its owner or destroyed in a humane manner.

C. *Dogs And Cats; License Required.*

1. All dogs and cats owned, kept, or harbored within the city shall be licensed by the city. The license for dogs shall be annual and shall be renewed in April of each year commencing in April 1992. The license for cats shall be perpetual and need be purchased only one time. The license fees shall be as set by the City Council from time to time by resolution.
2. No person shall keep or harbor a dog or cat within the city without it being licensed in accordance with this paragraph.

D. *Animal Control Authority/Officer.*

1. The city shall provide an Animal Control Authority/Officer on a contract basis, who shall provide animal pick-up, impound, and disposal of animals as necessary for the city.
2. The Animal Control Authority/Officer shall provide a pound for the impound of animals picked up pursuant to the contract with the city. The Animal Control Authority/Officer shall charge the city and the owner of the animal for impound and pick-up, and for other services, as shall be determined by contract between the city and the Animal Control Authority/Officer, from time to time. The Animal Control Authority/Officer is responsible to see that any animal released to an owner is properly and currently vaccinated. The vaccination shall be at the expense of the owner.

E. *Emergency Confinement; Rabies Prevention.* Whenever the prevalence of hydrophobia (rabies) renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog or cat to confine it securely on his or her premises unless it is muzzled so that it cannot bite. No person shall violate the proclamation, and any unmuzzled dog or cat running at large during the time fixed in the proclamation shall be killed by the police without notice to the owner.

F. *Cruelty To Animals Prohibited.* No person owning or harboring any animal shall treat the animal in a cruel or inhumane manner, nor shall any person willfully or negligently cause or permit any animal to suffer torture or pain unnecessarily.

G. *Kennels; License Required.* Any person who owns more than three dogs over the age of six months shall be deemed to be operating a kennel and shall require a kennel license. The fee for the license shall be as set by the Council from time to time by resolution. A kennel license may be issued only by action of the City Council. The initial issuance of a kennel license shall require a special use permit and the procedure shall be the same as that followed for the issuance of a special use permit under SLPC 16, regarding zoning.

9.12.020 Potentially Dangerous And Dangerous Dog Or Cat

A. *Definitions.* For the purpose of this paragraph the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL AUTHORITY. An agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction or in the city.

ANIMAL CONTROL OFFICER. Any city officer, employee, or contracted business designated to enforce any portion of this paragraph and be responsible for animal control operations in his or her jurisdiction or in the city.

BOARDING. Providing for the care, shelter, or feeding of dogs, not owned by the owner or

occupant of the premises where said dogs are kept for any period.

BODILY HARM. Physical pain or injury, illness, or any impairment of physical condition.

CAT. Any male or female of the feline species.

DANGEROUS DOG OR CAT. Any dog or cat that has:

1. Without provocation, inflicts substantial bodily harm on a human being on public or private property.
2. Has killed a domestic animal without provocation while off the owner's property.
3. Has been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

DOG OR CAT OWNER. The license holder or any other person, firm, business, association, or corporation keeping or harboring a dog or cat. Any person keeping or harboring a dog or cat for five consecutive days shall, for the purposes of this definition, be deemed an owner.

GREAT BODILY HARM. Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

KENNEL - COMMERCIAL. A place where boarding and or training is offered to any number of dogs not owned by the owner or occupant of the premises. The boarding and/or training may also include but is not limited to related uses such as selling, breeding, showing, treating, or grooming. Pet shops, veterinary clinics, and pet grooming facilities are considered commercial uses but shall not be defined as commercial kennels.

KENNEL - PRIVATE. A place where a dog owner keeps three or more dogs over six months of age on property occupied by the dog owner for residential purposes and where the keeping of such dogs is incidental to the occupancy of the premises, and may include breeding and selling of dogs as a hobby. A conditional use permit is required for three or more dogs.

POTENTIALLY DANGEROUS DOG OR CAT. Any dog that has:

1. When unprovoked, inflicts bites on a human or domestic animal on public or private property.
2. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owners property, in an apparent attitude of attack.
3. A known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

PROPER ENCLOSURE. Securely confined indoors or a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog or cat. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog or cat to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

PROVOCATION. An act that an adult could reasonably expect may cause a dog or cat to attack or bite.

RUNNING AT LARGE. Any dog or cat which is not either:

1. Effectively contained on private property;
2. Effectively restrained by chain or leash, to private property with the consent of the property owner;
3. Effectively restrained by a chain or leash not to exceed six feet in length; or
4. Under the voice control of its owner.

SUBSTANTIAL BODILY HARM. Bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, that causes a fracture of any bodily member.

- B. *Cats Applying To All Paragraphs Of This Paragraph.* Cats will also apply to all remaining paragraphs of this paragraph.
- C. *Duties Of An Animal Control Officer As It Pertains To This Paragraph.* The duties of an Animal Control Officer are to investigate all cases of animal bites reported to him or her and supervise the quarantine of any such animal to ensure that it is kept under observation for a period of ten days.
- D. *No Interference With An Animal Control Officer.* It shall be unlawful for any person to molest or in any way interfere with any peace officer, Animal Control Officer, or any of their duly authorized assistants, or with any duly authorized agent while engaged in performing work under the provisions of this paragraph.
- E. *Licensing.* All dogs kept, harbored, or maintained in the city shall be licensed and registered. Applications for licenses shall be made to the City Administrator, Clerk/Treasurer, or his or her designee, upon forms provided by the City Administrator, Clerk/Treasurer. The application shall require the owner, among other information required by the City Administrator, Clerk/Treasurer, to supply the name, age, predominant breed, sex, color, and markings of each dog sought to be licensed. In addition, when the applicant or owner has been found in violation of any dangerous dog paragraph, relative to the dog sought to be licensed, the application shall require proof of all requirements set forth after a dog has been declared dangerous. Upon submission of the application and a certificate evidencing compliance with the terms and provisions of the dangerous dog paragraph, relating to vaccination for rabies, and upon payment of a fee as established by ordinance, the City Administrator, Clerk/Treasurer or his or her designee shall issue a license. The license will be concurrent with a valid rabies vaccination for up to three years.
- F. *Tags.* The license shall be in the form of an identification tag and shall be affixed by the owner to a collar to be worn by the dog. In case a tag is lost or destroyed, a duplicate will be issued by the City Administrator, Clerk/Treasurer upon presentation of a receipt showing payment of the license fee for the current period and a payment as established by ordinance. Dog tags shall not be transferable from one dog to another. No refunds shall be made on any dog license fee because of death of the dog or the owners leaving the city prior to expiration of the license period.
- G. *Rabies Vaccination.*
1. Every owner or keeper of a dog shall cause the same to be vaccinated by a licensed veterinary with anti-rabies vaccine at least once every three years and prior to the time the dog shall reach the age of six months.
 2. No dog need be vaccinated when a licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness, or other medical consideration; and such exception certificate is

presented to the Animal Control Officer within five days of the examination. The animal shall be vaccinated against rabies as its health and age permit. Unvaccinated animals must be confined to the owner's property, an Animal Control Officer's property, or a veterinary facility.

H. *Report Of Dog Bites.* Any person knowing of a human that has been bitten by a dog shall immediately notify the Animal Control Officer or the Police Department and the dog shall then be confined and kept under observation for a period of ten days before being removed from the owner's property or disposed of. A dog quarantine notice will be issued to the owner of the animal by the Animal Control Officer or the Police Department (Form - A).

I. *Destroying A Dog.* It shall be unlawful for any person other than the Animal Control Officer or a police officer to kill or destroy a dog, or any animal running at large within the city. It shall also be unlawful for any person to destroy a dog, or any animal running at large which has been known to bite a person within ten days of the bite.

J. *Potentially Dangerous Dog.*

1. The Animal Control Officer will provide the owner of a dog that has been deemed potentially dangerous by this paragraph, with a potentially dangerous dog incident case report (Form - B).
2. If a dog has been declared potentially dangerous, the owner must have a microchip identification implanted in the dog within 14 days. The owner must provide the name of the microchip manufacturer and identification number of the microchip to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner (Form - H).
3. If the dog or cat has inflicted bites on a human or domestic animal on public or private property, a dog or cat quarantine notice will also be provided to the owner advising of a ten day quarantine period (Form - A).
4. If a proper enclosure cannot be provided for the dog, the Animal Control Officer can seize the dog for the quarantine period. All costs of the care, keeping, and disposition of the dog or cat are the responsibility of the person claiming an interest of the dog.
5. If the dog owner lives outside the city limits and the Animal Control Officer can't determine if a proper enclosure will be provided, the Animal Control Officer can seize the dog for the quarantine period. All costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest of the dog.
6. Any person knowing of a human being bitten by a dog shall immediately notify the Animal Control Officer or the Police Department and said dog shall then be confined and kept under observation for a period of ten days before being removed from the owner's property or disposed of.

K. *Dangerous Dog.*

1. The Animal Control Officer will provide the owner of a dog that has been deemed dangerous, per Paragraph A, with a dangerous dog incident case report.
2. If the dog or cat has inflicted bites on a human or domestic animal on public or private property, a dog or cat quarantine notice will also be provided to the owner advising of a ten day quarantine period (Form - A).
3. An owner of a dangerous dog shall keep the dog at, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a

responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog interfere with its vision or respiration.

4. An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.
5. An owner of a dangerous dog must notify the Animal Control Authority in writing of the death of the dog, its transfer to a new location where the dog will reside, or the transfer of dog ownership within 30 days of the death, location transfer or transfer of ownership, and must, if requested by the Animal Control Authority, execute an affidavit under oath setting forth either the circumstances of the dog death and disposition, the complete name, address, and telephone number of the person to where the dog has been relocated, or the complete name, address, and telephone number of the person whom the ownership of the dog has been transferred to (Forms D, E, or F).
6. An Animal Control Authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the Animal Control Authority shall seize the dog and have it sterilized at the owner's expense (Form G).
7. A person who owns a dangerous dog and who rents property from another where the dog will reside, must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.
8. A person who transfers ownership of a dangerous dog must notify the new owner that the Animal Control Authority has identified the dog as dangerous. The current owner must also notify the Animal Control Authority with the new owner's name, address, and telephone number.

L. *Dangerous Dog Registration.*

1. *Requirement.* No person may own a dangerous dog in this state unless the dog is registered as provided in this paragraph.
2. *Registration.* An Animal Control Authority shall issue a certificate of registration (Form J) to the owner of a dangerous dog if the owner presents sufficient evidence that the below requirements have been met within 14 days:
 - a. A proper enclosure exists for the dangerous dog a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;
 - b. A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the Animal Control Authority in the sum of at least \$300,000, payable to any person injured by the dangerous dog, a license policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000 insuring the owner for any personal injuries inflicted by the dangerous dog;
 - c. The owner has paid an annual fee of \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this paragraph; (note: this fee will cover the annual registration fee, annual certified declaration registration, dangerous dog warning symbols (maximum of four), dangerous dog tags (maximum of two), dangerous dog forms, and Animal Control

Authority's time in making sure all requirements are met by the owner of the dangerous dog; and

- d. The owner has had a microchip identification implanted in the dangerous dog with the name of the microchip manufacturer and identification number of the microchip provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner (Form H).

3. *Warning symbol.* If an Animal Control Authority issues a certificate of registration (Form J) to the owner of a dangerous dog pursuant to Paragraph K,2, the Animal Control Authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the Commissioner of Public Safety. The Commissioner shall provide the number of copies of the warning symbol requested by the Animal Control Authority and shall charge the Animal Control Authority the actual cost of the warning symbols received. The Animal Control Authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

4. *Fee.* The Animal Control Authority may charge the owner an annual fee, in addition to any regular dog or fees, to obtain a certificate of registration (Form J) for a dangerous dog under this paragraph.

5. *Dangerous dog designation review.* Beginning six months after a dog is declared a dangerous dog, an owner may request annually that the Animal Control Authority review the designation. The owner must provide evidence that the dog behavior has changed due to the dog or age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the Animal Control Authority finds sufficient evidence that the dog behavior has changed, the Animal Control Authority may rescind the dangerous dog designation.

6. *Law enforcement exception.* The provisions of this paragraph do not apply to dangerous dogs used by law enforcement officials for police work.

7. *Exemption.* Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

- a. Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
- b. Who was provoking, tormenting, abusing, or assaulting the dog, who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
- c. Who was committing or attempting to commit a crime.

8. *Tag.* A dangerous dog registered under this paragraph must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

M. *Hearing For Dogs Deemed Dangerous Or Potentially Dangerous.* The owner of a dog that has been deemed dangerous or potentially dangerous may request a hearing to determine the validity of the dangerous or potentially dangerous dog declaration. If such a request is made, the owner must immediately comply with Paragraphs H and J, until the hearing examiner issues an opinion. To appeal the dangerous or potentially dangerous dog declaration:

1. A request, identifying with specificity the basis for the dog owner's objection to the

declaration shall be filed in writing with the office of the Chief of Police within 14 days after the date of the service of the notice. Failure to do so within 14 days will terminate the owner's right to a hearing (Form I).

2. A \$250 filing fee shall be submitted with the appeal request. In the event that the dangerous or potentially dangerous dog declaration is not upheld by the hearing examiner, the filing fee will be refunded to the dog's owner. Per M.S. § 347.541, as it may be amended from time to time, if the dangerous or potentially dangerous dog declaration is upheld by the hearing examiner, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog owner.
3. A hearing shall be conducted within ten business days, unless a later date is mutually agreed to by the hearing examiner, the dog owner, and the city.
4. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Animal Control Authority.
5. If the hearing officer affirms the dangerous or potentially dangerous dog declaration, the owner will have 14 days from the receipt of that decision to comply with all the requirements of the notice.
6. Any costs incurred for the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

N. Failure To Restrain An Attack By A Dog.

1. It shall be unlawful for an owner to fail to restrain a dog from inflicting or attempting to inflict bodily injury to any person or other animal. Violation of this paragraph shall be a misdemeanor. The court, upon a finding of the defendant's guilt hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:
 - a. The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning, or multiple attacks; or
 - b. The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.
2. If the court does not order the destruction of the dog, the court, as an alternative, may order the defendant to provide, and show proof to the court of public liability insurance in the minimum amount of \$300,000.

O. Stopping An Attack. If any police officer or Animal Control Officer is witness to an attack by a dog upon a person or another animal, the officer may take whatever means they deem appropriate to bring the attack to an end and prevent further injury to the victim.

P. Dogs Disturbing The Peace. It shall be unlawful for any person to own, keep, have in possession, or harbor any dog that howls, yelps, or barks to the reasonable annoyance of another person. Any person violating this paragraph, who upon first requested by a police officer or Animal Control Officer to stop or prevent the annoyance, and refuses to comply with the request will be issued a citation or arrested in accordance with Minnesota Rules of Criminal Procedure, and, if the officer deems it necessary to stop the annoyance, may have the dog taken to the city animal pound. Any dog placed in the pound may be reclaimed by the owner upon payment of the fee prescribed in Paragraph R,2 and if not reclaimed may be disposed of in the manner provided in Paragraph R,3.

Q. *Removal Of Excrement.* It is unlawful for any person who owns or has custody of a dog to cause or permit the animal to defecate on any private property without the consent of the property owner or on any public property unless the person immediately removes the excrement and places it in a proper receptacle. The provisions of this paragraph shall not apply to seeing-eye dogs under the control of a blind person or dogs while being used in city police activity.

R. *Procedure; Reclaiming.*

1. *Impoundment.* All dogs picked up by the Animal Control Officer or any of their duly authorized assistants shall be immediately transported to the designated pound. If the owner is known, they shall be immediately notified by telephone or personal contact and by written notice to their last known address. If the owner is unknown, written notice containing a description of the animal shall be posted at the pound and the City Hall. The notice shall advise the owner that they have five regular business days to claim the dog. The term REGULAR BUSINESS DAY means any day during which the pound is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.
2. *Reclaiming.* An owner may reclaim an impounded dog:
 - a. If the dog has a current license: by paying to the Animal Control Authority an impounding fee plus a boarding fee in an amount determined by agreement between the city and the contracted Animal Control Authority, for each day the animal was confined. There shall also be an added impounding fee for any dog impounded twice within 12 months. The fees shall be determined by agreement between the city and the contracted Animal Control Authority.
 - b. If the dog does not have a current license: by first obtaining a license from the City Administrator, Clerk/Treasurer and paying the costs to Animal Control Authority.
3. *Unclaimed animals.* Any animal not claimed within the allotted time shall be disposed of in accordance with the provisions of M.S. § 35.71, subd. 3, as it may be amended from time to time.

9.16 FIRE PREVENTION

[9.16.010 Codes Adopted By Reference](#)

[9.16.020 Application, Administration And Enforcement](#)

[9.16.030 Permits And Fees](#)

[9.16.040 Violations](#)

[9.16.050 Fire Code Limits](#)

Cross-reference:

Open Burning, see SLPC 9.20.040 Paragraph F.

9.16.010 Codes Adopted By Reference

The Minnesota State Fire Code, as adopted by the Commissioner of Public Safety pursuant to M.S. § 299F.011, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Public Safety, through the State Fire Marshal Division, is hereby adopted by reference with the exception of the following fire code limits listed in SLPC 9.16.050. The Minnesota State Fire Code is hereby incorporated in this code as if fully set out herein.

9.16.020 Application, Administration And Enforcement

- A. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Fire Code. The code shall be enforced within the extraterritorial limits permitted by M.S. § 299F.011, when so established by this chapter.
- B. This code shall be enforced by the Spring Lake Park Fire Marshal, designated by the City Council of the City Spring Lake Park, Minnesota.

9.16.030 Permits And Fees

The issuance of permits and the collection of fees shall be as authorized in M.S. § 299F.011, subd. 7. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the City Council of the City of Spring Lake Park.

9.16.040 Violations

A violation of the code is a misdemeanor (M.S. § 299F.011, subd. 6).

9.16.050 Fire Code Limits

The geographic limits referred to in certain sections of the Minnesota State Fire Code are hereby established as follows.

- A. Section 3204.3.1.1. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited except in industrial zoning districts.
- B. Section 3404.2.9.5.1. The storage of Class I and II liquids in above ground tanks outside of buildings is prohibited except in commercial and industrial zoning districts.
- C. Section 3406.2.4.4. The storage of Class I and II liquids in above ground tanks shall not be prohibited as outlined in Section 3406.

9.20 HEALTH AND SAFETY; NUISANCES

9.20.010 General Provisions

9.20.020 Public Nuisances

9.20.030 Weeds

9.20.040 Clandestine Drug Lab Sites And Chemical Dump Sites

9.20.010 General Provisions

A. Assessable Current Services.

1. *Definition.* For the purpose of this paragraph, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CURRENT SERVICE. One or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 - 463.26 (buildings; easements, regulations, hazards) as they may amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

2. *Snow, ice, dirt, and rubbish.*

- a. *Duty of owners and occupants.* The owner and the occupant of any property

adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 12 hours after its deposit thereon. Failure to comply with this paragraph shall constitute a violation.

- b. *Removal by city.* The City Administrator, Clerk/Treasurer or other person designated by the City Council may cause removal from all public sidewalks all snow, ice, dirt, and rubbish as soon as possible beginning 12 hours after any matter has been deposited thereon or after the snow has ceased to fall. The Administrator, Clerk/Treasurer or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.
3. *Public health and safety hazards.* When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the Administrator, Clerk/Treasurer.
4. *Installation and repair of water service lines.* Whenever the city installs or repairs water service lines serving private property under SLPC 5.04, the Administrator, Clerk/Treasurer shall keep a record of the total cost of the installation or repair against the property.
5. *Repair of sidewalks and alleys.*
 - a. *Duty of owner.* The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the City Council and on file in the office of the Administrator, Clerk/Treasurer.
 - b. *Inspections; notice.* The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the city will do so and that the expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.
 - c. *Repair by city.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the Administrator, Clerk/Treasurer shall report the facts to the Council and the Council shall by resolution order the work done by contract in accordance with law. The Administrator, Clerk/Treasurer shall keep a record of the total cost of the repair attributable to each lot or parcel of property.
6. *Personal liability.* The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service. As soon as the service has been completed and the cost determined, the Administrator, Clerk/Treasurer, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the Administrator, Clerk/Treasurer.
7. *Damage to public property.* Any person driving any vehicle, equipment, object, or contrivance upon any street, road, highway, or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or

driving or moving of the vehicle, equipment or object or contrivance; or as a result of operating, driving, or moving any vehicle, equipment, object, or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object, or contrivance, but is operating, driving, or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.

8. *Assessment.* On or before September 1 of each year, the Administrator, Clerk/Treasurer shall list the total unpaid charges for each type of current service and charges under this paragraph against each separate lot or parcel to which they are attributable under this paragraph. The City Council may then spread the charges against property benefitted as a special assessment under the authority of M.S. § 429.101 as it may be amended from time to time and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

B. *Tree Diseases.*

1. *City Forester; duties.* It shall be the duty of the City Forester to coordinate, under the direction and control of the Council, all activities of the municipality relating to the control and prevention of Dutch Elm disease and Oak Wilt disease and other epidemic diseases of shade trees.
2. *Adoption of state law.* The Council hereby adopts by reference M.S. § 18G.16 relating to the control and prevention of shade tree disease, as they may be amended from time to time, together with the rules and regulations as promulgated from time to time by the Commissioner of Agriculture.
3. *Trees constituting nuisance.* Any living or standing or fallen elm or oak tree or part thereof infected to any degree with Dutch Elm disease or Oak Wilt disease or any other epidemic disease is declared to be a public nuisance when found within the city.
4. *Abatement.* It is unlawful for any person to permit any public nuisance as defined in Paragraph B,3 to remain on any premises owned or controlled by him or her within the city.
5. *Inspection and investigation.* As often as practicable, the Forester shall inspect all public and private premises within the city which might be infected by Dutch Elm fungus, elm bark beetles, Oak Wilt fungus, or any other epidemic disease of shade trees. The Forester shall take such steps as are necessary for positive diagnosis of any suspected diseased tree. The Forester may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him or her by this paragraph.
6. *Procedure for removal.* Whenever the Forester finds that the infestation defined in Paragraph B,5 exists in any tree in any public or private place, he or she shall proceed as follows:
 - a. Notify the owner of the property by certified mail that the nuisance has been diagnosed and that the nuisance must be abated within 20 days of the notice;
 - b. If the nuisance is not abated by the owner within the time prescribed, the Forester shall notify the Council of these facts; and
 - c. The Council shall by resolution order the nuisance abated. Notice of the Council's intention to abate the nuisance shall be sent by certified mail to the affected

property owner advising that the city will cause removal of the diseased tree within ten days of receipt of the resolution.

7. *Reimbursement to owner.* If the diseased tree is removed by owner within the prescribed 20-day period, the city shall reimburse the owner in an amount as established by the city's fee schedule, provided:
 - a. The tree was removed in the year 1975 or any year thereafter at the direction of the City Forester;
 - b. Trees removed after January 1, 1977 were removed by a person, business, or corporation duly licensed by the city to remove these trees; and
 - c. The trees removed were 12 inches or larger in diameter.
8. *Assessment.* The Council shall assess those costs for the removal of all diseased trees not voluntarily removed by the owner against the property as a special assessment under M.S. Ch. 429, as it may be amended from time to time.
9. *Licenses required.* It shall be unlawful for any person, business, or corporation to engage in the business of shade tree removal within the city without first obtaining a license. Licenses shall be obtained from the City Administrator, Clerk/Treasurer in the manner provided for the issuance of other contractor's licenses.

C. *Outdoor Storage Of Wood.*

1. *Policy.* The City Council finds that the use of alternative energy sources such as wood is a viable alternative energy source. The Council also realizes that young children can become attracted to wood piles and the climbing of wood piles can result in injury to children. The Council also recognizes that to protect the public health and safety, wood piles must be kept and maintained in a safe and orderly manner.
2. *Scope.* On property located within the city, no person shall keep or store wood or allow wood to be kept or stored on his or her property or on property under his or her control, unless that wood is kept or stored in compliance with the provisions of this paragraph.
3. *Conditions of storage.* Wood stored or kept in the city which is not contained in an enclosure impervious to the elements shall be stored or kept as follows:
 - a. In uniform lengths in neat and secure stacks no more than six feet high, as measured from the bottom of the stack; and
 - b. No wood shall be stacked within the required area of setback from a public street right-of-way, and in any event no closer to the street than the front of the house.
4. *Persons exempt.* This paragraph shall not apply to:
 - a. Persons having property on which new construction is taking place and the wood on that property is being used for the construction, unless the wood has remained on the property for more than 30 days and it is not a permanent part of the new construction at the end of that time;
 - b. Persons storing or keeping wood on property when the wood is stored or kept in a covered structure impervious to the elements;
 - c. Temporary storage of logs for up to 30 days, outside of the required area of setback from a public street right-of-way, is allowed for the purpose of processing (cutting and splitting) the logs into cordwood; and

d. Lumber companies.

D. *Unsolicited Written Materials.*

1. *Findings.* The city finds that unsolicited written materials that are deposited on property in such a manner as to be exposed to the elements are a nuisance to the public health, safety and welfare as those unsolicited written materials can cause unsightly litter which detracts from the aesthetics of the neighborhood, can cause problems with snow removal or damage to snow removal equipment, and can create hazards for pedestrians or inhibit handicap accessibility.
2. *Definitions.* For the purpose of this paragraph, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FRONT DOOR. The street facing entrance or entrances to a principal building. In the event no door faces the street, then any other door of a principal building nearest the street shall be considered a front door for the purposes of this paragraph.

OCCUPANT. One who has possessory rights in, or control over, the property or premises.

PORCH. An exterior appendage to a principal building leading to a doorway, including any stairway attached thereto.

PRINCIPAL BUILDING. The building or combination of buildings that house the primary use occurring on the premises.

PRIMARY USE. The main activity taking place on the premises.

PUBLISHER. The person publishing the unsolicited written materials, and the publisher's employees, agents and distributors.

UNSOLICITED WRITTEN MATERIALS. Any written materials, delivered to any premises, without the express invitation or permission, in writing or otherwise, by the occupant of such premises.

3. It shall be unlawful to place unsolicited written materials on any street, sidewalk or public right-of-way.
4. Unsolicited written materials delivered to a premises by a publisher shall be placed:
 - a. Where permitted, in a distribution box located on or adjacent to the premises;
 - b. On a porch, if one exists, nearest the front door of the principal building;
 - c. So such materials are securely attached to the front door;
 - d. Through a mail slot for the principal building, if existent, as permitted by the United States Postal Service Domestic Mail Manual § 508 Recipient Services, Subsection 3.1.2;
 - e. Between the screen door or storm door to the front door, if existent and unlocked, and the interior front door; or
 - f. Personally with the occupant of the premises.
5. Notwithstanding Paragraph D,4, an occupant retains the right to restrict entry to the occupant's premises.

6. This paragraph does not apply to the United States Postal Service.

9.20.020 Public Nuisances

A. *Public Nuisance.* A public nuisance is a thing, act, or use of property which shall:

1. Annoy, injure, or endanger the health, safety, comfort, or repose of the public;
2. Offend public decency (for example, affect public morals or offend public decency);
3. Unlawfully interfere with the use of, or obstruct, or tend to obstruct or render dangerous for passage a public water, park, square, street, alley, or highway;
4. Depreciate the value of the property of the inhabitants of the city or of a considerable number thereof; or
5. In any way render the inhabitants of the city, or a considerable number thereof, insecure in life or in use of property.

B. *Public Nuisances Affecting Health, Safety, Comfort, Or Repose.* The following are hereby declared to be public nuisances affecting health, safety, comfort, or repose:

1. All decayed or unwholesome food offered for sale to the public;
2. All diseased animals running at large;
3. Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of that milk for sale to the public;
4. Carcasses of animals not buried or destroyed within 24 hours after death;
5. Accumulations of manure or rubbish;
6. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
7. Dumping the contents of any cesspool, privy vault, garbage or rubbish can (as definition of garbage is limited; see SLPC 5.08 for definition of "garbage") except at places authorized by law; or allowing any cesspool or individual sewage system to overflow in any manner;
8. All noxious weeds, tall grasses defined as anything over nine inches in height, and other rank growths;
9. An accumulation of tin cans, bottles, or trash or debris of any nature or description; and the throwing, dumping, or depositing of any dead animals, manure, garbage, waste, decaying matter, rubbish, tin cans, or other material or debris of any kind on private property;
10. Dense smoke, noxious fumes, gas, and soot, or cinders in unreasonable quantities;
11. Offensive trades and businesses as defined by statute or ordinance not licensed as provided by law;
12. All public exposure of persons having a contagious disease;
13. The distribution of samples of medicines or drugs unless those samples are placed in the hands of an adult person by someone properly licensed;
14. All other acts, omissions of acts, occupations, and uses of property which are deemed by the Board of Health to be a menace to the health of the inhabitants of the city or a

considerable number thereof;

15. The keeping, maintaining, or harboring of chickens, cows, horses, and other domestic animals or fowl;
16. The keeping, maintaining, or harboring of live wild animals, whether native to this state or not, which in their wild state pose a threat to humans or domestic animals; and
17. The keeping, maintaining, or harboring of any combination of animals or fowl kept in numbers or under conditions that unreasonably annoy, injure, or endanger the health, safety, comfort, repose, or welfare of the public.

C. *Public Nuisances Affecting Morals And Decency.* The following are hereby declared to be public nuisances affecting public morals and decency:

1. All gambling devices, slot machines and punch boards, except as otherwise authorized by federal, state or local law;
2. Betting, bookmaking, and all apparatuses used in those occupations;
3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
4. All places where intoxicating liquors are manufactured, sold, bartered, or given away, or otherwise disposed of in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage contrary to law, or where intoxicating liquors are kept for sale, barter, or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place;
5. Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose;
6. All indecent or obscene pictures, books, pamphlets, magazines and newspapers, and billboards;
7. The public use of profane and obscene language;
8. The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious methods, or what is commonly known as "window peeping;" and
9. All other things, acts, commissions, or occupations that may be considered detrimental to the moral well-being of the inhabitants of the city or a considerable number thereof.

D. *Public Nuisances Affecting Peace And Safety.* The following are declared to be nuisances affecting public peace and safety:

1. All snow and ice not removed from public sidewalks 12 hours after the snow has ceased to be deposited thereon;
2. All wires which are strung above the surface of any public street or alley;
3. All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to an extent exceeding one-half of their original value or which are so situated as to endanger the safety of the public;
4. All explosives, inflammable liquids, and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law or ordinance;

5. All use or display of fireworks except as provided by law or ordinance;
 - a. It shall be unlawful for any person to make, continue, permit or cause to be made, any loud, disturbing or excessive noise which would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities in the area.
 - b. The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing or excessive for the purposes of Paragraph D,5,a shall include, without limitation, the following:
 - (1) The time of day or night when the noise occurs.
 - (2) The duration of the noise.
 - (3) The proximity of the noise to a sleeping facility and/or a residential area.
 - (4) The land use, nature and zoning of the area from which the noise emanates and the area where it is perceived.
 - (5) The number of people and their activities that are affected or are likely to be affected by the noise.
 - (6) The sound peak pressure level of the noise, in comparison to the level of ambient noise.
 - c. It shall be a violation of this paragraph to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of sound, unless otherwise permitted by law, located inside or outside, the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of 50 feet or more from the point of origin of the amplified sound.
 - d. It shall be a violation of this paragraph to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle on a public street or ally, or any commercial or residential parking facility, which is audible by any person from a distance of 50 feet or more from the motor vehicle. When sound violating this paragraph is produced or reproduced by any device that is located in a motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person who has dominion, care or control of the motor vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production, reproduction, or amplification of sound in violation of this paragraph is guilty of the violation.
6. All buildings and all alterations to buildings made or erected in violation of fire ordinance concerning manner and materials and construction;
7. Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks, or public grounds, except under conditions as are provided by ordinance;
8. Any excavation left unprotected or uncovered indefinitely or allowed to exist in a manner so as to attract minor children;
9. Radio aerials strung or erected in any manner except that provided by law or ordinance;
10. The piling, storing, or keeping of old machinery, wrecked or junked vehicles, and other junk or debris;

11. The use of property abutting on a public street or sidewalk, or any use of a public street or sidewalk, which causes large crowds of people to gather, obstructing traffic and free use of public streets or sidewalks;
12. All hanging signs, awnings, and other similar structures over public streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by law or ordinance, or without proper permit;
13. The allowing of rain, water, ice, or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk;
14. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
15. Throwing, dropping, or releasing printed matter, paper, or any other material or objects over and upon the city from an airplane, balloon, or other aircraft, or in a manner so as to cause the material to fall on land in the city;
16. Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys, or sidewalks without proper permit;
17. Making repairs to motor vehicles or tires in public streets or alleys; excepting only emergency repairs when it will not unduly impede or interfere with traffic;
18. Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass, or other material in the streets, alleys, or gutters;
19. Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks;
20. All unnecessary interferences and disturbance of radios or television sets caused by defective electrical appliances and equipment or improper operation thereof;
21. All other conditions, acts, or things which are liable to cause injury to the person or property of anyone;
22. Exposed accumulation of decayed or unwholesome food or vegetable matter;
23. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
24. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
25. The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;
26. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
27. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation; and
28. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;

29. The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance;
30. The owner or occupant of any land within the city shall be deemed to have committed a public nuisance if the owner or occupant fails to maintain that land in a manner so as to prevent sand, soil, dirt, dust, or debris of any kind or nature from being transported by the wind or air currents from that land to the property of another in quantities so as to constitute a detriment to the property or so as to endanger the health, welfare, safety, or comfort of the public or any person. The owner or occupant of any land in the city is charged with the duty and responsibility of taking whatever steps may be necessary, such as seeding, sodding, paving, blacktopping, sprinkling, or other means as may be lawful to prevent sand, soil, dirt, dust, or debris from being transported by wind, air currents, or otherwise from his or her property to the property of another.

E. *Enforcement.* It shall be the duty of the City Council to enforce the provisions of this section and the City Council may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this section, including the power to inspect private premises. The officers charged with the enforcement of this section shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

F. *Notice To Abate; Abatement By City; Recovery Of Costs.* Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the city, the officer shall notify in writing the person committing and maintaining the public nuisance and require him or her to terminate and abate the nuisance and to remove those conditions or remedy those defects.

1. *Service of notice.* This written notice shall be served on the person committing or maintaining the nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by pasting a copy of the notice on the premises.
2. *Contents of notice.* The notice shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time to be designated in the notice, but the maximum time for the removal of the nuisance after service of notice shall not in any event exceed 30 days.
3. *Proof of service.* Service of notice may be proved by filing an affidavit of service in the office of the City Administrator, Clerk/Treasurer setting forth the manner and time thereof. When an order so given is not complied with, the non-compliance shall be reported forthwith to the City Council for such action as may be necessary and deemed advisable, in the name of the city, to abate and enjoin the further continuation of the nuisance.
4. *Non-compliance with notice to abate.* If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the direction of the City Council, the City Council may cause the nuisance to be abated at the expense of the city and recover the expenditure, plus an additional 25% of the expenditure, by civil action against the person or persons served; or, if service has been had upon the owner or occupant, by ordering the Administrator, Clerk/Treasurer to extend that sum, plus 25% thereof, as a special tax against the property upon which the nuisance existed and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.
5. *Recovery of city's costs to abate.* In addition to the above, abatement of any nuisance relating to noxious weeds, tall grasses, and other rank growths shall be administered as follows: a certified letter shall be sent to the occupant or owner of the property demanding abatement of the nuisance within five days; thereafter, the city or a contractor will mow

the premises and the actual cost, plus an administrative fee as set from time to time by Council resolution, shall be billed to the occupant or owner. In the event the amount billed is not paid, the charges shall be certified as a special tax against the property and certified to the County Auditor.

9.20.030 Weeds

A. *Short Title.* This section shall be cited as the “Weed Ordinance.”

B. *Definitions; Exclusions.*

1. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DESTRUCTION ORDER. The notice served by the City Council or designated city official, in cases of appeal, on the property owner of the ordinance violation.

PROPERTY OWNER. The person occupying the property, the holder of legal title, or a person having control over the property of another, such as a right-of-way, easement, license, or lease.

WEEDS, GRASSES, and RANK VEGETATION. Include but are not limited to the following:

- a. **Noxious WEEDS and RANK VEGETATION** shall include but not be limited to: Alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, and Wild Parsnip;
- b. Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;
- c. Bushes of the species of tall, common, or European barberry, further known as *Berberis vulgaris* or its horticultural varieties;
- d. Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches;
- e. **RANK VEGETATION** includes the uncontrolled, uncultivated growth of annuals and perennial plants; and
- f. The term **WEEDS** does not include shrubs, trees, cultivated plants, or crops.

2. In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

C. *Owners Responsible For Trimming, Removal, And The Like.* All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses, and rank vegetation or other uncontrolled plant growth on their property, which, at the time of notice, is in excess of 12 inches in height.

D. *Filing Complaint.* Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this section shall make a

written complaint signed, dated, and filed with the City Administrator, Clerk/Treasurer. If the city makes the complaint, an employee, officer, or Councilmember of the city shall file the complaint in all respects as set out above.

E. Notice Of Violations.

1. Upon receiving notice of the probable existence of weeds in violation of this section, a person designated by the City Council shall make an inspection and prepare a written report to the City Council regarding the condition. The City Council, upon concluding that there is a probable belief that this section has been violated, shall forward written notification in the form of a "destruction order" to the property owner or the person occupying the property as that information is contained within the records of the City Administrator, Clerk/Treasurer or any other city agency. The notice shall be served in writing by certified mail. The notice shall provide that within seven regular business days after the receipt of the notice the designated violation shall be removed by the property owner or person occupying the property.
 - a. All notices are to be in writing and all filings are to be with the City Administrator, Clerk/Treasurer.
 - b. Certified mailing to the Administrator, Clerk/Treasurer or others is deemed filed on the date of posting to the U.S. Postal Service.

F. Appeals.

1. The property owner may appeal by filing written notice of objections with the City Council within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the City Council. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants, or crops or is not otherwise in violation of this section, and should not be subject to destruction under the section.
2. An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Councilmembers in attendance and being at a regularly scheduled or special meeting of the City Council.

G. Abatement By City. In the event that the property owner shall fail to comply with the "destruction order" within seven regular business days and has not filed a notice within 48 hours to the City Administrator, Clerk/Treasurer of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds to conform to this section by all lawful means.

Cross-reference:

Notice to abate; abatement by city; recovery of costs, see SLPC 9.20.020 Paragraph F.

H. Liability.

1. The property owner is liable for all costs of removal, cutting, or destruction of weeds as defined by this section.
2. The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney's fees, and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies, and chemicals which may be used.
3. All sums payable by the property owner are to be paid to the Administrator, Clerk/Treasurer and to be deposited in a general fund as compensation for expenses and

costs incurred by the city.

4. All sums payable by the property owner may be collected as a special assessment as provided by M.S. § 429.101 (local improvements: unpaid special charges may be special assessments), as it may be amended from time to time.

Cross-reference:

Notice to abate; abatement by city; recovery of costs, see SLPC 9.20.020 Paragraph F.

9.20.040 Clandestine Drug Lab Sites And Chemical Dump Sites

- A. *Purpose And Intent.* The purpose of this section is to reduce public exposure to health risks where public safety personnel have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dump site may exist. The City Council finds that sites may contain suspected chemicals and residues that place people, particularly children or adults of childbearing age, at risk when exposed through inhabiting or visiting the site, now and in the future.
- B. *Interpretation And Application.*
 1. The provisions of this section shall be construed to protect the public health, safety and welfare.
 2. Where the conditions imposed by any provisions of this subchapter are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards of requirements shall prevail.
 3. Should any court of competent jurisdiction declare any paragraph or subpart of this section to be invalid, the decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the provision declared invalid.
- C. *Fees.* Fees for the administration of this section may be established and amended periodically by resolution of the City Council.
- D. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILD. Any person under 18 years of age.

CHEMICAL DUMP. Any place or area where chemicals or other waste materials used in a clandestine drug lab site have been located.

CLANDESTINE DRUG LAB. The unlawful manufacture or attempt to manufacture controlled substances.

CLANDESTINE DRUG LAB SITE. Any place or area where public safety personnel has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A “clandestine drug lab site” may include dwellings, accessory buildings, accessory structures, vehicles, trailers, a chemical dump site or any land.

CONTROLLED SUBSTANCE. A drug, substance or immediate precursor in M.S. § 152.02, Schedules I through V. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

HOUSEHOLD HAZARDOUS WASTES. Waste generated from a clandestine drug lab. The

wastes shall be treated, stored, transported or disposed of in a manner consistent with the Minnesota Department of Health, Minnesota Pollution Control, and Anoka County Health Department rules and regulations.

MANUFACTURE, IN PLACES OTHER THAN A PHARMACY. The production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, re-labeling, filling, or by other process, of drugs.

OWNER. Any person, firm or corporation who owns, in whole or in part, the land, buildings, or structures associated with a clandestine drug lab site or chemical dump site.

PUBLIC HEALTH NUISANCE. All dwellings, accessory structure, vehicles, trailers and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance.

- E. *Law Enforcement Notice To Other Authorities.* Public safety personnel that identify conditions associated with a clandestine drug lab site or chemical dump site that places neighbors, visiting public, or present and future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions must promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner if known, and conditions found.
- F. *Declaration Of Property As Public Health Nuisance.* If public safety personnel determines the existence of a clandestine drug lab site or chemical dump site, the property shall be declared a public health nuisance.
- G. *Notice Of Public Health Nuisance To Concerned Parties.* Upon notification by public safety personnel, the City Building Official shall promptly issue a declaration of public health notice for the affected property and post a copy of the declaration at the probable entrance to the dwelling or property. The Building Official shall also notify the owner of the property by mail and notify the following parties:
1. Occupants of the property;
 2. Neighbors at probable risk;
 3. The city Police Department; and
 4. Other state and local authorities, such as MPCA and MDH, that are known to have public and environmental protection responsibilities that are applicable to the situation.
- H. *Property Owner's Responsibilities.*
1. *Responsibility to act.* The Building Official shall also issue an order to abate the public health nuisance, including a specified time to complete each of the following:
 - a. Vacate those portions of the property, including building or structure interiors, that may place the occupants or visitors at risk.
 - b. Contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced to allow safe human occupancy of the dwelling.
 - c. Provide written documentation of the clean-up process, including a signed, written statement that the property is safe for human occupancy.
 2. *Responsibility for costs.* The property owner shall be responsible for all costs of vacation

or clean-up of the site, including contractors' fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. Public costs may include, but are not limited to:

- a. Posting of the site;
- b. Notification of affected parties;
- c. Expenses related to the recovery of costs, including the assessment process;
- d. Laboratory fees;
- e. Clean-up services;
- f. Administrative fees; and
- g. Other associated costs.

I. Recovery Of Public Costs.

1. If, after service of notice of the declaration of public health nuisance, the property owner fails to arrange appropriate assessment and clean-up, the City Building Official is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.
2. The city may abate the nuisance by removing the hazardous structure or building, or otherwise, according to M.S. Ch. 463.
3. If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs plus an additional 25% of the costs for administration. The city may recover costs by civil action against the person or persons who own the property or by assessing the costs as a special tax against the property in the manner as taxes and special assessments are certified and collected pursuant to M.S. § 429.101.

J. Authority To Modify Or Remove Declaration Of Public Health Nuisance.

1. The Building Official is authorized to modify the declaration conditions or remove the declaration of public health nuisance.
2. The modifications or removal of the declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.

K. Penalty.

1. Whoever violates any provision of this chapter for which no other penalty has been established shall be subject to penalties as provided in SLPC 1.04.200.
2. Any person violating any provision of Paragraphs A through J is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in M.S. § 609.02, Subd. 3.

9.24 OPEN HOUSING

9.24.010 Intent

9.24.020 Housing Sale Or Rental; Discrimination By Owner Prohibited

9.24.030 Housing Sale Or Rental; Discrimination By Broker Prohibited

9.24.040 Discrimination In Residential Real-Estate Related Transactions Prohibited

9.24.010 Intent

It is the intention of the city to create by the terms of this chapter a condition of open housing within the city and to prohibit by its terms any unfair discriminatory practices as they may relate to the sale, lease, or rental of real estate within the city.

9.24.020 Housing Sale Or Rental; Discrimination By Owner Prohibited

It shall be unlawful within the city for any owner, lessee, sublessee, assignee, or managing agent of or other person having the right to sell, rent, or lease any real property, or any agent of any of these:

- A. To refuse to sell, rent, or lease, or otherwise deny to or withhold from any person or group of persons any real property because of the race, color, creed, religion, or national origin of the person or group of persons;
- B. To discriminate against any person or group of persons because of the race, color, creed, religion, or national origin of the person or group of persons in the terms, conditions, or privileges of the sale, rental, or lease of any real property or in the furnishing of facilities or services in connection therewith; or
- C. In any transaction involving real property, to print, circulate, or post, or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, or national origin, or any intent to make any such limitation, specification, or discrimination.

9.24.030 Housing Sale Or Rental; Discrimination By Broker Prohibited

It shall be unlawful within the city for any real estate broker, real estate salesperson, or employee or agent thereof:

- A. To refuse to sell, rent, or lease, or to offer for sale, rental, or lease any real property to any person or group of persons, or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of the race, color, creed, religion, or national origin of the persons, or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of the race, color, creed, religion, or national origin of the person or group of persons;
- B. To discriminate against any person because of his or her race, color, creed, religion, or national origin in the terms, conditions, or privileges of the sale, rental, or lease of real property or in the furnishing of facilities or services in connection therewith; or
- C. To print, circulate, or post, or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property to make any record or inquiry in connection with the prospective purchase, rental, or lease of any real property, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, or national origin or any intent to make any such limitation, specification, or discrimination.

9.24.040 Discrimination In Residential Real-Estate Related Transactions Prohibited

It shall be unlawful within the city for any person, bank or banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any real property, or any agent or employee thereof:

- A. To discriminate against any person or group of persons because of the race, color, creed, religion, or national origin of the person or group of persons or of the prospective occupants or tenants of the real property in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of any such financial assistance or in the extension of services in connection therewith; or
- B. To use any form of application for that financial assistance or make any record or inquiry in connection with applications for financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, or national origin or any intent to make any such limitation, specification, or discrimination.

9.28 PARKS AND RECREATION

9.28.010 Public Parks

9.28.020 Watercraft

9.28.010 Public Parks

A. Park Hours.

1. No person, except authorized personnel, or persons participating in events conducted by special permit issued by the City Council, shall be in or remain in a public park in the city between the hours of 10:00 p.m. and 5:00 a.m. of the day following.
2. No person shall park or leave standing any motor vehicle or motorized bicycle, as defined in M.S. § 169.01, as it may be amended from time to time, or any snowmobile, recreational motor vehicle, or trailer, in or upon any public park between the hours of 10:00 p.m. and 5:00 a.m. of the day following.

- B. *Exception; Triangle Memorial Park Hours.* Due to the passive nature of Triangle Memorial Park, it shall have extended hours which restrict persons, except authorized personnel, or persons participating in events conducted by special use permit issued by the City Council, from being in or remaining in the park between the hours of 11:00 p.m. and 5:00 a.m. of the day following.

9.28.020 Watercraft

- A. *Operation; Compliance With Regulations Required.* No person shall navigate, operate, dock, or anchor any boat or watercraft upon any water or waterway within the city except in accordance with the provisions of this section and all other rules and regulations made a paragraph hereof by reference.

- B. *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

BOAT. Every boat, houseboat, barge, vessel, raft, canoe, or other watercraft used as a support in or upon the water.

- C. *Violations A Public Nuisance.* The doing of any thing, act, or the operation of any watercraft in violation of any of the provisions of this section is declared to constitute a public nuisance and as such is prohibited.

- D. *Operation By Minors Restricted.* No person shall operate or have charge of any motorboat, and no person under the age of 11 years shall operate any rowboat, canoe, or sailboat unless accompanied by an adult, except and unless a special permit therefor has been granted by the Council. No person, being the owner of such a watercraft, shall permit or allow a person under the age herein prescribed to operate or run that watercraft unless accompanied by an adult.

- E. *Endangerment Of Watercraft Prohibited*. No person shall navigate, direct, or handle any boat in a manner so as to annoy, unnecessarily frighten, or endanger the occupants of other boats or watercraft or of persons in or upon the water.
- F. *Endangerment Of Swimmers Prohibited*. No person shall run, operate, navigate, or direct any boat within 100 feet of the area being used by persons for swimming or designated by the Council as a swimming area.
- G. *Maximum Length Of Boat*. No boat exceeding 16 feet overall in length shall be placed upon any lake or waterway in the city, except and unless a special permit has been granted by the Council.
- H. *Motorboats Prohibited*.
1. For the purpose of this paragraph, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MOTORBOAT. A boat propelled by an internal combustion engine and includes both varieties commonly known as “outboard” and “inboard.”
 2. The use of motorboats within the city is prohibited.
- I. *Sailboat Regulations Adopted*. Every sailboat shall be navigated in accordance with the rules and regulations of the State Marine Laws, which regulations are hereby adopted and by this reference made a part of this section.
- J. *Boating Curfew*. No person shall be or remain in any boat or otherwise upon the lakes or any other waterway within the city after 12:00 midnight nor before daylight of the following day.

9.32 STREETS AND SIDEWALKS

[9.32.010 Street Lighting; Fee](#)

Cross-reference:

Address Numbers, see SLPC 12.20.010.

Driveways; Access Lanes; Curb Cuts, see SLPC 12.52.010.

Public Rights-of-Way; Construction; Permits, SLPC 12.48.010.

9.32.010 Street Lighting; Fee

A. Purpose.

1. It is the intent of this section to establish a municipal street lighting fee for the purpose of paying electrical charges to maintain the existing street lighting system. The purpose of the street lighting system is to protect the health, safety, and welfare of the city’s citizens, visitors, and the general public by casting adequate lighting onto municipal streets so as to promote safe travel for vehicles and pedestrians.
2. The municipal street lighting system is not intended to act as security lighting for private properties.

B. Fees.

1. The municipal street lighting fee shall be effective January 1, 2003.
2. The municipal street lighting fee shall be calculated as a flat rate based on the total number of water connections in the city.
3. As all classes of property derive the same benefit, all classes of property will pay the same rate.

4. The City Council shall adopt a resolution, which may be amended from time to time, that sets the municipal street lighting fee at a rate sufficient to meet the electrical charges for the system.

C. *Damage To System Prohibited.* No unauthorized person shall remove, damage, alter, or tamper with any structure or part of the street lighting system.

D. *Disclaimer.* The city shall not be liable for injury or damage to persons or property caused by any deficiency or failure in supply of electricity for the street lighting system whether occasioned by shutting off the system for the purpose of making repairs or connections, weather-related incidents, or from any other cause whatsoever.

E. *Billing And Collection.*

1. The municipal street lighting fee will appear quarterly as a line item on the utility bills.
2. Any prepayment or overpayment of charges may be retained by the city and applied to subsequent quarterly charges.
3. A penalty of 10% shall be added to the charge for late payment or failure to pay.

F. *Delinquent Payment; Tax Lien.* It is hereby approved, adopted, and established that if payment of the municipal street lighting fee established by this section is not paid in full by October 15 of each year, the delinquent municipal street lighting fee, plus penalties, shall be deemed to be a charge against the owner of the property served, and the city, or its agent, shall certify the unpaid delinquent balance to the County Auditor with taxes against the property served for collection as other taxes are collected; provided, however, that this certification shall not preclude the city, or its agent, from recovery of the delinquent municipal street lighting fee and penalties thereon, under any other available remedy.

G. *Violations.* Violation of any provision of this section shall be a misdemeanor.

9.36 SPECIAL EVENTS

[9.36.010 Purpose And Findings](#)

[9.36.020 Definitions - Special Events](#)

[9.36.030 Permit Required](#)

[9.36.040 Special Event Permit Not Required](#)

[9.36.050 Special Event Permit Application](#)

[9.36.060 Permit Review Process](#)

[9.36.070 Permit Issuance](#)

[9.36.080 Special Services Fee](#)

[9.36.090 Indemnification Agreement](#)

[9.36.100 Insurance Requirements](#)

[9.36.110 Cleanup Deposit](#)

[9.36.120 Transferability Of Permit](#)

[9.36.130 Permit Revocation](#)

[9.36.140 Violations And Penalties](#)

9.36.010 Purpose And Findings

The purpose of this chapter is to govern the time, place and manner of holding certain special events on public and private property when an event's impact upon the health, fire, law enforcement, transportation or other services exceeds those regularly provided to that property. This chapter is enacted in order to promote the health, safety and welfare of all residents and visitors of the city by ensuring that special events do not create disturbances, become nuisances, menace or threaten life, health and property, disrupt traffic or threaten or damage private or public property. It is not the intent of the City Council by

enacting this chapter to regulate in any manner the content of speech or infringe upon the right to assemble, except for regulating the time, place and manner of speech and assembly and this chapter should not be interpreted or construed otherwise.

9.36.020 Definitions - Special Events

For purposes of this chapter, the following terms have the meanings given to them by this section:

PRIVATE EVENT. Any event in which the general public is not invited or admitted.

PROPERTY, PRIVATE. Any property not under ownership of the city or as listed below under the definition of **PROPERTY, PUBLIC**.

PROPERTY, PUBLIC. Any property owned by the city which includes, but is not limited to, streets, rights-of-way, parks, easements, boulevards, pavilions/shelters, buildings and parking lots.

SPECIAL EVENT. Any concert, fair, show, festival, carnival, rally, party, tournament, street dance, art show, car show, grand openings, block parties or other attended outdoor entertainment or celebration that is to be held on public or private property.

9.36.030 Permit Required

Any person or organization desiring to conduct or sponsor a special event in the city shall first obtain a special event permit from the city.

9.36.040 Special Event Permit Not Required

A special event permit is not required for the following types of events:

- A. Private events.
- B. Family gatherings, including family reunions, graduation parties, baptisms, confirmations, weddings and other similar types of events held on private property, and garage sales/estate sales.
- C. Events established through the city, such as Tower Days or Night to Unite.

9.36.050 Special Event Permit Application

- A. Any person or organization desiring to sponsor a special event that is not exempted by this chapter must apply to the city for a special event permit. The special event permit application must be filed not less than 30 days in advance of the date in which the event is to occur.
- B. A written application shall be filed on forms provided by the Administrator, Clerk/Treasurer. The written application shall be signed by the person(s) or parties conducting the event and shall be accompanied by the fee as set forth in SLPC 3.16.030 Paragraph A. Special event permit applications must include the following information:
 - 1. Type and description of the special event and a list of all activities to take place at the event;
 - 2. Name of the sponsoring entity, the names of at least two contact persons and their addresses and phone numbers, along with phone numbers where they can be reached the day(s) of the events;
 - 3. Proposed date(s) of the special event, together with the beginning and ending times for each date;

4. Proposed location of the special event, including a diagram of the proposed area to be used showing the location of any barricades, perimeter/security fencing, tents, canopies, entertainment stages, portable toilets, parking areas, trash containers and any other items related to the event;
5. Estimated number of special event staff, participants and spectators;
6. Any public health plans, including supplying water to the site, solid waste collection and the number of toilet facilities that will be available;
7. Any plans for first aid facilities and the name of the person or entity providing these services;
8. Any fire prevention and emergency medical service plans;
9. Security plans;
10. Parking plans;
11. Cleanup plans;
12. The admission fee, donation or other consideration to be charged or requested for admission to the special event, if applicable;
13. Whether any sound amplification or public address system will be used or if there will be any playing of any music or musical instruments;
14. Proof of written notification to all property owners within 500 feet of the special event informing them of the event. Such notice shall contain the date, time and location of the special event and be distributed no later than 15 days before the event; and
15. Any other information as requested by the city, that it deems reasonably necessary in order to determine the nature of the special event.

9.36.060 Permit Review Process

- A. The City Council shall review the special event permit application and make a determination on whether to issue the permit or deny it.
- B. *Permit conditions.* The City Council may condition the issuance of a special event permit by imposing reasonable conditions concerning the time, place and manner of the special event. Such conditions are necessary to protect the safety, health and welfare of persons and property. Such conditions may include, but are not limited to:
 1. Alteration of the date(s), time(s), route or location of the special event proposed;
 2. Elimination of an activity at the special event which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the city;
 3. Requirements concerning the accommodation of pedestrian or vehicular traffic;
 4. Requirements for the use of traffic cones or barricades;
 5. Requirements for the use of city personnel and equipment;
 6. Requirements for the provision of first aid or sanitary facilities;
 7. Requirements for the use of event monitors and the providing of notice of the special event permit conditions to the event's participants;
 8. Requirements on the number and type of vehicles, animals or structures to be allowed at the special event and the inspection and approval of structures by the city for safety

purposes;

9. Compliance with animal protection ordinances and laws;
10. Requirements for the use of garbage containers, portable toilets, and the cleanup and restoration of the property;
11. Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws; and
12. Restrictions on the sale or consumption of food and alcohol.

C. *Permit denial.* The City Council may deny an application for a special event permit if it determines from a consideration of the application or other pertinent information that:

1. The information contained in the application or supplemental information requested from the applicant is false or nonexistent in any material detail;
2. The applicant fails to supplement the application after having been notified by the city of additional information or documents needed;
3. The applicant fails to pay the required fee or fails to sign the application;
4. The applicant fails to agree to abide by or comply with all of the conditions and terms of the special event permit;
5. The time, route, hours, location or size of the special event will unnecessarily disrupt the movement of other traffic within the area of the special event;
6. The special event is of a size or nature that requires the diversion of too many law enforcement officers to properly police the event, site and contiguous areas so that allowing the special event would unreasonably deny law enforcement protection to the remainder of the city and its residents;
7. Another special event permit application has already been approved to hold a special event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the city is unable to meet the needs to provide for law enforcement and other city services for both special events;
8. The proposed special event violates the Zoning Ordinance;
9. The location of the special event would cause undue hardship to adjacent businesses and residents;
10. The location of the special event would substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way;
11. The special event would endanger public safety or health;
12. The special event would seriously inconvenience the general public's use of public property, services or facilities;
13. The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is cancelled;
14. The special event would create or constitute a public nuisance; or
15. The special event would cause significant damage to public property or facilities.

D. The Administrator, Clerk/Treasurer shall provide written notification of a denial of a special event permit. Any applicant shall have the right to appeal the denial of a special event permit to the City Council. The appeal must be filed within five days after the receipt of the denial to the

Administrator, Clerk/Treasurer. The City Council shall act upon the appeal at the next scheduled meeting following the receipt of the notice of appeal.

9.36.070 Permit Issuance

The Administrator, Clerk/Treasurer shall issue the special event permit once the application has been approved by the City Council and the applicant has agreed to comply with the terms and conditions of the permit as well as the requirements of this chapter.

9.36.080 Special Services Fee

If any special services are required for the special event, the applicant will be required to pay for the special services. The special services fee shall be determined by the Administrator, Clerk/Treasurer and will be based upon the actual cost of the special services. The special services fee must be paid by the applicant at least five days before the special event. If additional special services are required during the event that exceeds the fees collected, the applicant will be invoiced for the additional fees. No new special event permit will be issued until all previous fees have been paid, with interest, if applicable.

9.36.090 Indemnification Agreement

If the special event, or any portion of the event is to be held on public property or rights-of-way prior to the issuance of a special event permit, the permit application and authorizing officer of the sponsoring organization, if any, must sign an agreement to indemnify, defend and hold the city, its officials, employees and agents harmless from any claim that arises in whole or in part out of the special event, except any claims arising solely out of the negligent acts or omissions of the city, its officials, employees and agents.

9.36.100 Insurance Requirements

- A. *Liability insurance required.* The applicant or sponsor of a special event must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the special event. If the event is held on private property, verification of insurance shall be provided to the Administrator, Clerk/Treasurer prior to issuance of the special event permit. If the event is held on public property, a certificate of insurance must be filed with the city prior to issuance of the special event permit. The certificate of insurance must name the city, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the special event.
- B. *Minimum limits.* For events held on public property, insurance coverage must be public liability insurance and property damage insurance with minimum limits of \$1,000,000. The City Council may require additional endorsements depending upon the type of special event and proposed activities.

9.36.110 Cleanup Deposit

The applicant or sponsor of the special event involving the sale of food or beverages of immediate consumption, erection of structures, horses or other animals or another activity likely to create a substantial need for cleanup may be required by the City Council to provide a cleanup deposit prior to the issuance of the special event permit. The cleanup deposit shall be in amount set by the City Council. The cleanup deposit will be returned to the applicant or sponsor if the area used for the special event has been cleaned or restored to the same condition as it existed prior to the event. If the property used for the event has not been properly cleaned or restored within 24 hours of the event completion, the applicant or sponsor will be billed for the actual cost by the city for the cleanup and restoration. The cleanup deposit will be applied toward payment of the bill.

9.36.120 Transferability Of Permit

No permit granted under this chapter shall be transferred to any other person, group or place without the consent of the City Council, upon written application made thereof.

9.36.130 Permit Revocation

Any special event permit issued pursuant to this chapter may be summarily revoked by a city law enforcement officer at any time when, by reason of disaster, public calamity, riot or other emergency, the law enforcement officer determines that the safety of the public or property requires such revocation. The Administrator, Clerk/Treasurer may also summarily revoke any special event permit issued pursuant to this chapter if he/she finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in its application.

9.36.140 Violations And Penalties

- A. *Unlawful to sponsor a special event without a permit.* It is unlawful for any person to sponsor or conduct a special event requiring a permit pursuant to this chapter unless a valid special event permit has been issued for the event.
- B. *Unlawful to exceed the scope of the permit.* The special event permit authorizes the special event permittee or sponsor to conduct only such a special event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee or sponsor to willfully violate the terms and conditions of the permit.
- C. *Misdemeanor.* Any person convicted of violating this chapter shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment specified by state statute. Each day in which a violation continues to occur shall constitute a separate offense. Violation of any provision of this section shall also be grounds for revocation of the special event permit.

11 BUSINESS REGULATIONS

11.04 PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

11.08 LIQUOR REGULATIONS

11.12 TOBACCO REGULATIONS

11.16 PAWNBROKERS

11.20 SECONDHAND GOODS DEALERS

11.24 AMUSEMENTS

11.28 VEHICLES FOR HIRE

11.32 FOOD SALES AND SERVICE

11.36 SAUNAS

11.40 MASSAGE SERVICES

11.44 SEXUALLY ORIENTED BUSINESSES

11.48 LICENSE BACKGROUND CHECKS

11.04 PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

11.04.010 Peddlers And Solicitors

11.04.020 Garage Sales

11.04.030 Christmas Tree Sales

11.04.010 Peddlers And Solicitors

A. *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivery immediately upon sale, the goods, wares, products, merchandise or other personal property that the person is carrying or otherwise transporting. The term **PEDDLER** shall mean the same as the term hawker.

REGULAR BUSINESS DAY. Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be counted as regular business days.

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

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

B. *Exception.*

1. For the purpose of the requirements of this chapter, the terms peddler, solicitor and transient merchant, shall not apply to any person selling or attempting to sell at wholesale

any goods, wares, products, merchandise or other personal property to a retailer of the items being sold by the wholesaler. The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route.

2. In addition, persons conducting the type of sales commonly known as garage sales, rummage sales, or estate sales, as well as those persons participating in an organized multi-person bazaar or flea market, shall be exempt from the definitions of peddlers, solicitors, and transient merchants, as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court-ordered sale. Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.
3. Nothing in this chapter shall be interpreted to prohibit or restrict door-to-door advocacy. Persons engaging in door-to-door advocacy shall not be required to be licensed or to register under this chapter.

C. *Licensing And Exemptions.*

1. *County license required.* No person shall conduct business as a transient merchant within the city limits without first having obtained the appropriate license from the county as required by M.S. Ch. 329 as it may be amended from time to time, if the county issues a license for the activity.
2. *City license required.* Except as otherwise provided for by this chapter, no person shall conduct business as a solicitor, peddler or a transient merchant without first having obtained a license from the city.
3. *License exemptions.*
 - a. No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place business when the activity is for the purpose of exercising that person's state or federal constitutional rights such as freedom of speech, press, religion and the like, except that this exemption may be lost if the person's exercise of constitutional rights is merely incidental to a commercial activity.
 - b. Professional fund raisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.
 - c. Members of organizations for charitable, religious, patriotic or philanthropic purposes shall be exempt from Paragraph C,2 provided that they comply with Paragraph H.
4. *Duration.* An annual license granted under this chapter shall be valid for one calendar year from the date of issue. All other licenses under this chapter shall be valid only during the time period indicated on the license.

D. *Application.*

1. *Application.* Application for a city license to conduct business as a solicitor, peddler or transient merchant shall be made at least 14 regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the City Council and available from the office of the City Clerk. All

applications shall be signed by the applicant. All applications shall include the following information:

- a. Applicant's full legal name (each person that will be conducting business within the city).
 - b. All other names under which the applicant conducts business or to which applicant officially answers.
 - c. A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, and the like).
 - d. Full address of applicant's permanent residence.
 - e. Local address or address of local contact.
 - f. Telephone number of applicant's permanent residence and local contact.
 - g. Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or agent.
 - h. Full address of applicant's regular place of business (if any).
 - i. Any and all business related telephone numbers of the applicant.
 - j. The type of business for which the applicant is applying for a license.
 - k. Whether the applicant is applying for an annual or daily license.
 - l. The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the city (maximum of 14 consecutive days).
 - m. Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business.
 - n. A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses.
 - o. A list of the three most recent locations where the applicant has conducted business as a peddler or a transient merchant.
 - p. Proof of any required county license.
 - q. Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant.
 - r. A general description of the items to be sold or services to be provided.
 - s. All additional information deemed necessary by the City Council.
 - t. The applicants drivers license or other acceptable form of identification.
 - u. The license plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle.
2. *Fee.* The application fee for a peddler or transient merchant shall be as set forth in the city's fee schedule. The application fee shall not be refunded whether or not the license sought is granted. The application fee is subject to change annually in accordance with

the fee resolution adopted by the city. There shall be no license fee charged for a solicitor application.

3. *Procedure.* Upon receipt of the completed application and payment of the license fee, the City Clerk, within three regular business days, must determine if the application is complete. An application is determined to be complete only if all required information is provided. If the City Clerk determines that the application is incomplete, the City Clerk must inform the applicant of the required necessary information that is missing. If the application is complete, the City Clerk must order any investigation including background checks, necessary to verify the information provided with the application. Within ten regular business days of receiving a complete application, the City Clerk must issue the license unless there exist grounds for denying the license, in which case the Clerk must deny the license. If the City Clerk denies the license, the applicant must be notified in writing of the decision, the reason for denial, and of the applicant's right to appeal the denial by requesting, within 20 days of receiving the notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal within 20 days of the date of the request. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for writ of certiorari.

E. *License Ineligibility.* The following shall be grounds for denying a license under this chapter.

1. The failure of the applicant to obtain and show proof of having obtained any required county license.
2. The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of the application.
3. The conviction of the applicant within the past five years from the date of the application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
4. The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.
5. The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the Attorney General's Office, or other similar business or consumer rights office or agency, within the preceding 12 months, or three complaints filed against the applicant within the preceding five years.

F. *License Suspension And Revocation.*

1. *Generally.* Any license issued under this paragraph may be suspended or revoked at the discretion of the City Council for violation of any of the following.
 - a. Fraud, misrepresentation or incorrect statements on the application form.
 - b. Fraud, misrepresentation or false statements made during the course of the licensed activity.
 - c. Conviction of any offense for which granting of a license could have been denied under Paragraph E.
 - d. Violations of any provisions of this chapter.

2. *Multiple persons under one license.* The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.
3. *Notice.* Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the licensee application..
4. *Public hearing.* Upon receiving the notice provided in Paragraph F,3, the licensee shall have the right to request a public hearing. If no request for hearing is received by the City Clerk within ten regular business days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notice, service shall be considered completed as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within 20 days from the date of the request. Within three regular business days of the hearing, the City Council shall notify the licensee of its decision.
5. *Emergency.* If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in Paragraph F,3.
6. *Appeals.* Any person whose license is suspended or revoked under this paragraph shall have the right to appeal that decision in court.

G. *License Transferability.* No license issued under this chapter shall be transferred to any person.

H. *Registration.* Any person exempt from the licensing requirements of this chapter under Paragraph C shall be required to register with the city. Registration shall be made on the same form required for a license application, but no fee shall be required.

I. *Badges And Identification.* All peddlers, transient merchants, or solicitors shall display a permit, issued in their name, containing a number to correspond to the number of the license, and the license expiration date issued by the City Clerk, which shall be worn in a conspicuous place on the person's outer garment or clothing. Transient merchants shall post conspicuously in his or her place of business the license issued hereunder which license shall be shown at the request of any citizen or police. The licensee shall also have on his or her person, a government issued identification containing a current photograph of the licensee.

J. *Prohibited Activities.* No peddler, solicitor, or transient merchant shall conduct business in any of the following manners:

1. Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
2. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.
3. No more than one individual may approach the doorway of a private home or residence to conduct the business of peddling, soliciting or a transient merchant activity in the city.
4. Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public.

5. Conducting business before 9:00 a.m. and after 5:00 p.m.
6. Failing to provide proof of license or registration, and identification, when requested; or using the license or registration of another person.
7. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.
8. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

K. Entry To Premises Restricted.

1. Any resident of the city who wishes to exclude peddlers or solicitors from premises occupied by him or her may place upon or near the usual entrance to the premises, a printed placard or sign bearing the following notice: "Peddlers and Solicitors Prohibited." The placard shall be no larger than two square feet in size and the printing thereon shall not be smaller than 48 point type.
2. No peddler or solicitor shall enter in or upon any premises or attempt to enter in or upon any premises, upon which such placard or sign is placed and maintained.
3. No person other than the person occupying such premises shall remove, injure, or deface the placard or sign.

L. *Trespass.* It is hereby declared to be unlawful and shall constitute trespass for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract the attention of the occupant of the residence for the purpose of securing an audience with the occupant and engage in soliciting or peddling in defiance of the notice exhibited at the main entrance of the residence pursuant to Paragraph K.

11.04.020 Garage Sales

A. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARAGE SALE. The infrequent temporary display and sale, by an occupant on his or her premises, of personal property, including general household rummage, used clothing, and appliances. The exchange or sale of merchandise must be conducted within the residence or accessory structure of the premises.

SALE OF HOUSEHOLD ITEMS. The sale of individual household items, for example, refrigerator or couch, by temporary display for sale on the premises by the occupant of the premises.

B. *Requirements.* Garage sales or sales of household items are permitted without permit provided they meet the following standards:

1. Garage sales and sales of individual items last no longer than three days;
2. Sales are held no more than twice yearly;
3. Sales are conducted on the owner's or occupant's property. Multiple-family sales are permitted if they are held on the property of one of the participants;

4. No new retail goods or items purchased for retail may be offered for sale;
5. No consignment goods may be offered for sale;
6. All directional and advertising signs shall be free-standing and shall be removed within 24 hours of completion of the sale;
7. All directional and advertising signs shall be placed on private property and shall have the owner's permission;
8. No directional or advertising signs may be larger than two feet by three feet; and
9. Sales authorized under this section are limited in time to the hours of 8:00 a.m. to 8:00 p.m.

C. *Violations; Enforcement.*

1. Violations of this section may be enforced by the appropriate city official as an administrative code violation.
2. The violation of any paragraph of this section shall constitute a misdemeanor.

11.04.030 Christmas Tree Sales

- A. *License Required.* It shall be unlawful for any person, firm, association, or corporation to maintain and operate a Christmas tree lot without having first secured a license from the City Council and posting a cash bond therefor.
- B. *License Application And Fee.* Any person, firm, association, or corporation desiring to operate a Christmas tree lot may make application to the City Council for a license therefor. The application shall give the name and address of the applicant, a description of the land to be used, and either evidence of ownership in the application or written permission to so use the land. The application shall be accompanied by a license fee as set from time to time by Council resolution. The Council, at its discretion, may grant or deny the application. All licenses of this type shall be issued by the Administrator, Clerk/Treasurer and shall expire on the February 1 following the year of issuance.
- C. *Bond.* Upon Council approval that a license shall be issued to any person, firm, association, or corporation, the licensee shall deposit with the Administrator, Clerk/Treasurer a cash bond in the amount as established in the city's fee schedule, and the posting of the bond shall be a condition precedent to the issuance of a license by the Administrator, Clerk/Treasurer. This cash bond shall be held until that lot or parcel of land that the license has been issued for has been cleared and cleaned of all Christmas trees, Christmas tree debris, and all other Christmas paraphernalia. If, prior to the February 1 following the Christmas season that a license was applied for, the applicant has cleared and cleaned the lot or parcel of ground and the Building Inspector of the city has so certified this fact to the Administrator, Clerk/Treasurer, then in that event, the applicant's cash bond shall be returned. In the event that the Building Inspector has not certified to the Administrator, Clerk/Treasurer that the lot has been cleared or cleaned of all Christmas trees, Christmas tree debris, and all other Christmas paraphernalia, the applicant shall forfeit his or her cash bond and the city, at its discretion, with or without permission of the application owner, if he or she be not the applicant, may clear and clean the lot of all Christmas trees, Christmas tree debris, and Christmas paraphernalia.
- D. *Penalty.* Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor which is punishable by a fine of up to \$1,000 and 90 days in jail, or both.

11.08 LIQUOR REGULATIONS

[11.08.010 License Regulations](#)

11.08.010 License Regulations

- A. *Adoption Of State Law By Reference.* The provisions of M.S. Ch. 340A as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2% malt liquor are hereby adopted by reference and are made a paragraph of this section as if set out in full. It is the intention of the City Council that all future amendments to M.S. Ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this section is adopted.
- B. *City May Be More Restrictive Than State Law.* The Council is authorized by the provisions of M.S. § 340A.509 as it may be amended from time to time, to impose, and has imposed in this section, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in M.S. Ch. 340A as it may be amended from time to time.
- C. *Definitions.* In addition to the definitions contained in M.S. § 340A.101 as it may be amended from time to time, the following terms are defined for purposes of this section:

LIQUOR. As used in this section, without modification by the words an "intoxicating" or a "3.2% malt," includes both intoxicating liquor and 3.2% malt liquor.

RESTAURANT. An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this paragraph, an establishment shall have a license from the state as required by M.S. § 157.16, as it may be amended from time to time, and meet the definition of either a "small establishment," "medium establishment" or "large establishment" as defined in M.S. § 157.16, subd. 3(d), as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for purposes of this section unless it meets the definitions of a "small establishment", "medium establishment" or "large establishment".

D. *Nudity On The Premises Of Licensed Establishments Prohibited.*

1. The City Council finds that it is in the best interests of the public health, safety, and general welfare of the people of the city that nudity is prohibited as provided in this paragraph on the premises of any establishment licensed under this section. This is to protect and assist the owners, operators, and employees of the establishment, as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The Council especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault, and disorderly conduct. The Council also finds that the prohibition of nudity on the premises of any establishment licensed under this section, as set forth in this paragraph, reflects the prevailing community standards of the city.
2. It is unlawful for any licensee to permit or allow any person or persons on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material. It is unlawful for any person to be on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material.
3. A violation of this paragraph is a misdemeanor punishable as provided by law, and is

justification for revocation or suspension of any liquor, wine, or 3.2% malt liquor license or any other license issued under this section or the imposition of a civil penalty under the provisions of Paragraph W,2.

E. *Consumption In Public Places.*

1. No person shall consume intoxicating liquor or 3.2% malt liquor on any public street, sidewalk, parking lot or alley, or in any public place other than on the premises of an establishment licensed under this section, in a municipal liquor dispensary if one exists in the city, or where the consumption and display of liquor is lawfully permitted.
2. No person shall consume or possess intoxicating liquor or 3.2% malt liquor in any city park unless specifically approved by the City Council. This prohibition shall include parking areas connected with the park.

F. *Number Of Licenses Which May Be Issued.* The number of licenses which may be granted under this paragraph, is limited to the number of licenses authorized under M.S. § 340A.413. The number of off-sale intoxicating liquor licenses which may be granted by the Council shall be further limited to one license until January 1, 2026. The Council is not required to issue the full number of licenses that it has available.

G. *Term And Expiration Of Licenses.* Each license shall be issued for a maximum period of one year. All licenses, except temporary licenses, shall expire on December 31 of each year unless another date is provided by ordinance. All licenses shall expire on the same date. Temporary licenses expire according to their terms. Consumption and display permits issued by the Commissioner of Public Safety, and the accompanying city consent to the permit, shall expire on March 31 of each year.

H. *Kinds Of Liquor Licenses.* The Council is authorized to issue the following licenses and permits, up to the number specified in Paragraph F.

1. 3.2% malt liquor on-sale licenses, which may be issued only to golf courses, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2% malt liquor with the incidental sale of tobacco and soft drinks.
2. 3.2% malt liquor off-sale license.
3. Temporary 3.2% malt liquor licenses which may be issued only to a club, charitable, religious, or nonprofit organization.
4. Off-sale intoxicating liquor licenses, which may be issued only to exclusive liquor stores or drug stores that have an off-sale license which was first issued on or before May 1, 1994. The fee for an off-sale intoxicating liquor license established by the Council under section 10 shall not exceed \$240 or a greater amount which may be permitted by M.S. § 340A.408, subd. 3, as it may be amended from time to time.
5. On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by M.S. § 340A.101, as it may be amended from time to time, and this section: hotels, restaurants, bowling centers, theaters, clubs or congressionally chartered veterans organizations, theaters and exclusive liquor stores. Club licenses may be issued only with the approval of the Commissioner of Public Safety. The fee for club licenses established by the Council under Paragraph I shall not exceed the amounts provided for in M.S. § 340A.408, subd. 2(b) as it may be amended from time to time. The following license classifications are established:
 - a. *Class A.* For establishments which are conducted in such a manner that the business of serving food for a license year is a minimum of 55% of the total business of serving food and intoxicating liquor.

- b. *Class B.* For establishments which are conducted in such a manner that the business of serving food for a license year which is less than 55% of the total business of serving food and intoxicating liquor. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at a community festival held within the city under the provisions of M.S. § 340A.404, subd. 4(b) as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the city, under the provisions of M.S. § 340A.404, subd. 4(a) as it may be amended from time to time; however, the licensee is prohibited from dispensing intoxicating liquor to any person attending or participating in an amateur athletic event being held on the premises.
6. Sunday on-sale intoxicating liquor licenses, only after authorization to do so by voter approval at a general or special election as provided by M.S. § 340A.504, subd. 3, as it may be amended from time to time. Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in Paragraph C, club, bowling center, or hotel which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food. The maximum fee for this license, which shall be established by the Council under the provisions of Paragraph I, shall not exceed \$200, or the maximum amount provided by M.S. § 340A.504, subd. 3(c) as it may be amended from time to time.
 7. Temporary on-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, which may be issued only in connection with a social event sponsored by a club, charitable, religious or other nonprofit corporation that has existed for at least three years. No license shall be for longer than four consecutive days and the city shall issue no more than 12 days worth of temporary licenses to any one organization in one calendar year.
 8. On-sale wine licenses, with the approval of the Commissioner of Public Safety to: theaters, restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of M.S. § 340A.404, subd. 5, as it may be amended from time to time, and which meet the definition of restaurant in Paragraph C; to licensed bed and breakfast facilities which meet the criteria in M.S. § 340A.401, subd. 1, as it may be amended from time to time and to theaters that meet the criteria of M.S. § 340A.404(b) as it may be amended from time to time. The fee for an on-sale wine license established by the Council under the provisions of Paragraph I, shall not exceed one-half of the license fee charged for an on-sale intoxicating liquor license. The holder of an on-sale wine license who also holds an on-sale 3.2% malt liquor license is authorized to sell malt liquor with a content over 3.2% (strong beer) without an additional license.
 9. Approval of the issuance of a consumption and display permit by the Commissioner of Public Safety. The maximum amount of the additional fee which may be imposed by the Council on a person who has been issued a consumption and display permit under the provisions of Paragraph I shall not exceed \$300, or the maximum amount permitted by M.S. § 340A.414, subd. 6, as it may be amended from time to time. Consumption and display permits shall expire on March 31 of each year.
 10. Culinary class limited on-sale licenses may be issued to a business establishment not otherwise eligible for an on-sale intoxicating liquor license that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six

ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

11. Brew pub on-sale intoxicating liquor or on-sale 3.2% malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to brewers who operate a restaurant in their place of manufacture and who meet the criteria established at M.S. § 340A.24, as it may be amended from time to time. Sales under this license at on-sale may not exceed 3,500 barrels per year. If a brew pub licensed under this paragraph possesses a license for off-sale under Paragraph H,12, the brew pub's total combined retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.
12. Brewer off-sale malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to a brewer that is a licensee under Paragraph H,11 and otherwise meets the criteria established at M.S. § 340A.24, as it may be amended from time to time. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the city. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. All malt liquor sold under this license shall be packaged in the manner required by M.S. § 340A.285 as it may be amended from time to time. Sales under this license may not exceed 500 barrels per year. If a brewer licensed under this paragraph possesses a license under Paragraph H,11, the brewer's total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels. Brewer off-sale malt liquor licenses may also be issued, with approval of the Commissioner, to a holder of a brewer's license under M.S. § 340A.301. subd. 6(c), (i) or (j) and meeting the criteria established by M.S. § 340A.28, as it may be amended from time to time. The amount of malt liquor sold at off-sale may not exceed 750 barrels annually. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. Packaging of malt liquor for off-sale under this license must comply with M.S. § 340A.285, as it may be amended from time to time.
13. Brewer temporary on-sale intoxicating liquor licenses may be issued, with the approval of the Commissioner of Public Safety, to brewers who manufacture fewer than 3,500 barrels of malt liquor in a year for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer.
14. A brewer taproom license, may be issued to the holder of a brewer's license under M.S. § 340A.301 subd. 6(c), (i) or (j) as it may amended from time to time. A brewer's taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. A brewer may have only one taproom license and may not have an ownership interest in a brewer licensed under M.S. § 340A.301 subd. 6(d) as it may be amended from time to time. A brewer taproom license may not be issued to a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually. Within ten days of issuing a brewer taproom license the Administrator, Clerk/Treasurer will inform the Commissioner of Public Safety of the licensee's name, address, trade name and the effective date and expiration date of the license. The Administrator, Clerk/Treasurer will inform the Commissioner of Public Safety of a license transfer, cancellation, suspension, or revocation during the license period.
15. A cocktail room license may be issued to the holder of a state microdistillery license if at least 50% of the annual production of the licensee is processed and distilled on premises. A microdistillery cocktail room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location

owned by the distiller. The holder of a microdistillery cocktail room license may also hold a license to operate a restaurant at the distillery. No more than one cocktail room license may be issued to any distiller and a microdistillery cocktail room license may not be issued to any person having an ownership interest in a distillery licensed under M.S. § 340A.301 subd. 6(a). No single entity may hold both a microdistillery cocktail room and taproom license and a microdistillery cocktail room and taproom license may not be co-located. Within ten days of the issuance of a microdistillery cocktail room license, the city shall inform the Commissioner of Public Safety of the licensee's name and address and trade name, and the effective date and expiration date of the license. The city shall also inform the Commissioner of Public Safety of a microdistillery cocktail room license transfer, cancellation, suspension, or revocation during the license period.

16. A microdistiller off-sale license may be issued to the holder of a state microdistillery license if at least 50% of the annual production of the licensee is processed and distilled on premises. A microdistiller off-sale license authorizes off-sale of one 375 milliliter bottle per customer per day of product manufactured on-site provided the product is also available for distribution to wholesalers. A microdistiller temporary on-sale intoxicating liquor license may be issued to the holder of a state microdistillery license.
17. A microdistillery temporary on-sale intoxicating liquor license authorizes on-sale of intoxicating liquor in connection with a social event within the city sponsored by the microdistillery.

I. License Fees; Pro Rata.

1. No license or other fee established by the city shall exceed any limit established by M.S. Ch. 340A, as it may be amended from time to time, for a liquor license.
2. The Council may establish from time to time in the ordinance establishing fees and charges the fee for any of the liquor licenses it is authorized to issue. The license fee may not exceed the cost of issuing the license and other costs directly related to the enforcement of the liquor laws and this section. No liquor license fee shall be increased without providing mailed notice of a hearing on the proposed increase to all affected licensees at least 30 days before the hearing.
3. The fee for all licenses, except temporary licenses, granted after the commencement of the license year shall be prorated on a monthly basis.
4. All license fees shall be paid in full at the time the application is filed with the city. If the application is denied, the license fee shall be returned to the applicant.
5. A refund of a monthly pro rata share of an annual license fee may be refunded, less the cost of issuance as determined by the Administrator, Clerk/Treasurer, if:
 - a. The license is transferred to a new licensee in accordance with Paragraph N and the city receives a license fee for the remainder of the license term from the transferee; or
 - b. A premises licensed to sell wine receives an on-sale intoxicating liquor license prior to the expiration of the wine license. In this instance, a pro rata share of the wine license may be refunded.

J. Council Discretion To Grant Or Deny A License.

1. The Council in its sound discretion may either grant or deny the application for any license or for the transfer or renewal of any license. No applicant has a right to a license under this section.

2. The Council may take into consideration any nuisance call or calls relating to the premises when considering the operation of the premises, application, transfer, modification or renewal of any license. For the purposes of this paragraph, **NUISANCE CALL** shall be defined as follows: any activity, conduct, or condition occurring on or related to the licensed premises which results in a call or report to the Spring Lake Park Police Department, other law enforcement agency or the Spring Lake Park Code Enforcement Department, including, but not limited to, calls and reports related to the following:
 - a. Any conduct, activity or condition alleged to constitute disorderly conduct, pursuant to M.S. § 609.72.
 - b. Any conduct, activity or condition alleged to constitute a public nuisance, pursuant to M.S. § 609.74 and/or §§ 94.15-94.18.
 - c. Any conduct, activity or condition alleged to constitute an assault pursuant to M.S. § 609.224.
 - d. Any conduct, activity or condition alleged to constitute a violation of Minnesota Statutes relating to prostitution, controlled substances, use of firearms, criminal sexual conduct, and gambling.
 - e. Any conduct, activity or condition alleged to constitute a disorderly house pursuant to M.S. § 609.33.
 - f. Any conduct, activity or condition alleged to constitute a violation of this paragraph.
 - g. A failure to meet the minimum criteria for a restaurant or license holder.
3. Any violation of any provision of this paragraph, or any nuisance call, regardless whether or not a criminal charge has been brought or a criminal conviction has been obtained, may be used by the Council, at its discretion, when considering the granting, denying, suspension, revocation, transfer, modification, or renewal of any license.

K. *Application For License.*

1. *Form.* Every application for a license issued under this section shall be on a form provided by the city. Every application shall state the name of the applicant, the applicant's age, representations as to the applicant's character, with references as the Council may require, the type of license applied for, the business in connection with which the proposed license will operate and its location, a description of the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, and other information as the Council may require from time to time. An application for an on-sale intoxicating liquor license shall be in the form prescribed by the Commissioner of Public Safety and shall also contain the information required in this paragraph. The form shall be verified and filed with the city. No person shall make a false statement in an application.
2. *Responsible party.* Such application must identify a responsible party relative to each license. If the responsible party for a licensee will change, an application for the change shall be provided to the Administrator, Clerk/Treasurer at least 30 days prior to such change and shall be treated the same as an application for a new license. In the event that a 30-day prior notice is not feasible, a written explanation will be submitted to the Administrator, Clerk/Treasurer within one week of the known change documenting the reason(s) for the deviation; this is subject to approval by the police chief or his/her designee. Failure to file a timely application or explanation for a change in responsible party shall be grounds for revocation, suspension or nonrenewal of any license.

3. *Financial responsibility.* Prior to the issuance of any license under this section, the applicant shall demonstrate proof of financial responsibility as defined in M.S. § 340A.409, as it may be amended from time to time, with regard to liability under M.S. § 340A.801, as it may be amended from time to time. This proof will be filed with the city and the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this paragraph shall conform to M.S. § 340A.409, as it may be amended from time to time. Operation of a business which is required to be licensed by this section without having on file with the city at all times effective proof of financial responsibility is a cause for revocation of the license. The licensee shall name the city as a certificate holder on the insurance policy or bond.

L. *Description Of Premises.* The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. The description may not include any parking lot or sidewalk. An application for the proposed enlargement, alteration or extension of any premises previously licensed shall be provided to the Administrator, Clerk/Treasurer at least 30 days prior to such proposed enlargement, alteration or extension and shall be treated the same as an application for a new license. Failure to file an application for such enlargement, alteration or extension shall be grounds for revocation, suspension or non-renewal of any license. All premises licensed under this paragraph shall be in compliance with all federal, state, municipal, building, zoning, and fire regulations. Failure to comply with any such federal, state, municipal, building, zoning and fire regulations shall be grounds for revocation, suspension or non-renewal of any license.

M. *Application For Renewal.* At least 60 days before a license issued under this section is to be renewed, an application for renewal shall be filed with the city. If, in the judgment of the Council, good and sufficient cause is shown by the applicant for his/her failure to file for a renewal within the time provided, the Council may, if the other provisions of this section are complied with, grant the application. The decision whether or not to renew a license rests within the sound discretion of the Council. No licensee has a right to have the license renewed.

N. *Transfer Of License.* No license issued under this section may be transferred without the approval of the Council. Any transfer of stock of a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Council approval is a ground for revocation of the license. An application to transfer a license shall be treated the same as an application for a new license, and all of the provisions of this code applying to applications for a license shall apply.

O. *Investigation.*

1. *Preliminary background and financial investigation.* On an initial application for a license, on an application for transfer of a license and, in the sound discretion of the Council that it is in the public interest to do so, on an application for renewal of a license, the city shall conduct a preliminary background and financial investigation of the applicant or it may contract with the Commissioner of Public Safety for the investigation. The applicant shall pay with the application an investigation fee set forth under SLPC 3.16.030 Paragraph A which shall be in addition to any license fee. The unused balance of the escrow shall be returned to the applicant. The results of the preliminary investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

2. *Comprehensive background and financial investigation.* If the results of a preliminary investigation warrant, in the sound discretion of the Council, a comprehensive background and financial investigation, the Council may either conduct the investigation itself or contract with the Commissioner of Public Safety for the investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be the amount set forth under SLPC 3.16.030 Paragraph A. The

unused balance of the escrow shall be returned to the applicant whether or not the application is denied. The fee shall be paid in advance of any investigation and the amount actually expended on the investigation shall not be refundable in the event the application is denied. The results of the comprehensive investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

P. *Hearing And Issuance.* The Council shall investigate all facts set out in the application and not investigated in the preliminary or comprehensive background and financial investigations. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall in its sound discretion grant or deny the application. No license shall become effective until the proof of financial security has been approved by the Commissioner of Public Safety.

Q. *Restrictions On Issuance.*

1. Each license shall be issued only to the applicant for the premises described in the application.
2. Not more than one license shall be directly or indirectly issued within the city to any one person.
3. No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the city are delinquent and unpaid. In the event an action has been commenced pursuant to the provisions of M.S. Ch. 278, as it may be amended from time to time, questioning the amount of validity of taxes, the Council may, on application by the licensee, waive strict compliance with this paragraph. No waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one year after becoming due.
4. No license shall be issued for any place or any business ineligible for a license under state law.
5. No license shall be granted if the applicant, responsible party, owner, manager or any other person involved with the licensee:
 - a. Is under 21 years of age;
 - b. Who is not of good moral character and repute;
 - c. Who, if an individual, is not a U.S. citizen or resident alien, or upon whom it is impractical to conduct a background and financial investigation due to the lack of availability of information.
 - d. Who has been convicted, within five years prior to the application of such license, of any violation of any law of the United States, this state or any other state or territory, or of any local ordinance regarding the manufacture, sale or distribution of intoxicating liquor or whose liquor license has been revoked for any violation of any law or ordinance;
 - e. Who is a manufacturer or wholesaler of intoxicating liquor; and no manufacturer or wholesaler shall either directly or indirectly own or control or have any financial interest in any retail business selling intoxicating liquor;
 - f. Who is directly or indirectly interested in any other establishment in the city to which an on-sale liquor license has been issued under this section;
 - g. Who, if a corporation, does not have a manager who is eligible pursuant to the provisions of this paragraph; or

- h. Who is the spouse or a person ineligible for a license pursuant to this paragraph or who, in the judgment of the Council, is not a real party in interest or beneficial owner of the business operated, or to be operated, under the license.
- i. For the purpose of this paragraph, the following definition shall apply unless the content clearly indicates or requires a different meaning.

INTEREST. Any pecuniary interest in the ownership, operation, management or profits of a retail liquor establishment, but does not include bona fide loans, bona fide rental agreements, bona fide open accounts, or other obligations arising out of the ordinary and regular course of the business of selling or leasing merchandise, fixtures or supplies to the establishment.

6. No license, other than a temporary 3.2% malt liquor license or temporary on-sale intoxicating license, shall be granted within 500 feet of any school or church. The distance is to be measured from the closest side of the school or church to the closest side of the structure on the premises within which liquor is to be sold.
7. No license shall be issued for a premises owned, operated or managed by a person or by the spouse of a person, who is the holder of a sexually oriented business special use permit pursuant to SLPC 11.44.

R. *Conditions Of License.* The failure of a licensee to meet any one of the conditions of the license specified below shall result in a suspension of the license until the condition is met.

1. Within 90 days after employment, every person selling or serving liquor in an establishment which has an on-sale license shall receive training regarding the selling or serving of liquor to customers. The training shall be provided by an organization approved by the Council. Proof of training shall be provided by the licensee.
2. Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this section and the law equally with the employee.
3. Every licensee shall allow any peace officer, health officer, city employee, or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect, and search the premises of the licensee during business hours and after business hours during the time when customers remain on the premises without a warrant.
4. No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.
5. Compliance with financial responsibility requirements of state law and of this section is a continuing condition of any license.

S. *Hours And Days Of Sale.*

1. The hours of operation and days of sale shall be those set by M.S. § 340A.504, as it may be amended from time to time, except that the City Council may, by resolution or ordinance, provide for more restrictive hours than state law allows.
2. No person shall consume nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2% malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.
3. No on-sale licensee shall permit any glass, bottle, or other container containing

intoxicating liquor or 3.2% malt liquor to remain upon any table, bar, stool, or other place where customers are served, more than 30 minutes after the time when a sale can legally occur.

4. No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.
5. Any violation of any condition of this paragraph may be grounds for revocation or suspension of the license.

T. *Minors On Premises.*

1. No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2% malt liquor are sold at retail on sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person, host or dishwashing services in places defined as a restaurant, hotel, motel or other multi-purpose building serving food in rooms in which intoxicating liquors or 3.2% malt liquor are sold at retail on sale.

No person under the age of 21 years may enter a licensed establishment except to work, consume meals, or attend social functions that are held in a portion of the premises where liquor is not sold.

U. *Restrictions On Purchase And Consumption.* No person shall mix or prepare liquor for consumption in any public place of business unless it has a license to sell on-sale, or a permit from the Commissioner of Public Safety under the provisions of M.S. § 340A.414, as it may be amended from time to time, which has been approved by the Council, and no person shall consume liquor in any such place.

V. *Suspension And Revocation.*

1. The Council shall either suspend for a period not to exceed 60 days or revoke any liquor license upon finding that the licensee has failed to comply with any applicable statute, regulation, or provision of this section relating to liquor. Except in cases of lapse of proof of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that act, or it may contract with the Office of Hearing Examiners for a hearing officer.
2. The following are the minimum periods of suspension or revocation which shall be imposed by the Council for violations of the provisions of this section or M.S. Ch. 340A, as it may be amended from time to time or any rules promulgated under that section as they may be amended from time to time:
 - a. For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor where the only license is for 3.2% malt liquor, or violation of Paragraph D, the license shall be revoked.
 - b. The license shall be suspended by the Council after a finding under Paragraph V,1 that the licensee has failed to comply with any applicable statute, rule, or provision of this section for at least the minimum periods as follows:
 - (1) For the first violation within any three-year period, at least one day suspension in addition to any criminal or civil penalties which may be imposed.

- (2) For a second violation within any three-year period, at least three consecutive days suspension in addition to any criminal or civil penalties which may be imposed.
- (3) For the third violation within any three-year period, at least seven consecutive days suspension in addition to any criminal or civil penalties which may be imposed.
- (4) For a fourth violation within any three-year period, the license shall be revoked.

c. The Council shall select the day or days during which the license will be suspended.

3. Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this section or state law without further action of the Council. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or of suspension or revocation of a license may request a hearing thereon and, if a request is made in writing to the Clerk, a hearing before the Council shall be granted within ten days. Any suspension under this Paragraph V,2 shall continue until the Council determines that the financial responsibility requirements of state law and this section have again been met.
4. The provisions of Paragraph W pertaining to administrative penalty may be imposed in addition to or in lieu of any suspension or revocation under this section.

W. Penalties.

1. Any person violating the provisions of this chapter or M.S. Ch. 340A as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time is guilty of a misdemeanor and upon conviction shall be punished as provided by law.
2. The Council shall impose a civil penalty of up to \$2,000 for each violation of M.S. Ch. 340A, as it may be amended from time to time, and of this section. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. A hearing under the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Nonpayment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the license is revoked:
 - a. For the first violation within any three-year period: \$500.
 - b. For the second violation within any three-year period: \$ 1,000.
 - c. For the third and subsequent violations within any three-year period: \$2,000.
3. The term **VIOLATION** as used in Paragraph V includes any and all violations of the provisions in this paragraph, or of M.S. Ch. 340A, as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time. The number of violations shall be determined on the basis of the history of violations for the preceding three-year period. Revocation shall occur within 60 days following a violation for which revocation is imposed.

11.12 TOBACCO REGULATIONS

[11.12.010 Purpose](#)

[11.12.020 Definitions And Interpretations - Tobacco Regulations](#)

[11.12.030 License](#)

[11.12.040 License Fees](#)

[11.12.050 Basis For Denial Of License](#)

[11.12.060 Unlawful Sales](#)

[11.12.070 Vending Machines Prohibited](#)

[11.12.080 Self-Service Merchandising Prohibited](#)

[11.12.090 Licensee Responsibility](#)

[11.12.100 Compliance Checks; Inspections](#)

[11.12.110 Unlawful Acts](#)

[11.12.120 Smoking And Vapor Lounges](#)

[11.12.130 Violations And Penalty](#)

11.12.010 Purpose

Because the city recognizes that the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products to persons under the age of 18 violates both state and federal laws; and because studies, which the city accepts and adopts, have shown that youth use of any commercial tobacco product has increased to 26.4% in Minnesota; and because nearly 90% of smokers begin smoking before they have reached the age of 18 years, and that almost no one starts smoking after age 25; and because marketing analysis, public health research, and commercial tobacco industry documents reveal that tobacco companies have used menthol, mint, fruit, candy, and alcohol flavors as a way to target youth and young adults and that the presence of such flavors can make it more difficult to quit; and because studies show that youth and young adults are especially susceptible to commercial tobacco product availability, advertising, and price promotions at tobacco retail environments; and because commercial tobacco use has been shown to be the cause of many serious health problems which subsequently place a financial burden on all levels of government, this ordinance is intended to regulate the sale of commercial tobacco, tobacco related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, to protect youth and young adults against the serious health effects associated with use and initiation, and to further the official public policy of the state to prevent young people from starting to smoke, as stated in M.S. § 144.391, as it may be amended from time to time.

In making these findings, the City Council accepts the conclusions and recommendations of: the U.S. Surgeon General reports, *E-cigarette Use Among Youth and Young Adults* (2016), *The Health Consequences of Smoking — 50 Years of Progress* (2014) and *Preventing Tobacco Use Among Youth and Young Adults* (2012); the Centers for Disease Control and Prevention in their studies, *Tobacco Use Among Middle and High School Students — United States, 2011–2015* (2016), and *Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997* (1998); and of the following scholars in these scientific journals: Chen, J., & Millar, W. J. (1998). Age of smoking initiation: implications for quitting. *Health Reports*, 9(4), 39-46; D’Avanzo, B., La Vecchia, C., & Negri, E. (1994). Age at starting smoking and number of cigarettes smoked. *Annals of Epidemiology*, 4(6), 455–459; Everett, S. A., Warren, C. W., Sharp, D., Kann, L., Husten, C. G., & Crossett, L. S. (1999). Initiation of cigarette smoking and subsequent smoking behavior among U.S. high school students.

Preventive Medicine, 29(5), 327–333; Giovino, G. A. (2002). Epidemiology of tobacco use in the United States. *Oncogene*, 21(48), 7326–7340; Khuder, S. A., Dayal, H. H., & Mutgi, A. B. (1999). Age at smoking onset and its effect on smoking cessation. *Addictive Behaviors*, 24(5), 673–677; Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, A., Henriksen, L. (2017). Tobacco Town: Computational Modeling of Policy December 2018 www.publichealthlawcenter.org Minnesota City Retail Tobacco Licensing Ordinance 6 Options to Reduce Tobacco Retailer Density. *American Journal*

of Public Health, 107(5), 740–746; Minnesota Department of Health. (2018). Data Highlights from the 2017 Minnesota Youth Tobacco Survey. Saint Paul, MN; Tobacco Control Legal Consortium. (2006). The Verdict Is In: Findings from United States v. Phillip Morris, The Hazards of Smoking. University of California

— San Francisco. Truth Tobacco Industry Documents, <https://www.industrydocumentslibrary.ucsf.edu/tobacco/>; Xu, X., Bishop, E. E., Kennedy, S. M., Simpson, S. A., & Pechacek, T. F. (2015) Annual healthcare spending attributable to cigarette smoking: an update. American Journal of Preventive Medicine, 48(3), 326–333, copies of which are adopted by reference.

HISTORY

Amended by Ord. [463](#) on 3/16/2020

11.12.020 Definitions And Interpretations - Tobacco Regulations

- A. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice versa.
- B. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILD RESISTANT PACKAGING. Packaging that meets the definition set forth in Code of Federal Regulations, Title 16, Section 1700.15(b)(1), as in effect on January 1, 2015, when tested in accordance with the methods described in Code of Federal Regulations, Title 16, Section 1700.20. as in effect on January 1, 2015.

COMPLIANCE CHECKS. The system the city uses to investigate and ensure that those authorized to sell tobacco-related products are following and complying with the requirements of this chapter. **COMPLIANCE CHECKS** shall involve the use of persons under the age of 21 authorized by this chapter. **COMPLIANCE CHECKS** shall also mean the use of persons under the age of 21 who attempt to purchase tobacco-related products for educational, research, and training purposes as authorized by state and federal laws. **COMPLIANCE CHECKS** may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to tobacco-related products.

ELECTRONIC DELIVERY DEVICES. Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. **ELECTRONIC DELIVERY DEVICE** includes, but is not limited to, devices manufactured, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems or under any other product name or descriptor. **ELECTRONIC DELIVERY DEVICE** does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

INDIVIDUALLY PACKAGED. The practice of selling any tobacco or tobacco product wrapped individually for sale. **INDIVIDUALLY WRAPPED** tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered **INDIVIDUALLY PACKAGED**.

LOOSIES. The common term used to refer to a single or individually packaged cigarette or any other tobacco product that has been removed from its packaging and sold individually. The term **LOOSIES** does not include individual cigars with a retail price, before any sales taxes, of more than \$2 per cigar.

MAY. The act referred to is permissive.

MOVEABLE PLACE OF BUSINESS. Any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

NICOTINE OR LOBELIA DELIVERY DEVICES. Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this section, not including any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

RETAIL ESTABLISHMENT. Any place of business where tobacco-related products are available for sale to the general public. **RETAIL ESTABLISHMENTS** include, but are not limited to, grocery stores, convenience stores, and restaurants.

SALE. Any transfer of goods for money, trade, barter, or other consideration.

SELF-SERVICE MERCHANDISING. Open displays of tobacco-related products in any manner where any person shall have access to the tobacco-related products, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco-related products between the customer and the licensee or employee. **SELF-SERVICE MERCHANDISING** shall not include vending machines.

SHALL. The act referred to is mandatory.

SMOKING LOUNGE. A location licensed to sell tobacco products where: (a) except for a bona fide sale of a smoking device, provided or otherwise made available for use by a customer, potential customer or any other person a smoking device for the purpose of smoking any tobacco product; (b) it is provided in exchange for a fee or any other consideration seating within or access to the indoor area of a tobacco products shop; or (c) it is permitted within the indoor area the sampling of any tobacco product which was not furnished by the tobacco products shop on the date and at the time the sampling occurs.

TOBACCO or TOBACCO PRODUCTS. Includes cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. **TOBACCO** excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

TOBACCO-RELATED DEVICES. Any tobacco product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products.

TOBACCO-RELATED PRODUCTS. Includes tobacco or tobacco products, tobacco-related devices, electronic delivery devices and nicotine and lobelia delivery devices.

VAPOR LOUNGE. A location that sells electronic delivery devices where: (a) except for a bona fide sale of a smoking device, provided or otherwise made available for use by a customer, potential customer, or any other person a device or product for the purpose of using an electronic delivery device product; (b) it is provided in exchange for a fee or any other consideration seating within or access to the indoor area of a shop that sells electronic delivery devices; or (c) it is permitted within the indoor area of a shop that sells electronic delivery devices the sampling of any electronic delivery device which was not furnished by the shop on the date and time the sampling occurs.

VENDING MACHINE. Any mechanical, electric, or electronic, or other type of device which dispenses tobacco-related products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco-related product.

HISTORY

Amended by Ord. [463](#) on 3/16/2020

11.12.030 License

- A. *License required.* No person shall sell or offer to sell any tobacco-related products without first having obtained a license to do so from the city.
- B. *Application.* An application for a license to sell tobacco, tobacco-related products shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the City Administrator, Clerk/Treasurer shall forward the application to the Police Department for the purpose of conducting a background check on the applicant. The Police Department shall have ten days to complete the background check, and upon its completion shall forward the application and investigation results to the City Council for action at its next regularly scheduled Council meeting. If the Administrator, Clerk/Treasurer shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.
- C. *Action.* The City Council may either approve or deny the license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council shall approve the license, the Administrator, Clerk/Treasurer shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the decision.
- D. *Term.* All licenses issued under this chapter shall expire on December 31 of each year.
- E. *Revocation or suspension.* Any license issued under this chapter may be revoked or suspended as provided in SLPC 11.12.120 and SLPC 11.12.130.
- F. *Transfers.* All licenses issued under this chapter shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the City Council.
- G. *Moveable place of business.* No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this chapter.

- H. *Display*. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.
- I. *Renewals*. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but not more than 60 days before the expiration of the current license.
- J. *Issuance as privilege and not a right*. The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

11.12.040 License Fees

No license shall be issued under this chapter until the appropriate license fee shall be paid in full. The annual fee for a license under this chapter shall be established in the city's ordinance establishing fees and charges, as may be amended from time to time. Initial license applications covering a period of less than one year shall be charged a fee calculated on a monthly pro rata basis.

11.12.050 Basis For Denial Of License

- A. The following shall be grounds for denying the issuance or renewal of a license under this chapter; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license:
 - 1. The applicant is under the age of 21 years;
 - 2. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco-related products;
 - 3. The applicant has had a license to sell tobacco-related products revoked within the preceding 12 months of the date of the application;
 - 4. The applicant fails to provide any information required on the application, or provides false or misleading information; or
 - 5. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation, from holding this type of license.
- B. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section.

HISTORY

Amended by Ord. [463](#) on 3/16/2020

11.12.060 Unlawful Sales

It shall be a violation of this chapter for any person to sell any tobacco-related product:

- A. To any person under the age of 21 years;
- B. By means of any type of vending machine, except as may otherwise be provided in this chapter;
- C. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the tobacco-related product and whereby there is not a physical exchange of the tobacco, tobacco-related product between the licensee or the licensee's employee, and the customer, except as may otherwise be provided in this chapter;

- D. By means of loosies as defined in SLPC 11.12.020;
- E. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or other controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process; or
- F. By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.

HISTORY

Amended by Ord. [463](#) on 3/16/2020

11.12.070 Vending Machines Prohibited

It shall be unlawful for any person licensed under this chapter to allow the sale of tobacco- related products by the means of a self-service vending machine.

HISTORY

Amended by Ord. [463](#) on 3/16/2020

11.12.080 Self-Service Merchandising Prohibited

It shall be unlawful for a licensee under this chapter to allow the sale of tobacco-related products by any means whereby the customer may have access to those items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco-related products between the licensee or his or her clerk and the customer. All tobacco, tobacco-related products shall either be stored behind a counter or other area, not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco-related products at the time this chapter is adopted shall comply with this section within 90 days. This section shall not apply to retail stores which derive at least 90% of their revenue from tobacco-related products and which cannot be entered at any time by persons younger than 21 years of age.

HISTORY

Amended by Ord. [463](#) on 3/16/2020

11.12.090 Licensee Responsibility

All licensees under this chapter shall be responsible for the actions of their employees in regard to the sale of tobacco-related products on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting the clerk to whatever penalties are appropriate under this code, state or federal law, or other applicable law or regulation.

11.12.100 Compliance Checks; Inspections

All licensed premises shall be open to inspection by the City Police Department or other authorized City official during regular business hours the city shall conduct compliance checks from time to time but at least twice per year. The City will conduct at least one compliance check that involves the participation of a person between the ages 15 and 17 and at least one compliance check that involves the participation of a person of the ages 18 and 20 to enter the licensed premises to attempt to purchase tobacco-related products. Prior written consent to participate is required of their parents or guardians for persons over the age of 15 but less than 18 years. Persons under the age of 21 used for the purpose of compliance checks shall be supervised by designated law enforcement officers or other designated city personnel. Persons under the age of 21 used for compliance checks shall not be guilty of an unlawful purchase or attempted purchase, nor the unlawful possession of tobacco, tobacco-related products

when those items are obtained or attempted to be obtained as a part of the compliance check. No person under the age of 21 used in compliance checks shall attempt to use a false identification misrepresenting the person's age, and all persons under the age of 21 lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law.

HISTORY

Amended by Ord. [463](#) on 3/16/2020

11.12.110 Unlawful Acts

Unless otherwise provided, the following acts shall be a violation of this chapter.

- A. *Illegal sales.* It shall be a violation of this chapter for any person to sell or otherwise provide any tobacco-related product to any person under the age of 21.
- B. *Illegal possession.* It shall be a violation of this chapter for any person under the age of 21 to have in his or her possession any tobacco-related product. This paragraph shall not apply to persons under the age of 21 lawfully involved in a compliance check.
- C. *Illegal use.* It shall be a violation of this chapter for any person under the age of 21 to smoke, chew, sniff, or otherwise use any tobacco-related product.
- D. *Illegal procurement.* It shall be a violation of this chapter for any person under the age of 21 to purchase or attempt to purchase or otherwise obtain any tobacco-related product, and it shall be a violation of this chapter for any person to purchase or otherwise obtain items of this type on behalf of a person under the age of 21. It shall further be a violation for any person to coerce or attempt to coerce a person under the age of 21 to illegally purchase or otherwise obtain or use any tobacco-related product. This paragraph shall not apply to minors lawfully involved in a compliance check.
- E. *Use of false identification.* It shall be a violation of this chapter for any person to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.
- F. *Liquid packaging.* Effective January 1, 2015, it shall be a violation of this section for any licensee to sell any liquid, whether or not such liquid contains nicotine, that is intended for human consumption and use in an electronic delivery device, that is not in child resistant packaging.

HISTORY

Amended by Ord. [463](#) on 3/16/2020

11.12.120 Smoking And Vapor Lounges

Smoking lounges and vapor lounges are prohibited.

11.12.130 Violations And Penalty

- A. *Misdemeanor prosecution.* Nothing in this chapter shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this chapter.
- B. *Violations.*
 - 1. *Notice.* Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, an administrative offense citation pursuant to SLPC 3.20,

setting forth the alleged violation and the alleged violator's right to be heard on the accusation.

2. *Hearing.* The person accused of violating this chapter may request a hearing in writing within 14 days of receipt of the notice of violation, and a hearing shall be scheduled, the time and place of which shall be provided to the accused violator.
3. *Hearing officer.* The Administrator, Clerk/Treasurer or his or her designee shall serve as the hearing officer.
4. *Decision.* If the hearing officer determines that a violation of this chapter did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under this section, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings shall be recorded and a copy provided to the acquitted accused violator.
5. *Appeal.* Appeals of any decision made by the hearing officer shall be made to the City Council in writing within seven days of receipt of the hearing officer's decision. The decision of the City Council shall be final.
6. *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

C. *Administrative penalties.*

1. *Licensees.* Any licensee found to have violated this chapter, or whose employee shall have violated this chapter, shall be charged an administrative fine of \$75 for a first violation of this chapter, \$200 for a second offense at the same licensed premises within a 24-month period, and \$250 for a third or subsequent offense at the same location within a 24-month period. After the third offense, the license is automatically suspended for seven days commencing the day following the date of the third offense. In addition to the seven-day suspension, the City Council shall conduct a hearing at the regular Council meeting following the third violation to determine whether the license should be suspended longer than seven days. Any additional suspension may be for the remainder of the license period or 90 days, whichever is greater. Upon a fourth violation at the same location within a 24-month period, the license will be revoked.
2. *Other individuals.* Other individuals, other than persons under the age of 21 regulated by Paragraph C, found to be in violation of this chapter shall be charged an administrative fine of \$50.
3. *Persons under the age of 21.* Persons under the age of 21 found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco-related products, may be referred to the Anoka County Attorney's Office.
4. *Statutory penalties.* If the administrative penalties authorized to be imposed by M.S. § 461.12, as it may be amended from time to time, differ from these established in this section, then the statutory penalties shall prevail.

HISTORY

Amended by Ord. [463](#) on 3/16/2020

[11.16 PAWNBROKERS](#)

[11.16.010 General Provisions](#)

[11.16.020 Licensing](#)

[11.16.030 Operating Regulations](#)

11.16.010 General Provisions

A. Purpose.

1. The City Council finds that the use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The City Council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The City Council further finds that the pawn industry has outgrown the city's current ability to effectively or efficiently identify criminal activity related to pawn shops. The purpose of this chapter is to prevent pawn businesses from being used as facilities for the commission of crimes, and to assure that these businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city.
2. To help the Police Department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this chapter also implements and establishes the required use of an electronic reporting and criminal investigation system.

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

BILLABLE TRANSACTION. Every reportable transaction conducted by a pawnbroker except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee's possession.

PAWNBROKER. Any natural person, partnership, or corporation, either as principal, or agent or employee thereof, who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a **PAWNBROKER'S** business includes buying personal property previously used, rented, or leased, or selling it on consignment, the provisions of this chapter shall be applicable.

REPORTABLE TRANSACTION. Every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, except:

1. The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of that merchandise; provided, the pawnbroker must maintain a record of the purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record; or
2. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and redemption periods have expired.

C. Exemptions. This chapter does not apply to or include the following:

1. Sales by a person licensed as a motor vehicle dealer;
2. The sale of secondhand books, magazines, sound or video recordings, or films;

3. The sale of goods at an auction held by a licensed auctioneer;
4. The business of buying or selling only those secondhand goods taken as part of full payment for new goods and where that business is incidental to and not the primary business of a person;
5. A bulk sale of property from a merchant or manufacturer or wholesaler having an established place of business or of goods sold at open sale from bankrupt stock;
6. Goods sold at a public market; or
7. Goods sold at an exhibition.

D. *Violations.* Violation of any provision of this chapter shall be misdemeanor.

11.16.020 Licensing

A. *Fees.* The annual license fee and the electronic reporting and criminal investigation system fee for a pawnbroker or pawnbrokers for a location where more than one is engaged in business shall be separately set from time to time, by ordinance of the City Council as it, in its discretion, deems appropriate.

B. *License Application.*

1. *Application; content.* An application form provided by the City must be completed by every applicant for a new license or for renewal of an existing license. Every new applicant must provide all the following information:

a. If the applicant is a natural person:

- (1) The name, place and date of birth, street resident address, and phone number of the applicant;
- (2) Whether the applicant is a citizen of the U.S. or resident alien;
- (3) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used;
- (4) The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by M.S. § 333.01, as it may be amended from time to time;
- (5) The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding five years and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five years;
- (6) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant must furnish information as to the time, place, and offense of all such convictions;
- (7) The physical description of the applicant;
- (8) The applicant's current personal financial statement and true copies of the applicant's federal and state tax returns for the two years prior to application; and
- (9) If the applicant does not manage the business, the name of the

manager(s) or other person(s) in charge of the business and all information concerning each of them required in Paragraphs B,1,a,(1) through B,1,a,(7).

b. If the applicant is a partnership:

- (1) The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in Paragraph B,1,a;
- (2) The name(s) of the managing partner(s) and the interest of each partner in the licensed business;
- (3) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to M.S. § 333.01, as it may be amended from time to time, a certified copy of that certificate must be attached to the application;
- (4) A true copy of the federal and state tax returns for the partnership for the two years prior to application; and
- (5) If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in Paragraphs B,1,a,(1) through B,1,a,(7).

c. If the applicant is a corporation or other organization:

- (1) The name of the corporation or business form, and if incorporated, the state of incorporation;
- (2) A true copy of the certificate of incorporation, articles of incorporation, or association agreement, and bylaws shall be attached to the application. If the applicant is a foreign corporation, a certificate of authority as required by M.S. § 303.06, as it may be amended from time to time, must be attached;
- (3) The name of the manager(s) or other person(s) in charge of the business and all information concerning each manager, proprietor, or agent required in Paragraphs B,1,a,(1) through B,1,a,(7); and
- (4) A list of all persons who control or own an interest in excess of 5% in the organization or business form or who are officers of the corporation or business form and all information concerning those persons required in Paragraph B,1,a. This Paragraph B,1,c,(4), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and is applying for a license to be owned and operated by it.

d. For all applicants:

- (1) Whether the applicant holds a current pawnbroker, precious metal dealer, or secondhand goods dealer license from any other governmental unit;
- (2) Whether the applicant has previously been denied, or had revoked or suspended, a pawnbroker, precious metal dealer, or secondhand dealer license from any other governmental unit;
- (3) The location of the business premises;
- (4) If the applicant does not own the business premises, a true and complete

copy of the executed lease;

- (5) The legal description of the premises to be licensed;
- (6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid;
- (7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed; and
- (8) Other information as the City Council or issuing authority may require.

2. *Site plan.* The application for a pawnbroker license must be accompanied by a site plan drawn to scale. The site plan must contain:

- a. A legal description of the property upon which the proposed licensed premises are situated;
- b. A plot plan;
- c. The exact location of the licensed premises on the property, customer and employee parking areas, accesses onto the property, and entrance into the premises;
- d. The location of and distance from the nearest church, school, hospital, and residence; and
- e. A floor plan of the licensed premises.

3. *New manager.* When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application within 14 days. The application must include all appropriate information required in this paragraph.

- a. *Investigation fee.* Upon completion of an investigation of a new manager, the licensee must pay an amount equal to the cost of the investigation to assure compliance with this paragraph. If the investigation process is conducted solely within this state, the fee shall be as set from time to time by Council ordinance. If the investigation is conducted outside this state, the issuing authority may recover the actual investigation costs not exceeding \$10,000.
- b. *Application execution.* All applications for a license under this paragraph must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a natural person, it must be signed and sworn to by that person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.
- c. *Investigation.* The Police Department must investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant must furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application.
- d. *Persons ineligible for a license.* No licenses under this paragraph will be issued to an applicant who is a natural person, a partnership if the applicant has any

general partner or managing partner, or a corporation or other organization if the applicant has any manager, proprietor, or agent in charge of the business to be licensed, if the applicant:

- (1) Is a minor at the time that the application is filed;
- (2) Has been convicted of any crime directly related to the occupation licensed as prescribed by M.S. § 364.03(2), as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this chapter as prescribed by M.S. § 364.03(3), as it may be amended from time to time; or
- (3) Is not of good moral character or repute.

C. *Public Hearing.* A pawnbroker license will not be issued or renewed without a public hearing. Any person having an interest in or who will be affected by the proposed license will be permitted to testify at the hearing. A public hearing must be preceded by at least ten days' published notice specifying the location of the proposed licensed business premises.

D. *Bond Required.* Before a license will be issued, every applicant must submit a \$5,000 bond on the forms provided by the licensing authority. All bonds must be conditioned that the principal will observe all laws in relation to pawnbrokers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which have come into the principal's hand through the principal's business as a pawnbroker, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be cancelled except upon 30 days' written notice to the city, which shall be served upon the licensing authority.

E. *Ineligible Places.* A license will not be issued or renewed under this chapter for any place or for any business:

1. If taxes, assessments, or other financial claims of the city or the state on the licensee's business premises are delinquent and unpaid;
2. If the premises are located within 500 feet of any structure containing a public or private school, church, licensed day care center, public library, park, or municipal building, or are within 500 feet of any residential district;
3. Where operation of a licensed premises would violate zoning ordinances; or
4. Where the applicant's present license was issued conditioned upon the applicant making specified improvements to the licensed premises or the property of the licensed premises which improvements have not been completed.

F. *License Denial, Suspension, Or Revocation; Penalties.*

1. Any license under this chapter may be denied, suspended, or revoked for one or more of the following reasons:
 - a. The proposed use does not comply with the any applicable zoning code;
 - b. The proposed use does not comply with any health, building, building maintenance, or other provisions of this chapter or other ordinances of the city, or state law;
 - c. The applicant or licensee has failed to comply with one or more provisions of this chapter;

- d. The applicant is not a citizen of the U.S. or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information;
- e. Fraud, misrepresentation, or bribery in securing or renewing a license;
- f. Fraud, misrepresentation, or false statements made in the application and investigation for, or in the course of, the applicant's business;
- g. Violation within the preceding five years of any law relating to theft, damage or trespass to property, sale of a controlled substance, operation of a business, or any other crime showing a lack of moral turpitude; or
- h. The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this chapter.

2. Penalties.

- a. *Misdemeanors.* A person who violates this chapter is guilty of a misdemeanor unless otherwise provided by law.
- b. *Administrative civil penalties.* If a licensee or an employee of a licensee is found to have violated this chapter, in addition to and independent from any criminal action, the City Council may impose an administrative penalty as follows:
 - (1) First violation: a civil fine of \$500.00
 - (2) Second violation within 12 months of another: a civil fine in the amount of \$750.00 and suspension of license for a period often (10) days.
 - (3) Third violation within 24 months of two others: a civil fine in the amount of \$1,000.00 and suspension of license for a period of twenty (20) days.
 - (4) Fourth violation within 36 months of three others: revocation of license.
- c. *Presumptions regarding administrative penalties.* The administrative penalties described herein are the presumed sanctions for the violations indicated, however, the City Council reserves the right to adjust the term of any suspension due to the severity of a violation. If the City Council determines it is appropriate to deviate from these presumed sanctions, it shall inform the licensee of the reasons for this departure. In the event of any license suspension imposed under this paragraph, the City Council may select which days a suspension will be served. Notwithstanding the provision contained herein, a license may be revoked for any violation of this paragraph when in the judgment of the Council it is appropriate to do so. The City Council may by resolution revise the amount of the above civil penalties or the presumed suspension terms. Other mandatory requirements may be made of the licensee, including but not limited to, meetings with the Police Department staff to present a plan of action to assure that the problems will not continue, mandatory education sessions with Police Department staff, or other action that the City Council deems appropriate.
- d. *Hearing.* Before the City Council may revoke or suspend a license under this chapter, it must first notify the licensee of its intention to take such action and provide the licensee the opportunity to be heard during public hearing on the matter.

G. *Licensed Business Only At One Location.* A license under this chapter authorizes the licensee to carry on its business only at the permanent place of business designated in the license.

However, upon written request, the police license inspector may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility in accordance with SLPC 11.16.030 Paragraph G. All provisions of this chapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of this city code. The licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premises that extends for more than six months.

- H. *Refunds*. The Administrator, Clerk/Treasurer will refund a pro rata share of the license fee for a license to the licensee or the licensee's estate if:
1. The business ceases to operate because of destruction or damage; or
 2. The licensee dies.
- I. *Death Of Licensee*. In the case of the death of the licensee, the personal representative of the estate of the licensee may continue operation of the business for not more than 90 days after the licensee's death.
- J. *Use Of "Three Balls" Restricted*. No pawnbroker shall exhibit and maintain any sign usually known as a pawnbroker's sign, such as "three balls," or advertise in any way as such without first being licensed under this chapter.
- K. *County License*. Pawnbrokers dealing in precious metals and gems must be licensed by Anoka County.

11.16.030 Operating Regulations

A. Records Required.

1. *Transaction records*. At the time of any reportable transaction other than renewals, extensions, or redemptions, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the Police Department:
 - a. A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item;
 - b. The purchase price, amount of money loaned upon, or pledged therefor;
 - c. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges;
 - d. The date, time, and place the item of property was received by the licensee, and the unique alpha or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records;
 - e. The full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including: sex, height, weight, race, color of eyes, and color of hair;
 - f. The identification number and state of issue from any of the following forms of identification of the seller:
 - (1) Current valid driver's license of this state;
 - (2) Current valid identification card of this state;

- (3) Current valid photo identification card issued by another state or province of Canada.
- (4) Current valid military identification card; or
- (5) Current valid passport.

g. The signature of the person identified in the transaction;

- (1) Color photograph or video recording of each customer involved in a billable transaction and every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed to the item;
- (2) If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. These photographs must be available to the Police Chief, or the Chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three months.

h. Licensees must fulfill the color photograph requirements in this paragraph by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in Paragraph A,1,h.

2. *Renewals, extensions, and redemptions.* For renewals, extensions, and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.
3. *Inspection of records.* The records must at all reasonable times be open to inspection by the Police Department or other city employees or agents. Data entries shall be retained for at least three years from the date of transaction. Entries of required digital images shall be retained a minimum of 90 days.

B. *Daily Reports To Police.*

1. *Daily reports required.* Effective no later than 60 days after the Police Department provides licensees with the most current electronic reporting and criminal investigation system, licensees must submit every reportable transaction to the Police Department daily in the following manner.
2. *Manner of report.* Licensees must provide to the Police Department all information required in Paragraphs A,1,a through A,1,f and other required information, by transferring

it electronically from their computer to the electronic reporting and criminal investigation system established by the Police Department. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority using procedures that address security concerns of the licensees and the issuing authority. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the Police Department daily.

3. *Billable transaction fees.* Licensees will be charged an annual fee for use of the electronic reporting and criminal investigation system.
4. *Technical difficulties; alternative reporting methods.*
 - a. If a licensee is unable to successfully transfer the required reports electronically, the licensee must provide the Police Department printed copies of all reportable transactions along with the video for that date, by 12:00 noon the next business day.
 - b. Until the licensee's system is corrected, the licensee must provide the required reports in Paragraph B,4,a, by printed copy, and resubmit all such transactions electronically when the error is corrected.
 - c. If a licensee is unable to capture, digitize, or transmit the photographs required in Paragraph A,1,h the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the Police Department upon request.
 - d. Regardless of the cause or origin of the technical problem that prevented the licensee from uploading his or her reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.

C. Receipt Required.

1. Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three years.
2. The receipt must include at least the following information:
 - a. The name, address, and telephone number of the licensed business;
 - b. The date and time the item was received by the licensee;
 - c. Whether the item was pawned or sold, or the nature of the transaction;
 - d. An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on the item;
 - e. The signature or unique identifier of the licensee or employee that conducted the transaction;
 - f. The amount advanced or paid;
 - g. The monthly and annual interest rates, including all pawn fees and charges;
 - h. The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date;
 - i. The full name, current residence address, current residence telephone number,

and date of birth of the pledger or seller;

- j. The identification number and state of issue from any of the following forms of identification of the seller:
 - (1) Current valid driver's license of this state;
 - (2) Current valid identification card of this state; or
 - (3) Current valid photo driver's license or identification card issued by another state or a province of Canada.
- k. A description of the pledger or seller including approximate sex, height, weight, race, color of eyes, and color of hair;
- l. The signature of the pledger or seller; and
- m. All printed statements as required by M.S. § 325J.04(2), as it may be amended from time to time, or any other applicable statutes.

D. *Redemption Period.* Any person pledging, pawning, or depositing an item for security must have a minimum of 60 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 60-day holding period, items may not be removed from the licensed location except as provided in SLPC 11.16.020 Paragraph G. Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the police license inspector. Written authorization for release of property to persons other than the original pledger must be maintained along with original transaction record in accordant with Paragraph A.

E. *(Reserved)*

F. *Police Order To Hold Property.*

1. *Investigative hold.* Whenever a law enforcement official from any agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within 72 hours and will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order to hold or confiscate is issued, pursuant to Paragraph F,2, whichever comes first.
2. *Order to hold.* Whenever the Police Chief, or the Chief's designee, notifies a licensee not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the Chief or the Chief's designee. The order to hold shall expire 90 days from the date it is placed unless the Police Chief or the Chief's designee determines a hold is still necessary and notifies the licensee in writing.
3. *Order to confiscate.* If an item is identified as stolen or evidence in a criminal case, the Chief or Chief's designee may:
 - a. Physically confiscate and remove it from the shop, pursuant to a written order from the Chief or the Chief's designee; or
 - b. Place the item on hold or extend the hold as provided in Paragraph F,2, and leave it in the shop.
4. *Confiscation; identification.* When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the

name and phone number of the confiscating agency and investigator, and the case number related to the confiscation.

5. *Termination.* When an order to hold or confiscate is no longer necessary, the Police Chief or Chief's designee shall so notify the licensee.

G. *Inspections.* At all times during the term of the license, the licensee must allow law enforcement officials to enter the premises where the licensed business is located, including all off-site storage facilities as authorized in SLPC 11.16.020 Paragraph G, during normal business hours, except in an emergency, for the purpose of inspecting the premises and inspecting the items, wares, and merchandise, and records therein to verify compliance with this chapter or other applicable laws.

H. *Label Required.* Licensees must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the Police Department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.

I. *Unlawful Acts.*

1. No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any licensee, nor may any licensee receive any goods from a person under the age of 18 years.

2. No licensee may receive any goods from a person of unsound mind or an intoxicated person.

3. No licensee may receive any goods, unless the seller presents identification in the form of a valid driver's license, a valid identification card from this state, or current valid photo driver's license or identification card issued by the state of residency of the person from whom the item was received.

4. No licensee may receive any item of property that possesses an altered or obliterated serial number or operation identification number or any item of property that has had its serial number removed.

5. No person may pawn, pledge, sell, consign, leave, or deposit any article of property not his or her own; nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without; nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest; with any licensee.

6. No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any licensee shall give a false or fictitious name; nor give a false date of birth; nor give a false or out-of-date address of residence or telephone number; nor present a false or altered identification, or the identification of another; to any licensee.

J. *Weapons.* It is the finding of the City Council that pawnbrokers should be authorized and allowed to receive handguns as a pledge and to accept handguns for consignment or sale within the ordinary course of business.

K. *Hours Of Operation.* No property shall be received as a pledge or purchase by any pawnbroker, nor shall any property be sold by a pawnbroker on any day before 9:00 a.m. or after 8:00 p.m., Monday through Friday, nor after 6:00 p.m. on Saturday and Sunday; further, no pawnbroker shall be open for business on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, or Christmas Day.

11.20 SECONDHAND GOODS DEALERS

[11.20.010 Secondhand Goods Dealers; General Provisions](#)

[11.20.020 Secondhand Goods Dealers; Licensing](#)

[11.20.030 Secondhand Goods Dealers; Operating Regulations](#)

[11.20.040 Used Car Dealers](#)

11.20.010 Secondhand Goods Dealers; General Provisions

A. *Definitions.* For the purpose of this section and for SLPC 11.20.020 Paragraph A and SLPC 11.20.030 Paragraph A, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

RECEIVE. To purchase, accept for sale or consignment any secondhand goods.

SECONDHAND GOODS DEALER. A person whose regular business includes selling or receiving tangible personal property (excluding motor vehicles) previously used, rented, owned, or leased.

B. *Exceptions.* This section and SLPC 11.20.020 Paragraph A and SLPC 11.20.030 Paragraph A do not apply to, or include, the following:

1. The sale of secondhand goods where all of the following conditions are present:

- a. The sale is held on property occupied as a dwelling by the seller or owned, rented, or leased by a charitable or athletic organization;
- b. The sale does not exceed a period of 72 consecutive hours; and
- c. None of the items offered for sale have been purchased for resale or received on consignment for purpose of resale.

2. Sales by a person licensed as a motor vehicle dealer;

3. The sale of goods at an auction held by a licensed auctioneer;

4. A bulk sale of property from a merchant or manufacturer or wholesaler having an established place of business or of goods sold at open sale from bankrupt stock;

5. Goods sold at an exhibition;

6. Infants', toddlers', or children's clothing, toys, equipment, and furniture; or

7. Maternity clothing.

C. *Inspection; Right Of Entry.* A peace officer or any properly designated employee of the city or the state may enter, inspect, and search business premises licensed under SLPC 11.20.020 Paragraph A during business hours without a warrant.

D. *Violations.* Violation of any provision of this section, or SLPC 11.20.020 Paragraph A and SLPC 11.20.030 Paragraph A, shall be a misdemeanor.

11.20.020 Secondhand Goods Dealers; Licensing

A. *License Required.* No person, partnership, or corporation shall engage in or carry on the business of a secondhand goods dealer without first obtaining a license issued by the city for each and every office or place of business operated by that licensee in the city.

B. *Multiple Dealers License.*

1. The owner of a business at which two or more secondhand goods dealers are engaged in business by maintaining separate sales space and identifying themselves to the public as individual dealers may obtain a multiple secondhand goods dealer license for the location.
2. A multiple license may not be issued unless the following requirements are present:
 - a. The businesses must have a single name and address;
 - b. The businesses must operate in a compact and contiguous space;
 - c. The businesses must be under the unified control and supervision of the one person who holds the license; and
 - d. Sales must be consummated at a central point or register operated by the owner of the business and the owner must maintain a comprehensive account of all sales.

C. *License Fee.* The annual license fee for a secondhand goods dealer shall be set from time to time by resolution of the City Council as it, in its discretion, deems appropriate.

D. *License Application.*

1. Every applicant for a license to maintain, operate, or conduct a secondhand goods dealer's shop or a secondhand goods dealer's shop with multiple dealers, shall file a completed application under oath with the city upon a form provided by the office of the Administrator, Clerk/Treasurer and pay an associated, non-refundable application fee in an amount as set from time to time by resolution of the City Council as it, in its discretion, deems appropriate. The application, once accepted, shall be referred to the City Police Department for investigation in accordance with this section. Copies of the application shall be forwarded to those other city departments as the City Council deems necessary for verification and investigation of the facts set forth in the application. The Police Chief and other department heads shall make a written recommendation to the City Council as to the issuance or non-issuance of the license within 30 days.
2. The completed application form shall contain all of the information indicated and requested including the following:
 - a. The name, place and date of birth, and street residence of the applicant;
 - b. The business address and the name and address of the owner of the premises as well as the name of the business itself;
 - c. A statement as to whether, within the preceding five years, the applicant has been convicted of any law relating to theft, trespass or damage to property, sale of a controlled substance, or the operation of any type of business. As to each offense listed, the nature of the offense must be described with particularity and the penalty therefor assessed;
 - d. Whether the applicant is a natural person, corporation, or partnership. If the applicant is a corporation, the state of incorporation and the names and addresses of all officers and directors with their titles as appropriate; and
 - e. The name of the manager or proprietor of the business.
3. If the applicant is a natural person, the application shall be sworn to by the person; if a corporation, by the agent authorized to sign; and if a partnership, by a partner.
4. No person shall make any material false statement in an application. In addition to other penalties, the licensee's license may be revoked by the City Council for any false or

fraudulent information given on an application.

E. *Site Plan.*

1. The application for a secondhand goods dealer license must be accompanied by a site plan drawn to scale.
2. The site plan must contain:
 - a. A legal description of the property upon which the proposed licensed premises are situated;
 - b. A plot plan;
 - c. The exact location of the licensed premises on the property, customer and employee parking areas, accesses onto the property, and entrance into the premises;
 - d. The location of and distance from the nearest church, school, hospital, and residence; and
 - e. A floor plan of the licensed premises.

F. *Investigation; Fee.*

1. *Conduct.* The city, prior to the granting of an initial or renewed secondhand goods dealer license, must conduct a preliminary background and financial investigation of the applicant. Any person having a beneficial interest in the license must be investigated. The investigation shall be conducted by the Police Chief of the city as well as those other city departments as the City Council shall deem necessary for verification and investigation, and results of the investigation shall be reported to the City Council. The Police Chief and all other department heads must verify the facts stated in the application and must report all convicted violations of state law, federal law, or municipal ordinances involving the applicant, interested persons, or the licensed premises while under the applicant's proprietorship, and shall further report as to findings relating to business responsibility, moral character, and reputation of the applicant and all interested persons and whether or not the applicant is capable of operating a business in a manner consistent with the public health, safety, and good morals.
2. *Fee.* The City Council, by resolution as it in its discretion deems appropriate, shall, from time to time, set an investigation fee to be charged all applicants in connection with the processing of the application and the conduct of the investigation as required under this paragraph. The applicant shall be notified of the investigation fee prior to the City Council's final action on the license application, and the investigation fee shall be payable upon terms as established by the Administrator, Clerk/Treasurer and shall be non-refundable.

G. *Granting Of License.* After review of the license application and the investigation report, the City Council shall act upon the license application and may grant or refuse the license for a new or renewed secondhand goods dealer after duly considering all submitted information.

H. *Ineligible Persons.* A secondhand goods dealer license shall not be issued to:

1. A person not a citizen of the U.S. or a resident alien;
2. A person under 18 years of age;
3. Subject to the provisions of law, a person who has been convicted of receiving stolen property, sale of stolen property or controlled substance, burglary, robbery, damage or

trespass to property, or any law or ordinance regulating the business of secondhand goods dealers;

4. A person who, within five years of the license application date, had a secondhand goods dealer license revoked;
5. A person whom the City Council determines not to be of sufficient good moral character or repute; or
6. When the City Council determines, after investigation, that issuance or renewal of the license would adversely affect the public health, safety, or welfare.

- I. *License Non-Transferable.* A license will be issued to the applicant and only for the business premises as described in the application. The license is effective only for the premises specified in the approved license application. The license shall not be transferred to any other person, partnership, or corporation or be used for any other premises than the one specified. Violation of any of these restrictions shall be grounds for the revocation of the license.
- J. *Term And Expiration; Pro Rata Fee.* Any secondhand goods dealer license issued under this section shall be for a period of one year beginning on January 1, except that if the application is made during a license year, a license may be issued for the remainder of the license year for a monthly pro rata fee. Any unexpired fraction of a month will be counted as a complete month, and all licenses, regardless of date of issue, shall expire on December 31 of the year during which the license was issued.
- K. *License Suspension Or Revocation.* A license under this section may be suspended or revoked by the Council after a public hearing where the licensee is granted the opportunity to be heard for one or more of the following reasons:
 1. The operation of the business is in conflict with any provision of this chapter;
 2. The operation of the business is in conflict with any health, building maintenance, zoning, or any other provisions of this code or law;
 3. The licensee of the business premises fails to conform with the standards for license application contained in this section;
 4. The licensee has failed to comply with one or more provisions of this chapter or any statute, rule, or ordinance pertaining to the business of secondhand goods dealers;
 5. Fraud or misrepresentation or bribery in securing a license; or misrepresentation of any fact on the application;
 6. Fraud, misrepresentation, or false statements made in the course of the applicant's business; or
 7. Subject to the provisions of law, violation within the preceding five years of any state or federal law relating to theft, damage or trespass to property, sale of a controlled substance or stolen goods, or operation of a business.

11.20.030 Secondhand Goods Dealers; Operating Regulations

A. Records Required.

1. A licensed secondhand goods dealer, at the time of receipt of an item, must immediately record in ink or other indelible medium in the English language in a book or word processing unit, the following information:
 - a. An accurate description of the item including, but not limited to, any trademark,

identification number, serial number, model number, brand name, and other identifying mark on the items;

- b. The purchase price;
- c. The date, time, and place of receipt;
- d. The name, address, and date of birth from whom the item was received; and
- e. The identification number from any of the following forms of identification of the seller:
 - (1) A valid picture driver's license of this state;
 - (2) A valid picture identification card of this state; or
 - (3) A medicard.

2. The books as well as the goods received must be opened for inspection by the Police Department at reasonable times. Records required by this paragraph must be stored and maintained by the licensee on the premises of the business for a period of at least three years and the records shall remain at all times on the premises.

B. *Stolen Goods; Report.* A licensed secondhand goods dealer must report immediately to the police any article pledged or received or sought to be pledged or received if the licensee has reason to believe that the article was stolen or lost.

C. *Seizure Of Stolen Property.* The City Police Department, and any of its duly authorized members, may immediately seize from any licensed secondhand goods dealer any property which can be confirmed as stolen property for any type of identification process; the same can be immediately taken into possession of the Police Department without a warrant.

D. *Receipt.*

1. A licensed secondhand goods dealer must provide a receipt to the seller or consignor of any items.
2. This receipt shall include:
 - a. The address and phone number of the business;
 - b. The date;
 - c. A description of the item purchased; and
 - d. The purchaser's signature.

E. *Payment By Check.* When secondhand goods dealers buy or otherwise receive an item at the licensed place of business, payment must be made by check, made payable to a named payee who is the actual intended seller. This paragraph does not apply to purchases of individual items, or items in aggregate, purchased from one individual, with a total value of \$15 or less.

F. *Police Orders.* If a city officer notifies a licensed secondhand goods dealer not to sell an item, the item may not be sold or removed from the licensed premises until authorized to be released by a member of the City Police Department.

G. *Weapons.* A licensed secondhand goods dealer may not receive as a pledge or otherwise accept for consignment or sale any revolver, pistol, sawed-off shotgun, automatic rifle, blackjack, switchblade knife, or other similar weapon or firearm.

H. *Unlawful Acts.*

1. *Minors.* A minor, being defined as any person under the age of 18 years, may not sell or consign or attempt to sell or consign goods from a secondhand goods dealer. A secondhand goods dealer may not receive goods from a minor.
2. *Others.* A secondhand goods dealer may not receive any goods from a person of unsound mind or an intoxicated person.
3. *Identification.* A secondhand goods dealer may not receive goods unless the seller presents identification in the form authorized under Paragraph A,1,e.

11.20.040 Used Car Dealers

A. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE. All vehicles propelled by any power other than muscular power, which do not run upon rails, except traction engines, road rollers, and farm tractors.

USED CAR DEALER. Any person whose principal business is the buying and selling or storage of secondhand motor vehicles, parts, and accessories.

B. *License Required.* No person shall, within the limits of the city, engage in or carry on the business of dealing in, buying, selling, storing, exchanging, or assembling secondhand motor vehicles without first having obtained and paid for a license herein provided.

C. *License Application.*

1. Every person desiring to procure a license, as provided in this section, shall file with the Administrator, Clerk/Treasurer a written application upon a form prepared and furnished by the city.
2. The application shall contain the names and residences of the applicant, if an individual, partnership, or firm, or the names of the principal officers and their residences if the applicant is an association or corporation. The application shall also describe in detail the character of the business in which he or she desires to engage. It shall also state the following:
 - a. The length of time the applicant, if an individual, firm, or partnership, or the manager or person in charge, if the applicant is a firm, partnership, corporation, or association, has or have resided in the city, his or her places of previous employment, whether married or single, whether he or she has been convicted of a felony or misdemeanor, and, if so, what offense, when, and what court;
 - b. The premises where or from which the business is to be located or carried on, giving street and number;
 - c. Whether the applicant has, either alone or with someone else, previously been a used car dealer or motor vehicle junk dealer; and
 - d. Other information as may be required by the City Council.

D. *License Fee; Term; Transfer; Duplicates.* Every used car dealer shall pay an annual license fee for each established place of business, as set from time to time by Council resolution. All licenses shall be issued as of January 1 and shall continue in force until January 1 next succeeding the date of issuance thereof, unless sooner revoked by the City Council. No license shall be used by any person other than the original licensee, and any holder of a license who

permits it to be used by any other person, and any person who uses a license granted to any other person, shall be guilty of a violation of this section. Whenever a license shall be lost or destroyed without fault on the part of the holder or his or her employee, a duplicate license in lieu thereof under the original application may be issued by the Administrator, Clerk/Treasurer in his or her discretion, setting forth the circumstances of the loss and what, if any, search has been made for its recovery.

E. *License Issuance And Content; Re-Application After Denial.*

1. Upon the filing of the application as provided in this section, the City Council may, upon its approval of the application after such investigation as it shall require, and the payment to the city of the license fee provided in this section, issue to the applicant a license to engage in the business as provided in this section. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the house or place of business in or from which the person receiving the license shall be authorized to carry on the business as used car dealer, the kind of business, the date of issuance and expiration of the license, and the name and address of the licensee.
2. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he or she can show that the reason for the rejection no longer exists.

F. *Restrictions.*

1. No person shall carry on the business at or from any other place in the city than the one designated in the license therefor; nor shall he or she continue to carry on business after the license has been revoked or has expired.
2. No license herein provided shall be granted to any person who or any member of which shall have been convicted, within one year of the date of application, of a violation of this section; also any person who or any member of which shall have, within five years of the date of application, been convicted of a felony or knowingly receiving stolen goods.
3. No license shall be granted to any person doing business in a location contrary to the provisions of SLPC 16, regarding zoning, or amendments thereof, unless special permit is granted therefor in accordance with the provisions of SLPC 16. Nor shall any person be permitted to move a business licensed hereunder to a location within the city prohibited by SLPC 16.
4. No license shall be granted if the premises are located within 500 feet of any other new or used car sales dealership or auto or marine leasing or rental facility.

G. *Revocation.* The City Council may, at any time, for such cause as it, upon investigation, deems sufficient, revoke any license granted under the provisions of this section. Whenever any license shall be revoked, no refund of an unearned portion shall be made and no license shall be granted to any person whose license has been revoked within a period of one year from the date of that revocation. Notice of the revocation and the reasons therefor in writing shall be served by the Administrator, Clerk/Treasurer upon the person named in the application by mailing the same to the address given in the application.

H. *Changing Place Of Business.* In case any licensee shall move his or her place of business from the place designated in the license, he or she shall immediately thereon give notice to the Administrator, Clerk/Treasurer and have the same endorsed on the license.

I. *Records Required.* Every person licensed under this section shall keep and preserve a book in which there shall be made at the time of the transaction, a record in English of every purchase, sale, storage, exchange, or wreckage of all secondhand motor vehicles, purchased, sold, stored, exchanged, wrecked, or left in his or her possession for sale, storage, or wreckage. These

records shall include the following information: the name, place of residence, including street and number, and a personal description of each person from whom a secondhand motor vehicle is obtained, or to whom such a vehicle is delivered; the date and hour received or delivered; and a description of the secondhand motor vehicle, and manufacturers' numbers and any other serial number and any peculiar mark or marks of identification whatsoever, style of body, seating or other capacity, color, and car and license number.

J. *Inspection Of Records And Materials.* The books provided for in Paragraph I and all secondhand motor vehicles, parts, and accessories in the possession of the licensee shall be, at all reasonable times, open to the inspection of the Police Chief, any member of the police force, or any person duly authorized in writing by the Police Chief for that purpose. No licensee or clerk, agent, or other person in charge of the premises or business of a licensee, shall refuse to admit thereto any person authorized in this paragraph to examine records, or fail to exhibit to him or her on demand all motor vehicles, parts, or accessories and books, papers, and inventories relating thereto.

K. *Violations.* The violation of any paragraph of this section shall constitute a misdemeanor.

11.24 AMUSEMENTS

11.24.010 Lawful Gambling

11.24.010 Lawful Gambling

A. *Purpose.* The purpose of this section is to regulate and control the conduct of lawful gambling in the city by providing standards and criteria related to the approval or denial of premises permits as required by M.S. § 349.213, as it may be amended from time to time.

B. *Definitions.* For the purpose of this section, the terms defined in M.S. § 349.12, as it may be amended from time to time, are incorporated herein and by reference. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. The State Gambling Control Board.

CLASS OF LICENSE.

1. A Class A, B, C, or D license issued by the Board as authorized under M.S. § 349.16 as it may be amended from time to time, and further defined as follows:

- a. A Class A license authorizes all forms of lawful gambling;
- b. A Class B license authorizes all forms of lawful gambling except bingo;
- c. A Class C license authorizes bingo only; and
- d. A Class D license authorizes raffles only.

2. No premises licensed hereunder shall be issued more than one license in any one class.

LAWFUL GAMBLING. The operation, conduct, or sale of bingo, raffles, paddlewheels, tipboards, and pulltabs as regulated by M.S. Ch. 349, as it may be amended from time to time.

ORGANIZATION. Any fraternal, religious, veterans', or other non-profit group which has at least 15 active dues-paying members, is operating within the city, and either has been duly incorporated in this state as a non-profit organization for the most recent three years, or has been recognized by the I.R.S. as exempt from income taxation for the most recent three years, as defined in M.S. § 349.12 as it may be amended from time to time.

ORGANIZATIONAL LICENSE. A license for lawful gambling issued by the Board.

PREMISES PERMIT. A permit issued by the Board to an organization as defined herein, after approval by a City Council resolution. A **PREMISES PERMIT** shall designate the location of an organization's lawful gambling activities.

TRADE AREA. This city and each city contiguous to this city.

C. *Lawful Gambling; Criteria.* Lawful gambling as regulated by M.S. Ch. 349, as it may be amended from time to time, is permitted in the city if the organization conducting these activities meets the following criteria:

1. It is licensed by the State Gambling Control Board;
2. It has maintained an address within the city for at least three years prior to the application, or it owns a commercial building within the city from which it operates;
3. The organization must strictly adhere to the requirements of this section;
4. Organizations which lawfully conducted gambling in the city before the effective date of this section are not required to submit applications before the date of their next license or permit renewal; however, all organizations must comply with the terms of this section immediately upon its passage and publication; and
5. Premises authorized to conduct lawful gambling in the city must have an on-sale or off-sale liquor license or a club license permitting liquor on the premises.

D. *Premises Permits And Bingo Hall Licenses; Procedures.*

1. An organization applying to the Gambling Control Board for a premises permit, bingo hall license, or for the renewal of the same, to conduct lawful gambling in the city shall, within ten days of making the application, file the following with the city:
 - a. A duplicate copy of the Gambling Control Board application along with all supporting documents submitted to the Gambling Control Board;
 - b. A copy of the articles of incorporation and bylaws of the organization;
 - c. The names and addresses of all officers and directors of the organization;
 - d. A copy of the organization's written procedures and criteria for distribution of funds derived from lawful gambling, its standardized application form, and its written fiscal control procedures;
 - e. A copy of the I.R.S.'s tax exempt letter;
 - f. Confirmation that no employee or principal officer of the organization has been convicted of a felony. No employee or organization whose principal officers and employees with a felony conviction, shall be employed in a gambling-related activity by any permitted organization;
 - g. All organizations must show proof that they have a gambling manager trained in accordance with the requirements of M.S. § 349.167, as it may be amended from time to time (Laws, 1990); and
 - h. A copy of the gambling organization's lease, which must be for a two-year period, shall be submitted to the city for approval.

2. Upon receipt of the materials required by Paragraph D,1, city staff shall investigate the applicant, and based upon the investigation, the City Council shall act on the application

within 30 days.

3. The action of the City Council to approve an applicant for a premises permit or bingo hall license within the city shall be by resolution. Failure to receive a majority affirmative vote of the City Council shall constitute a denial of the application.
4. Copies of the monthly financial statements filed by the organization with the Gambling Control Board, as defined in M.S. § 349.154, as it may be amended from time to time, shall be filed with the city within ten days of filing those materials with the Gambling Control Board.
5. To assure compliance with this section, the city may require a premises permit holder or bingo hall licensee to provide copies of his or her records described in M.S. § 349.19, as it may be amended from time to time.
6. A premises permit issued by the city under this paragraph may be suspended or revoked by the city for violation of this section or for failure to meet the qualifications set out in this section, or for a willful violation of any paragraph of this section, or for a failure to comply, for any reason, with any provision, guarantee, or claim made in an applicant's original license application to the city or the state.
7. No license or permit issued by the city, including any bingo hall license, grants the licensee a property right or entitlement to the license or permit. The city may refuse to issue, renew, or revoke the license or permit for any reason and will not incur liability for any damages including but not limited to direct, consequential, or incidental damages, deprivation of property, loss of income, loss of profits, or loss of livelihood.
8. All Class A and Class B licensees and permittees in the city shall use an approved independent accounting firm for their annual audits related directly to lawful gambling and charges as an allowable expense of the gambling operation. Further, all Class A and Class B licensees and permittees, at their discretion, may use an independent accounting firm to perform other accounting, bookkeeping, and tax preparation services related directly to lawful gambling and charges as an allowable expense of the gambling operation. All agreements providing for this type of services shall be in writing and shall be submitted to the city as part of the application for review by the city to determine compliance with local and state regulations and laws. Any such agreements entered into or modified after issuance of a license or permit shall be filed with the city prior to the new agreement or modification becoming effective. The initial approval and the continuance of a license or permit is contingent upon these agreements complying with this section and state statutes and regulations. It shall be unlawful for the premises owner to provide accounting or bookkeeping services to the licensee, directly or indirectly.
9. All licensees and permittees in the city will assure continuous and active management of the gambling operation by members of the organization and will not delegate managerial responsibilities; all licensees and permittees will work continuously to operate in the most efficient manner to increase the amount of available lawful proceeds and will maintain the lowest possible costs and will encourage and use volunteers to the fullest extent possible.

E. *Contributions.* Each organization conducting lawful gambling within the city shall contribute a minimum of 60% of its net profits to organizations outside of itself within the city's trade area as defined in § 115.16.

F. *Law Enforcement And Administrative Costs.*

1. All organizations conducting lawful gambling within the city shall, within 30 days of the end of the month, pay to the city an amount equal to 3% of the gross receipts from lawful gambling conducted in the city in that month, less amounts actually paid for prizes, to cover the city's law enforcement and administrative costs in regulating lawful gambling.

Any unused portion of this money will be paid back annually in accordance with M.S. § 349.213, as it may be amended from time to time.

2. The city may investigate the criminal history and background of an applicant for a premises permit or license pursuant to this section.

G. *Gambling Exempt From State Licensing Requirements.*

1. Organizations which conduct lawful gambling which are exempt from state gambling licensing requirements may conduct that gambling within the city upon receipt of a permit from the city, except this requirement does not apply to door prizes, raffles, and bingo where total prizes are less than an amount set forth in the fee schedule.
2. An application for this type of permit, along with a fee in the amount set from time to time by Council resolution, shall be made at least 30 days prior to the date the gambling is to be conducted. The application shall contain the following:
 - a. The name of the organization;
 - b. The address of the organization;
 - c. The place where the gambling will occur; and
 - d. The total prizes to be awarded.
3. Within 30 days of filing any reports with the Gambling Control Board, the organization shall file a copy of those reports with the city.
4. The provisions relating to law enforcement and administrative costs set forth in § 115.20 shall not apply to gambling permitted pursuant to this paragraph. All other provisions of this section apply to these organizations.

H. *Violations.* It shall be a misdemeanor to carry on any lawful gambling activity without a valid premises permit. Nothing in this paragraph shall preclude the city from enforcing this section by means of any appropriate legal action.

I. *Enforcement Responsibility.* Nothing in this section shall be construed to require the city to undertake any responsibility for enforcing compliance with M.S. Ch. 349 other than those provisions related to the issuance of premises permits as required in M.S. § 349.213, as these statutes may be amended from time to time.

11.28 VEHICLES FOR HIRE

11.28.010 Taxicabs

11.28.010 Taxicabs

- A. *License Required.* No person, firm, co-partnership, or corporation whose principal place of business is located within the city shall drive, operate, or keep for pay or hire within the city limits any taxicab without first obtaining a license or licenses to do so in accordance with the provisions of this section.
- B. *License Application.* Application for license or licenses shall be made in writing to the Administrator, Clerk/Treasurer showing:
 1. Description of the taxicabs;
 2. Ownership of the taxicabs and employees of the company;
 3. Copy of the automobile liability insurance policy covering the taxicabs. This policy must

provide limits of liability to at least the extent required by the Safety Responsibility Law of this state. This policy shall also contain an endorsement that the policy cannot be cancelled unless ten days' written notice be first given to the city;

4. Deposit of the license fee;
5. Schedule of the fares and rates to be charged; and
6. Hours of operation.

C. *License Issuance; Fee; Term.* Licenses shall be granted by the City Council. The license fee shall be in the amount set from time to time by Council resolution, per year or any part thereof, per cab, and shall expire on December 31 of each year.

D. *Termination Of License.* Any license issued under this section shall terminate whenever, during the term of the license, the insurance policy shall not be kept in full force and effect.

E. *Records Required.* Every taxicab shall keep a trip sheet, upon which shall be noted the starting point and time, and the termination and time of each trip of the taxicab and the amount of fare charged, which information shall be available to any law enforcement officer of the city.

11.32 FOOD SALES AND SERVICE

11.32.010 Soliciting And Vending By Catering Food Vehicles

11.32.010 Soliciting And Vending By Catering Food Vehicles

A. *Compliance Required; Application.* No owner or operator of any catering food vehicle, as defined in Paragraph B, which is used for on- street soliciting for the sale of or the vending of confections or other goods directly from the vehicle, shall engage in the activity of on-street soliciting, dispensing, or vending unless the provisions of this section are met. This section shall not apply to persons using vehicles for the delivery of goods or services directly to homes or establishments where the goods are taken by the operator of the vehicle onto private property for delivery, nor shall it apply to the operation of any political subdivision or unit of government.

B. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **OPERATOR.** Anyone who is charged with the responsibility for driving or otherwise operating a vehicle.

OWNER. The registered owner of the vehicle used for vending, or the person, firm, or corporation who owns or controls the vending business.

VEHICLE. Any mobile unit being used on public streets for the vending or soliciting of sales of foods or confections.

VENDING, DISPENSING, or SOLICITING. The act of selling, offering for sale, or in any manner distributing or dispensing confections or other goods directly or indirectly from a vehicle to persons in the vicinity of the vehicle.

C. *Hours Of Operation.* No person shall carry on the activity of soliciting, dispensing, or vending any foods or confections except between the hours of 1:00 p.m. and 4:30 p.m., and 6:00 p.m. to either dusk or 9:00 p.m., whichever comes earlier.

D. *Routes; Approval Required.*

1. *Proposed routes.* More than ten days before commencing his or her operation, the vendor

shall file with the Police Chief a proposed route or routes over which the vehicle or vehicles will travel each day within the city. The vendor shall follow these routes while operating within the city. Proposed route changes shall be filed with the Police Chief at least ten days in advance of making the changes.

2. *Criteria for approval of routes.* Only routes which will minimize the hazards to persons who may be customers of these vehicles and which will minimize traffic hazards in the city shall be approved. The City Council, or its duly authorized representative, will indicate certain streets upon which vending or soliciting under this section is entirely prohibited. Those streets will be those heavily traveled streets whereon this type of selling would constitute a per se hazard to customers' safety or to the safety of other vehicles or persons.

E. *Stopping Restrictions.*

1. Operators of vehicles under this section shall not stop to sell goods therefrom within 100 feet of any intersection or alleyway.
2. Operators of vehicles under this section, when stopping such a vehicle to sell goods, must stop in a manner so that the curb side of the vehicle is no more than two feet from the curb, or when there is no curb, no more than two feet from the edge of the street or roadway.
3. Operators of vehicles under this section shall sell goods only from the curb side of such a vehicle. The operator is responsible for preventing the development of a waiting line or accumulation of customers on any side other than the curb side of the vehicle.

F. *Insurance Requirements.* Every owner or operator of vehicles under this section shall maintain liability insurance in the amount as set forth in the insurance limits schedule.

G. *Safety Requirements.*

1. Each motorized vehicle under this section must be equipped with, and must continually use while vending, flashing lights on both front and rear of the vehicle. These lights must be clearly visible to oncoming cars in full daylight.
2. Every motorized vehicle, while carrying on a vending operation, shall be attended by at least two persons, one of whom will have the following specific duties: for the full period during which the vehicle is stopped for vending, or is stopped in a manner or place so as to reasonably cause others to believe that it is proposing to engage in vending operations, this person shall stand alongside the vehicle in a manner so as to be able to observe traffic coming from all directions and also crossing of the street by minors in the immediate vicinity of the vehicle. This person shall give adequate warning to both vehicles and minors so as to avoid accident or injury to the minors. This person shall, if necessary, carry a signal or warning device as will enable him or her to give adequate warning.

H. *Registration Requirements.*

1. In order to aid the city in contacting the owner or operator of vehicles under this section and to aid the owner or operator with problems of theft or vandalism, the following requirements must be met:
 - a. The operator of each vehicle under this section must register with the Administrator, Clerk/Treasurer before beginning vending operations within the city.
 - b. The registration will be on forms provided by the Administrator, Clerk/Treasurer, which shall give the following information:

(1) The name and description of the registrant, and whether registrant is a sole

proprietorship, partnership, or corporation;

- (2) The permanent home address and full local address of the registrant;
- (3) A brief description of the nature of the business, the goods to be sold, and the registrant's method of operation;
- (4) If employed, the name and address of the registrant's employer and credentials establishing the exact employment relationship;
- (5) The length of time which the registrant intends to do business in the city, with the approximate dates;
- (6) A photograph of the registrant taken within 60 days immediately prior to the date of filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the registrant in a clear and distinguishable manner;
- (7) A description of the vehicle to be used, together with the license number of the vehicle, or other means of identification;
- (8) If the owner of the vehicle is other than the operator, the name and permanent and temporary address of the owner; and
- (9) A description, including verification, of the license given to the operator or to his or her employer or to the owner of the vehicle by the State Commissioner of Agriculture authorizing the licensee to sell food as required under M.S. § 28A.04, as it may be amended from time to time.

2. The Administrator, Clerk/Treasurer will issue to each registrant a registration badge with the name, address, and the picture of the operator contained on the face thereof. Each operator must display the badge in a prominent, visible place on the vehicle.

I. *Litter Prevention.* Every vehicle under this section must have a rubbish container located on the curb side of the vehicle, which is adequate to contain any food wrappers discarded by the customers purchasing food from the vehicle. The operator is required to request the customers discarding food wrappers immediately after purchase to place the wrappers in the rubbish container. The operator is required to collect and deposit in the container any wrappers dropped or improperly discarded in his or her presence.

J. *Loud Noise Prohibited.* No operator or person accompanying the operator of a vehicle under this section shall call attention to his or her business by crying out, blowing a horn, ringing a bell, playing music, or any other noises; provided, however, that the ringing of a bell or the playing of music is permissible for no more than a period of ten seconds in each minute, during the times in which the operator is authorized to vend under Paragraph C. Provided further, that the ringing of a bell or playing of music be of a moderate volume and not raucous in nature.

11.36 SAUNAS

[11.36.010 Policy](#)

[11.36.020 Definition](#)

[11.36.030 License Required](#)

[11.36.040 License Application](#)

[11.36.050 License Fees; Investigation; Term; Renewal Or Transfer](#)

[11.36.060 Eligibility Of Persons And Places](#)

[11.36.070 Operating Restrictions And Regulations](#)

[11.36.080 Employee Regulations](#)

[11.36.090 Construction And Maintenance Requirements](#)

[11.36.100 Health And Disease Control](#)

[11.36.110 License Revocation And Suspension](#)

[11.36.120 Exemptions](#)

[11.36.130 Violations](#)

11.36.010 Policy

- A. The City Council deems it necessary to provide for the special and express regulation of businesses or commercial enterprises which offer saunas or sauna baths to the general public in order to protect the public health, safety, and welfare and to guard against the inception and transmission of disease. The City Council further finds that commercial enterprises offering saunas or sauna baths are susceptible of operation in a manner contravening, subverting, or endangering the morals of the community, thus requiring close inspections, licensing, and regulation.
- B. The City Council also finds that control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, requires intensive efforts by the Police Department, public health sanitarian, and other departments of the city, and as a consequence, the concentrated use of city services in that control detracts from and reduces the level of service available to the rest of the community and thereby diminishes the ability of the city to promote the general health, welfare, morals, and safety of the community. In consideration for the necessity on the part of the city to provide numerous services to all segments of the community, without a concentration of public services in one area to work to the detriment of the members of the general public, it is hereby decided that the number of sauna licenses issued pursuant to this chapter or the number of massage parlor licenses issued pursuant to SLPC 11.40, which may be in force at any one time, either licensed sauna parlors, massage parlors, or any combination thereof, shall be no more than a total of three licenses of these types.

11.36.020 Definition

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

SAUNA. Includes a steam bath, hot water bath, or heat bathing by use of heat lamps, and any room or facility specially constructed therefor, used for the purposes of bathing, relaxing, or reducing utilizing steam, hot air, hot water, or heat lamps as a cleaning, relaxing, or reducing agent.

11.36.030 License Required

No person shall engage in the business of operating a sauna or sauna bath either exclusively or in connection with any other business enterprise without being first licensed as provided in this chapter.

11.36.040 License Application

Application for a license shall be made only on the forms provided by the City Administrator, Clerk/Treasurer. Four complete copies of the application must be submitted to the Administrator, Clerk/Treasurer's office containing the address and legal description of the property to be used, the name, address, and telephone number of the owner, lessee, if any, and the operator or manager, the name, address, and telephone number of two persons, who shall be residents of Anoka County, who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager, or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information as to the time, place, and nature of the crime or offense including the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects,

equipment, or anything incident to the establishment, maintenance, and operation of a sauna parlor or sauna bath. If the application is made on behalf of a corporation, joint business venture, partnership, or any legally constituted business association, it shall submit, along with its application, accurate and complete business records showing the names and addresses of all individuals having an interest in the business, including creditors furnishing credit for the establishment, acquisition, maintenance, and furnishing of the business and, in the case of a corporation, the names and addresses of all officers, general managers, members of the Board of Directors, as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in the operation. All applicants shall furnish to the city, along with their applications, complete and accurate documentation establishing the interest of the applicant and other persons having an interest in the premises upon which the building is proposed to be located or the furnishings thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage, credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition, or maintenance of the enterprise offering a sauna or sauna bath. The application shall also contain blueprints, diagrams, plans, layouts, and the like showing the construction, revision, remodeling, alteration, or additions of or to the premises and specifically showing the layout, design, and arrangement of the bathing and restroom facilities and the size and type of equipment and facilities to be used.

11.36.050 License Fees; Investigation; Term; Renewal Or Transfer

The annual license fee and the investigation fee for the purposes of issuing a license shall be in amounts as set from time to time by Council resolution. The license fee and fee for the investigation of the license shall be paid when the application is filed. In the event that the application is denied or in the event that the license, once issued, is revoked, cancelled, or surrendered, no part of the annual license fee or fee for the investigation for the issuance of a license shall be returned to the applicant unless by express action of the City Council. A separate license shall be obtained each year for each place of business. The licensee shall display the license in a prominent place in the licensed premises at all times. A license, unless revoked, is for the calendar year or a part thereof for which it has been issued. The fee for the investigation for issuance of a license must be tendered with each new application for a license and must also be paid at any time when there is a proposed change of ownership or re-application for a license wherein additional or different parties other than the original licensee and parties are proposing to be licensed. All licenses granted herein are non-transferable.

11.36.060 Eligibility Of Persons And Places

- A. No license shall be issued if the applicant or any of its owners, managers, employees, agents, or interested parties are persons of bad repute.
- B. Licenses shall be issued only if the applicant and all of its owners, managers, employees, agents, or interested parties are free of convictions for offenses which involve moral turpitude or which relate directly to the person's ability, capacity, or fitness to perform the duties and discharge the responsibilities of the licensed activity.
- C. Licenses shall be issued only to applicants who have not, within one year prior to the day of application, been denied licensure, have had a license revoked or suspended in or by any community or political subdivision or the state and whose owners, managers, or any interested parties have not been similarly denied, revoked, or suspended.
- D. Licenses shall be issued only to applicants who have answered fully and truthfully all of the information requested in the application, who have paid the full license fee and fee for investigation, and have cooperated fully and truthfully with the city in the review of the application.
- E. If the applicant is a natural person, a license shall be granted only if the person is 18 years of age

or older.

- F. Licenses may be granted only in complete conformity with SLPC 16, regarding zoning.
- G. Licenses shall be granted only to establishments which can meet the safety, sanitary, and building code requirements of the city.
- H. A license shall not be granted if granting the license:
 - 1. Would be inconsistent with the comprehensive development plans of the city; or
 - 2. Would otherwise have a detrimental effect upon other property or properties in the vicinity.

11.36.070 Operating Restrictions And Regulations

- A. The licensee and the persons in its employ, agency, or persons with an interest in the business shall comply with all applicable ordinances, regulations, and laws of the city, the state, and the federal government.
- B. If the licensee is a partnership or a corporation, the applicant shall designate a person to be manager and in responsible charge of the business. This person shall remain responsible for the conduct of the business until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the Police Department in writing of any such change, indicating the name and address of the new manager and the effective date of the change.
- C. The licensee shall furnish the Police Department with a list of current employees, indicating their names and addresses and designating the duties of the employees within the sauna bath or sauna parlor. The licensee shall promptly notify the Police Department of any additions or deletions in the list of employees or changes in their job descriptions or duties.
- D. The licensed premises shall not be open for business nor shall patrons be permitted on the premises between the hours of 11:00 p.m. and 8:00 a.m. of the succeeding day.
- E. The licensee shall permit and allow the inspection of the premises during business hours by all appropriate city employees.
- F. Upon demand by any police officer, any person employed in any licensed premises shall identify himself or herself by giving his or her true legal name and his or her correct address.
- G. No person under 18 years of age shall be employed in an establishment requiring a license under the provisions of this chapter.
- H. All equipment or personal property used in or for a sauna or sauna bath shall be of a safe and sanitary design as approved by the city sanitarian and the entire premises wherein saunas or sauna baths are given, administered, or allowed and all personal property, clothing, towels, and the like used therein shall be sanitary, which is defined as a complete absence of the vegetative cells of pathogenic microorganisms.
- I. The licensee and all persons in its employ or connected therewith shall maintain an occupancy or guest register by which each patron of the sauna or sauna bath must register with his or her correct name, address, and phone number, and each licensee or person in its employ shall require each patron to furnish identification describing and identifying his or her correct name, address, and phone number and shall further require each patron to correctly and truthfully furnish his or her name, address, and telephone number to the guest register before the administration of any services of the sauna or sauna baths. The occupancy register or guest register must be maintained on file for inspection by officers, employees, or agents of the city or any other agency of any political subdivision, the state, or agency of the federal government for a period of not less than two years.

11.36.080 Employee Regulations

At all times during the operation of any sauna parlor, sauna, or sauna bath, male employees and attendants shall attend to, assist, or otherwise serve only male patrons, and female employees shall attend, assist, or otherwise serve only female patrons, and at all times, employees of the sauna parlor, sauna, or sauna bath must remain and be fully clothed.

11.36.090 Construction And Maintenance Requirements

- A. Each establishment shall have a separate restroom and separate locker room facility for each sex.
- B. All sauna rooms, locker rooms, restrooms, and bathrooms used on the premises shall be constructed of materials which are impervious to moisture, bacteria, mold, or fungus and must be kept in a sanitary condition, which is defined as free from the vegetative cells of pathogenic microorganisms. The floor-to-wall and wall joints shall be constructed to provide a sanitary cove with a minimum radius of one inch.
- C. All restrooms shall be provided with mechanical ventilation with two cfm per square foot of floor area, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels, and a soap dispenser.
- D. All rooms in the licensed premises, including but not limited to sauna rooms, massage rooms, restrooms, bathrooms, janitor's closet, hallways, and reception area, shall be illuminated with not less than 30 foot candles of illumination.
- E. Each establishment shall have a janitor's closet which shall provide for the storage of cleaning supplies. This closet shall have mechanical ventilation with two cfm per square foot of floor area. The closet shall include a mop sink.
- F. Floors, walls, and equipment in sauna rooms and in restrooms and in bathrooms used in connection therewith must be kept in a state of good repair and clean at all times. Linens and other materials shall be stored at least 12 inches off the floor. Clean towels and wash cloths must be made available for each customer.
- G. Individual lockers shall be made available for use by patrons. The lockers shall have separate keys for locking.
- H. These establishments shall provide adequate refuse receptacles which shall be emptied as required.
- I. The doors to the individual sauna rooms shall not be equipped with any locking device and shall not be blocked or obstructed from either side of the door.

11.36.100 Health And Disease Control

No person while afflicted with any disease in a communicable form, or while a carrier of such a disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in or use the services of any public steam bathing rooms, heat bathing room, bathroom, or reducing or relaxation establishment in any capacity in which there is a likelihood of that person contaminating surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being afflicted with any disease or condition shall be employed or permitted in such an area or capacity.

11.36.110 License Revocation And Suspension

The license may be revoked, suspended, or not renewed by the City Council upon recommendation of the Administrator, Clerk/Treasurer by showing that the licensee, its owners, managers, employees, agents, or any of its interested parties have engaged in any of the following conduct:

- A. Fraud, deception, or misrepresentation in connection with the securing of the license;
- B. Habitual drunkenness or intemperance in the use of drugs including but not limited to the use of drugs defined in M.S. §§ 152.01 and 152.02, as it may be amended from time to time, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, or other sedatives, depressants, stimulants, or tranquilizers;
- C. Conduct inimical to the interests of the public health, safety, welfare, or morals;
- D. Engaging in any conduct involving moral turpitude, or permitting or allowing others to engage in this type of conduct, or failing to prevent this type of conduct;
- E. Failure to fully comply with any requirements of this chapter or failure to comply with any requirements of the ordinances of the city relating to public health and sanitary conditions, building and construction codes, zoning codes, and requirements of any ordinance, the violation of which involves moral turpitude;
- F. Conviction of an offense involving moral turpitude by any court of competent jurisdiction; or
- G. Engaging in any conduct which would constitute grounds for refusal to issue a license under SLPC 11.36.060. The licensee may appeal the suspension, revocation, or non-renewal to the City Council. The Council shall consider the appeal at the next regularly scheduled Council meeting on or after ten days from service of the notice of appeal to the Administrator, Clerk/Treasurer.
 - 1. At the conclusion of the hearing, the Council may order:
 - a. The revocation, suspension, or non-renewal of the license; or
 - b. The revocation, suspension, or non-renewal be lifted and the certificate be returned to the certificate holder.
 - 2. The City Council may base either suspension or issuance of the certificate upon any additional terms, conditions, and stipulations which it may in its sole discretion impose.

11.36.120 Exemptions

This chapter does not apply to the operation of a sauna which is operated in connection with or as a part of a chiropractic office wherein the practitioners thereof are licensed by the state or as a part of a fully equipped, bona fide health club, having a fully equipped exercise room, complete with types and pieces of equipment in operating and working order of a type required for all forms of physical exercise, staffed and administered by persons trained as athletic directors, trainers, physical therapists, or chiropractors, which offers complete exercising, physical training, and reducing services including recommendations as to food, health, diet, and the like, nor does this chapter apply to any municipal corporation, nor does this chapter apply to any sauna located in any commercial office building, apartment building, hotel, or motel, which is clearly incidental and secondary to the permitted principal use and which is offered solely and exclusively to bona fide tenants, employees of the tenants, residents, guests of the residents, and registered lodgers, respectively, of the buildings, hotels, and motels; and which is not offered to the public generally and as to which there is no public advertising or public offer of these saunas via any news media.

11.36.130 Violations

Every person who commits or attempts to commit, conspires to commit, or aids and abets in the commission of any act constituting a violation of this chapter or any act which constitutes an omission and therefore a violation of this chapter, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall be guilty of that offense, and every person who falsely,

fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any of the provisions of this chapter is likewise guilty of the offense.

11.40 MASSAGE SERVICES

[11.40.010 Purpose](#)

[11.40.020 Findings](#)

[11.40.030 Definitions - Massage Services](#)

[11.40.040 License Required](#)

[11.40.050 Exceptions](#)

[11.40.060 License Application](#)

[11.40.070 License Fees](#)

[11.40.080 License Application Verification And Consideration](#)

[11.40.090 Persons Ineligible For License](#)

[11.40.100 Locations Ineligible For Therapeutic Massage Enterprise License](#)

[11.40.110 License Restrictions](#)

[11.40.120 Restrictions Regarding Sanitation, Health And Safety](#)

[11.40.130 Term, Renewal Of License](#)

[11.40.140 Sanctions For License Violations](#)

[11.40.150 Suspension Of License For Violations](#)

[11.40.160 Penalty](#)

11.40.010 Purpose

The purpose of this chapter is to prohibit massage businesses and services to the public except those licensed as therapeutic massage enterprises and massage therapists pursuant to this chapter. The licensing regulations prescribed herein are necessary in order to protect businesses that are operating legitimate enterprises, to prevent criminal activity and to protect the health and welfare of the community. The purpose of this chapter is not to impose restrictions or limitations on the freedom of protected speech or expression.

11.40.020 Findings

The City Council makes the following findings regarding the need to license therapeutic massage enterprises and therapists and to prohibit all other types of massage businesses and services to the public.

- A. Persons who have bona fide and standardized training in therapeutic massage, health, and hygiene can provide a legitimate and necessary service to the general public.
- B. Health and sanitation regulations governing therapeutic massage enterprises and therapists can minimize the risk of the spread of communicable diseases and can promote overall health and sanitation.
- C. License qualifications on therapeutic massage enterprises and therapists can minimize the risk that such businesses and persons will facilitate prostitution and other criminal activity in the community.
- D. Massage services provided by persons with no specialized and standardized training in massage can endanger citizens by facilitating the spread of communicable diseases, by exposing citizens to unhealthy and unsanitary conditions, and by increasing the risk of personal injury.
- E. Massage businesses which employ persons with no specialized and standardized training can tax city law enforcement services because such businesses are more likely to be operated as fronts for prostitution and other criminal activity than operations established by persons with standardized training.

F. The training of professional massage therapists at accredited institutions is an important means of ensuring the fullest measure of protecting the public health, safety, and welfare.

11.40.030 Definitions - Massage Services

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

ACCREDITED INSTITUTION. An educational institution holding accredited status approved by the United States Department of Education or the Minnesota Office of Higher Education.

ACCREDITED PROGRAM. A professional massage program or educational institution accredited by the Commission on Massage Therapy Accreditation (COMTA) or other accrediting agency recognized by the United States Department of Education or the Minnesota Office of Higher Education.

CLEAN. The absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

GOOD REPAIR. Free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

ISSUING AUTHORITY. The City of Spring Lake Park.

MASSAGE. Any method of pressure on, or friction against, or the rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating, or rolling of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations. This includes the concept of touch therapy or snuggling.

MASSAGE THERAPIST. An individual who practices or administers massage to the public who can demonstrate to the issuing authority that he or she:

- A. Possessed a massage therapist license issued by the city on December 31, 2013 and is affiliated with, employed by, or owns a therapeutic massage enterprise licensed by the city;
- B. Has current insurance coverage of \$1,000,000 for professional liability in the practice of massage; and
- C. Is affiliated with, employed by, or owns a therapeutic massage enterprise licensed by the city; and
- D. Has completed 500 hours of certified therapeutic massage training with content that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from an accredited program, accredited institution, or a program or institution licensed or verified by a state licensing board or agency that has been approved by the issuing authority. These training hours must be authenticated by a single provider through a certified copy of the transcript of academic record from the school issuing the training, degree or diploma. In the event the accredited program or accredited institution is no longer in existence, in the sole discretion of the city, a certified copy of the transcript of academic record may be accepted directly from the applicant with an affidavit stating said transcript of academic record is authentic. The transcript of academic record must be from a program or institution that was once accredited and approved by the issuing authority. The certified copy of the transcript of academic record must contain the applicant's name, last address of the accredited institution at the time of closing, and reflect the 500 hours of certified therapeutic massage training with content that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice, as required.

OPERATE. To own, manage, or conduct, or to have control, charge, or custody over.

PERSON. Any individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

THERAPEUTIC MASSAGE ENTERPRISE. An entity which operates a business which hires only licensed therapeutic massage therapists to provide therapeutic massage to the public. The owner/operator of a **THERAPEUTIC MASSAGE ENTERPRISE** need not be licensed as a therapeutic massage therapist if he or she does not, at any time, practice or administer massage to the public. A **THERAPEUTIC MASSAGE ENTERPRISE** may employ other individuals, such as cosmetologists and estheticians, and these individuals are not required to have a massage therapist license as long as they are not providing therapeutic massage to the public.

WITHIN THE CITY. Includes physical presence as well as telephone referrals such as phone-a-massage operations in which the business premises, although not physically located within the city, serves as a point of assignment of employees who respond to requests for services from within the city.

11.40.040 License Required

- A. *Therapeutic massage enterprise license.* It shall be unlawful for any person or entity to own, operate, engage in or carry on within the city any type of massage services to the public for consideration without first having obtained a therapeutic massage enterprise license from the city, pursuant to this chapter.
- B. *Massage therapist license.* It shall be unlawful for any individual to practice, administer or provide massage services to the public for consideration within the city without first having obtained a massage therapist license from the city, pursuant to this chapter.

11.40.050 Exceptions

A therapeutic massage enterprise or therapist license is not required for the following persons and places:

- A. Persons duly licensed by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry, provided the massage is administered in the regular course of the medical business and not provided as part of a separate and distinct massage business;
- B. Persons duly licensed by this state as beauty culturists or barbers, provided such persons do not hold themselves out as giving massage treatments and provided the massage by beauty culturists is limited to the head, hand, neck, and feet and the massage by barbers is limited to the head and neck;
- C. Persons working solely under the direction and control of a person duly licensed by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry;
- D. Places duly licensed or operating as a hospital, nursing home, hospice, sanitarium, or group home established for the hospitalization or care of human beings;
- E. Students of an accredited institution who are performing massage services in the course of a clinical component of an accredited program of study, provided that the students are performing the massage services at the location of the accredited institution and provided the students are identified to the public as students of massage therapy. Students of an accredited institution who are performing massage services at clinics or other facilities located outside of the accredited institution must have at least 150 hours of certified therapeutic massage training at the accredited institution prior to performing the therapy outside of the institution, must have proof of liability insurance, and must be identified to the public as a student of massage therapy;

- F. Athletic coaches, directors or trainers employed by public or private schools; and/or
- G. Individuals licensed in another municipality performing massage services as part of a wellness event/expo where such event will not be more than three days in length. Written notice must be provided to the city and must include dates, times and location(s) of such event.

11.40.060 License Application

A. *Therapeutic massage enterprise license application.* An application for a therapeutic massage enterprise license shall be made on a form supplied by the Administrator, Clerk-Treasurer and shall request the following information:

1. *All applicants.* For all applicants:

- a. Whether the applicant is an individual, corporation, partnership, or other form of organization;
- b. The legal description of the premises to be licensed, together with a plan of the area showing dimensions, location of buildings, street access, and parking facilities;
- c. The floor number, street number, suite number(s) and rooms where the massage services are to be conducted;
- d. Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid and, if not paid, the years and amounts that are unpaid.
- e. Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans for design are on file with the city's Code Enforcement Department, no plans need be submitted to the issuing authority;
- f. The name and street address of the business, if it is to be conducted under a designation, name, or style other than the name of the applicant, and a certified copy of the certificate as required by M.S. § 333.02;
- g. The amount of the investment that the applicant has in the business, buildings, premises, fixtures, furniture, and equipment, and proof of the source of such investment. The identity of all other persons investing in the business, building, premises, fixture, furniture and equipment, the amount of their investment and proof of the source of such investment;
- h. All applications for licenses, whether enterprise or individual applications, shall be signed and sworn to. If the application is that of a natural person, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by an incorporated association, by the manager or officer thereof; if by a limited liability company (LLC), by a member thereof. Any falsification of information on the license application shall result in the denial of the license and the applicant may be subject to prosecution for forgery as defined by Minnesota Statute;
- i. Whether the applicant has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was denied, revoked or suspended within the last ten years of the date the license application is submitted to the issuing authority;
- j. Whether the applicant has ever been engaged in the operation of massage services. If so, applicant shall furnish information as to the name, place, dates and

length of time of the involvement of any and all such establishments;

- k. Such other information as the City Council or issuing authority shall require; and
- (1) Applicant is responsible for reading and understanding the city ordinance regarding therapeutic massage and for communicating and providing interpretation when necessary to all massage therapists licensed at the enterprise to ensure compliance.
 - (2) *Individuals*. For applicants who are individuals:
 - (A) The name, place and date of birth, and street residence address of the applicant;
 - (B) Whether the applicant has ever used or been known by a name other than the applicant's name and, if so, the name or names and information concerning dates and places where used;
 - (C) Whether the applicant is a citizen of the United States or a resident alien or has the legal authority to work in the United States;
 - (D) Street addresses and dates at which the applicant has lived during the preceding ten years;
 - (E) The type, name, location and dates of every business or occupation the applicant has been engaged in during the preceding ten years;
 - (F) Whether the applicant is currently licensed in other communities to perform massage therapy and, if so, where;
 - (G) Names, addresses, contact information and dates of the applicant's employers for the preceding ten years;
 - (H) Whether the applicant has ever been arrested, charged or convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense. If so, the applicant shall furnish information as to the date, time, place and offense for which arrests, charges or convictions were had;
 - (I) Whether the applicant has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last ten years of the date the license application is submitted to the issuing authority;
 - (J) Whether the applicant has ever been engaged in the operation of massage services. If so, the applicant shall furnish information as to the name, dates, place and length of time of the involvement in such an establishment; and
 - (K) Such other information as the City Council or issuing authority shall require.
 - (3) *Partnerships*. For the applicants that are partnerships: the names and addresses of all general and limited partners and all information concerning each general partner as is required in Paragraph A,1,k,(2). The managing partners shall be designated and the interest of each general and limited partner in the business shall be disclosed. A true copy of the partnership agreement shall be submitted with the application and, if the partnership is required to file a certificate as to a trade name under M.S. §

333.02, a certified copy of such certificate shall be submitted. The license shall be issued in the name of the partnership.

(4) *Corporations and other organizations.* For applicants that are corporations or other types of organizations:

- (A) The name of the organization and, if incorporated, the state of incorporation;
- (B) A true copy of the certificate of incorporation and, if a foreign corporation, a certificate of authority as described in M.S. § 303.02;
- (C) The name of the general manager, corporate officers, proprietor, and other person in charge of the premises to be licensed, and all the information about said persons as is required in Paragraph A,1,k,(2); and
- (D) A list of all persons who own or control an interest in the corporation or organization, or who are officers of said corporation or organization, together with their addresses and all the information regarding such persons as is required in Paragraph A,1,k,(2).

B. *Massage therapist application.* An application for a massage therapist license shall be made on a form supplied by the Administrator, Clerk-Treasurer and shall request the following information:

1. The applicant's name and current address;
2. The applicant's current employer;
3. The applicant's employers for the previous ten years, including the employer's name, address and dates of employment;
4. The applicant's addresses and dates for the previous ten years;
5. The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair. A color photocopy of the applicant's MN driver's license or MN I.D., front and back, or any other government-issued I.D. If the photocopy is not acceptable to the Police Chief, the Police Department may take photographs for the file;
6. Whether the applicant has ever been arrested, charged or convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense and, if so, the date, time, place, and offense for which arrests, charges or convictions were had;
7. Whether the applicant has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was denied, revoked or suspended within the last ten years of the date the license application is submitted to the issuing authority;
8. The names, resident and business addresses and contact information of those residents of the metropolitan area, of good moral character, not related to the applicant or financially interested in the premises of the business, who may be referred to as to the applicant's character;
9. Whether the applicant is a United States citizen or resident alien or has the legal authority to work in the United States;
10. Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where

used;

11. Whether the applicant has met the definition of a massage therapist in SLPC 11.40.030;
12. Whether the applicant has ever been the subject of an investigation, public or private, criminal or non-criminal, regarding massage therapy; and
13. Such other information as the City Council or issuing authority shall require.

11.40.070 License Fees

The fees for a therapeutic massage enterprise and therapist licenses shall be as set forth in SLPC 3.16.030 Paragraph A. An investigation fee shall be charged for therapeutic massage enterprise licenses and an individual therapeutic massage license. Each application for a license shall be accompanied by payment in full of the required license and investigation fees. No investigation fee shall be refunded.

11.40.080 License Application Verification And Consideration

- A. *Therapeutic massage enterprise license.* All applications shall be referred to the Chief of Police, or his or her designee, and such other city departments as the Administrator, Clerk-Treasurer shall deem necessary for verification and investigation of the facts set forth in the application. The Chief of Police, or his or her designee, is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant. The Chief of Police, or his or her designee, is authorized to access data maintained in the State Bureau of Criminal Apprehensions computerized criminal history information system, in accordance with BCA policy. The Chief of Police, or his or her designee, and other consultants shall make a written recommendation to the City Council as to the issuance or nonissuance of the license. The City Council or Chief of Police or his or her designee may order and conduct such additional investigation as it deems necessary, including but not limited to contacting other state agencies. In addition, all applications must include results of a comprehensive national criminal background check from a background investigative provider approved by the city. The national criminal background check is to be obtained and paid for by the therapeutic massage enterprise licensee upon signed release from employee. Upon completion of its investigation, the Council shall grant or deny the license.
- B. *Massage therapist license.* Within a reasonable period after receipt of a complete application and applicable fees for a massage therapist license, the issuing authority shall make recommendation to grant or deny the application. The issuing authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry, background check, and/or a driver's license history inquiry on the applicant. The City Council or Chief of Police or his or her designee may order and conduct such additional investigation as it deems necessary, including but not limited to contacting other state agencies. In addition, all applications must include results of a comprehensive national criminal background check from a background investigative provider approved by the city. The national criminal background check is to be obtained and paid for by the therapeutic massage enterprise licensee upon signed release from employee. Notice shall be sent by the Administrator, Clerk-Treasurer by regular mail to the applicant upon a denial informing the applicant of the right to appeal to the City Council within 20 days. If an appeal is properly made, the matter shall be placed on the next available City Council agenda.

11.40.090 Persons Ineligible For License

- A. *Therapeutic massage enterprise license.* No therapeutic massage enterprise license shall be

issued to an individual or entity which:

1. Is not 18 years of age or older at the time the application is submitted to the issuing authority;
2. Has been arrested, charged or convicted of any crime directly related to the occupation licensed, as prescribed by M.S. § 364.03, subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee, as prescribed by M.S. § 364.03, subd. 3;
3. Has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was denied, revoked or suspended within the last five years of the date the license application is submitted to the issuing authority;
4. Is not a citizen of the United States or a resident alien, or is legally prohibited from working in the United States;
5. Is not of good moral character or repute;
6. Is not the real party in interest of the enterprise;
7. Has knowingly misrepresented or falsified information on a license application at any time in the preceding ten years;
8. Cannot meet the definition of therapeutic massage enterprise in SLPC 11.40.030;
9. Owes taxes, assessments or other financial claims to the state, county, school district, or city that are due and delinquent; or
10. Is the spouse of a person whose massage-related license has been denied, suspended or revoked in the past ten years.

B. *Massage therapist license.* No massage therapist license shall be issued to a person who:

1. Is not 18 years of age or older at the time the application is submitted to the issuing authority;
2. Has been arrested, charged or convicted of any crime directly related to the occupation licensed as prescribed by M.S. § 364.03, subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee, as prescribed by M.S. § 364.03, subd. 3;
3. Whether the applicant has had an interest in, individually or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was denied, revoked or suspended within the last ten years of the date the license application is submitted to the issuing authority;
4. Is not a citizen of the United States or a resident alien, or is legally prohibited from working in the United States;
5. Is not of good moral character or repute;
6. Has knowingly misrepresented or falsified information on a license application at any time in the preceding ten years;
7. Is not affiliated with, employed by, or does not own a therapeutic massage enterprise licensed by the city; or
8. Cannot meet the definition of massage therapist in SLPC 11.40.030.

11.40.100 Locations Ineligible For Therapeutic Massage Enterprise License

- A. *Delinquent taxes.* No therapeutic massage enterprise shall be licensed if such enterprise is located on property on which taxes, assessments, or other financial claims to the state, county, school district, or city are due and delinquent. In the event a suit has been commenced under M.S. §§ 278.01-278.13, questioning the amount or validity of taxes, the City Council may, on application, waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one year after becoming due.
- B. *Improper zoning.* No therapeutic massage enterprise shall be licensed if the location of such enterprise is not in conformance with the city's zoning code.
- C. *Building, fire and code compliance violations.* No therapeutic massage enterprise shall be licensed if the location of such enterprise is not in compliance with State Building and Fire Codes in addition to the city's Code of Ordinances.
- D. *Previous license infractions.* No therapeutic massage enterprise license shall be issued or renewed if the massage therapy enterprise has employed two or more massage therapists whose licenses have been suspended and/or revoked within any 12-month period during time of employment.

11.40.110 License Restrictions

A. Posting of license.

1. A therapeutic massage enterprise license issued must be posted in a conspicuous place on the premises for which it is used.
2. A person licensed as a massage therapist shall also post their massage therapist license in a conspicuous place on the premises at which the therapist is associated.

B. Licensed premises.

1. A therapeutic massage enterprise license is only effective for the compact and contiguous space specified in the approved license application. Before the licensed premises is enlarged, altered, or extended, the licensee shall inform the Administrator, Clerk-Treasurer within ten business days.
2. A massage therapist license shall entitle the licensed therapist to perform on-site massage at the therapeutic massage enterprise they are licensed for, the place of residence of the licensed massage therapist or client, or at an office, business, park or institution excluding hotel and motel guest rooms.
3. It shall be the continuing duty of each licensee to properly notify the Administrator, Clerk-Treasurer, within ten business days, of any change in the information or facts required to be furnished on the application for license and failure to comply with this chapter shall constitute cause for revocation or suspension of such license.
4. All therapeutic massage must be performed within a building with a valid certificate of occupancy and not in or upon any vacant lot, motor vehicle, trailer, or tent, including but not limited to structures not meant for human habitation.

C. *Transfer of license prohibited.* The license issued is for the person or the premises named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original application.

D. *Affiliation with enterprise required.* A massage therapist shall be employed by, affiliated with, or

own a massage enterprise business licensed by the city, unless a person or place is specifically exempted from obtaining a therapeutic massage enterprise license in SLPC 11.40.050.

- E. *Employment of unlicensed massage therapists prohibited.* No therapeutic massage enterprise shall employ or use any person to perform massage who is not licensed as a therapeutic massage therapist under this chapter, unless the person is specifically exempted from obtaining a therapist license in SLPC 11.40.050.
- F. *Coverage of genitals/breasts during massage.* The licensee shall require that the person who is receiving the massage shall completely cover, at all times, genitals and breasts with non-transparent material or clothing.
- G. *Therapist dress/uniform requirements.* Any therapist performing massage shall, at all times, be dressed professionally, including short sleeved shirts, skirts no shorter than three inches above the knees, no cleavage showing, nails trimmed and neat, hair pulled back and closed-toed shoes.
- H. *Effect of license suspension or revocation.* No licensee shall solicit business or offer to perform massage services while under license suspension or revocation by the city.
- I. *Massage of certain body parts prohibited.* At no time shall the massage therapist intentionally massage, or offer to massage, the penis, scrotum, mons veneris, vulva, vaginal area or breasts of a person, unless massage of pectoral muscles is requested by customer or patron.
- J. *Restrictions regarding hours of operation.* No therapeutic massage enterprise shall be open for business, nor shall any therapeutic massage therapist offer massage services, before 7:00 a.m. or after 10:00 p.m. any day of the week. No customers or patrons shall be allowed to remain upon the licensed premises after 10:30 p.m. and before 7:00 a.m. daily. Support activities such as cleaning, maintenance and bookkeeping are allowed outside of business hours.
- K. *Proof of local residency required.* In the case of a therapeutic massage enterprise, the licensee, managing partner, or manager of the licensed premises must show proof of residency in one of the following counties: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright in Minnesota, and St. Croix or Pierce in Wisconsin. In the case of therapeutic massage therapists, the licensee must show proof of residing in one of the following counties: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright in Minnesota, and St. Croix or Pierce in Wisconsin.
- L. *Inspections.* In light of the high risk of involvement with illegal conduct, an establishment providing massage therapy poses to the general public, the issuing authority, Code Enforcement Department and/or the Police Department shall have the right to enter, inspect, and search the licensed premises during the hours in which the licensed premises is open for business to ensure compliance with all provisions of this chapter. Any search of the licensed premises are subject to reasonableness standards as recognized by the courts; search warrants will be secured when applicable. Any entry into a private residence will require either consent, exigent circumstances, or a search warrant. With reasonable notice, the business records of the licensee, including income tax returns, shall be available for inspection during the hours in which the licensed premises is open for business. The licensee is subject to a \$250 fee for a third inspection, if orders to correct are issued to the licensee and those orders are not corrected upon re-inspection. Licenses shall be granted only to establishments which can meet the safety and sanitary requirements of the city and of the building code regulations of the city and state.
- M. *Posting of rates.* All massage enterprise businesses must post their rates for service in a prominent place in the entrance or lobby of the business.
- N. *Illegal activities.* In addition to the license restrictions set forth in this section, any advertising by a licensee or representative of a licensee of any potential unlawful, misleading, sexually explicit, obscene or erotic conduct at the licensed establishment shall be prohibited. A licensee under this

chapter shall be strictly responsible for the conduct of the business being operated in compliance with all applicable laws and ordinances, including the actions of any employee or agent of the licensee on the licensed premises. No audio or visual recording is allowed at any time.

- O. *Restrictions involving minors.* No person under the age of 18 shall be permitted at any time to be in or on the licensed premises as a customer, guest, or employee, unless accompanied by his/her parent or guardian.
- P. *Food preparation.* Food preparation on site shall only occur in locations specifically designed for that purpose and with proper building permits having been obtained. Food preparation is limited to use for employees during breaks during the regular shift.
- Q. *Habitation.* Massage enterprises shall not contain nor allow the use by any person of sleeping quarters or living spaces of any kind intended for habitation, including but not limited to beds, cots or mattresses. Home-based enterprises shall not contain nor allow the use by any person of sleeping quarters or living spaces of any kind intended for habitation, including but not limited to beds, cots or mattresses in any area where massage is performed.
- R. *Intoxicating alcoholic beverages.* Per M.S. § 340A.401, no person may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession or otherwise dispose of intoxicating alcoholic beverages onsite. Intoxicating alcohol does not include alcohol used in direct conjunction with massage therapy such as in cleaning.

11.40.120 Restrictions Regarding Sanitation, Health And Safety

- A. *Toilet room requirements.* A licensed therapeutic massage enterprise shall be equipped with adequate and conveniently located toilet rooms for the accommodation of its employees and patrons. The toilet room shall be well ventilated by natural or mechanical methods and be enclosed with a door. The toilet room shall be kept clean and in good repair and shall be adequately lighted.
- B. *Paper/linen requirements.* A licensed therapeutic massage enterprise shall provide single service disposal paper or clean linens to cover the massage therapy table or chair on which the patron receives the massage; or, in the alternative, if the massage therapy table or chair on which the patron receives the massage is made of material impervious to moisture, such massage therapy table or chair shall be properly sanitized after each massage.
- C. *Washing of hands required.* The massage therapist shall wash his or her hands and arms with water and soap, anti-bacterial scrubs, alcohol, or other disinfectants prior to and following each massage service performed.
- D. *Door latches and locks.* Doors on massage therapy rooms shall not be locked or capable of being locked. Locks, latches or other devices intended to secure a door so as to prevent it from being opened by any person from either side of the door, with or without a key, cannot be present on any doors of rooms intended for massage therapy.
- E. *Equipment.* All modalities shall be performed on a raised massage therapy table or chair: no bed, mattress or other similar type equipment shall be allowed onsite except for a mat similar to those used in yoga. No modality may be performed that requires a massage therapist to stand on the massage therapy table or chair unless necessary due to size ratio of massage therapist/client.
- F. *Prohibited modalities.* Modalities involving work performed on the floor or requiring a massage therapist to stand on a massage therapy table, including but not limited to Shiatsu are strictly prohibited unless completely clothed and massage therapist is certified in Shiatsu or other modality by an accredited institution or program.

11.40.130 Term, Renewal Of License

- A. The term of a massage therapist license and a therapeutic massage enterprise license is one year. If an individual or enterprise submits an application any time during a calendar year, the term shall expire December 31 of the year of issuance. The license fee for a partial calendar year may be pro-rated to one-half of the annual fee if an application is filed with the issuing authority after June 30.
- B. Licenses must be renewed annually. A massage therapist license issued under this chapter shall expire on December 31 of the year of issuance of the license. A therapeutic massage enterprise license issued under this chapter shall expire on December 31 of the year of issuance. An application for the renewal of an existing license shall be made at least 75 days prior to the expiration date of the license and shall be made in such form as the issuing authority requires.
- C. An application for a renewal of an enterprise or individual license shall be made in the same manner as the original application. The license and investigation fees for a renewal shall be the same as those contained in SLPC 11.40.070. If the license holder is a corporation, licenses must also be renewed within 30 days whenever more than 10% of the corporation's stock is transferred. If the license holder is a partnership, the license must also be renewed within 30 days whenever a new partner is added to the partnership. If the license holder is an LLC, the license must be renewed within 30 days whenever a change in membership or chief manager occurs.
- D. After the completion of the renewal license verification process, the issuing authority shall present the enterprise license application to the City Council in accordance with this section. If the application is denied, the Administrator, Clerk-Treasurer shall notify the applicant of the determination in writing and by regular mail to the address provided on the application form. The notice shall inform the applicant of the right, within 20 days after receipt of the notice by the applicant, to request an appeal of the denial to the City Council. If an appeal to the City Council is timely received by the Administrator, Clerk-Treasurer, the hearing before the City Council shall take place within a reasonable period of receipt of the appeal by the issuing authority.
- E. After the completion of the renewal license verification process, the issuing authority shall present the massage therapist license application to the City Council in accordance with this section. If the application is denied, the Administrator, Clerk-Treasurer shall notify the applicant of the determination in writing and by regular mail to the address provided on the application form. The notice shall inform the applicant of the right, within 20 days after receipt of the notice by the applicant, to request an appeal of the denial to the City Council. If an appeal to the City Council is timely received by the Administrator, Clerk-Treasurer, the hearing before the City Council shall take place within a reasonable period of receipt of the appeal by the issuing authority.

11.40.140 Sanctions For License Violations

A. Suspension or revocation.

1. The City Council may impose an administrative penalty, suspend or revoke a license issued pursuant to this section, at its discretion, for:
 - a. A violation related to fraud, misrepresentation, or false statement contained in a license application or a renewal application;
 - b. A violation related to fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business;
 - c. Any violation of this chapter or state law;
 - d. A violation by any licensee or individual that is directly related to the occupation or business licensed, as defined by M.S. § 364.03, subd. 2;

- e. Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community;
- f. If the owner, manager, lessee or any of the employees are found to be in control or possession of an alcoholic beverage, a narcotic drug or controlled substance on the premises, other than drugs which may be purchased over the counter without a prescription or those for which the individual has a prescription;
- g. Failure to maintain insurance coverage, as required under this chapter; and/or
- h. A material variance in the actual plan and design of the premises from the plans submitted;

2. Neither the charging of a criminal violation nor a criminal conviction is required in order for the Council to impose an administrative penalty or suspend or revoke a license.

B. *Notice and hearing.* A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least ten days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.

C. *Ability to reapply after revocation.* The holder of a massage enterprise license or massage therapist license may not reapply for a new license for a period of five years if their license is revoked under this section.

D. *Ability to reapply after denial.* The applicant for a massage enterprise license or massage therapist license may not reapply for a license for a period of five years if the applicant's license has previously been denied due to fraud, misrepresentation or false statement contained in a previous license or renewal application.

11.40.150 Suspension Of License For Violations

The Chief of Police or his or her designee may immediately suspend a license, pending a hearing, if the licensee, or any person working on behalf of the licensee, is determined to be conducting business in an unlawful manner, any manner that constitutes a breach of the peace or a menace to the health, safety or general welfare of the public, or after repeated complaints received regarding conduct of business practices or method of solicitation.

11.40.160 Penalty

Any person or entity violating the provisions of this chapter is guilty of a misdemeanor under state law, and shall be punished by a fine or by imprisonment, or both, together with the costs of prosecution. Each violation of this chapter shall constitute a separate offense. Arrests, charges or conviction of a violation of this chapter, while not required, may be grounds for the non-renewal, suspension, denial or revocation of any license issued under this chapter.

11.44 SEXUALLY ORIENTED BUSINESSES

[11.44.010 Findings And Purpose](#)

[11.44.020 Definitions - Sexually Oriented Businesses](#)

[11.44.030 Zoning Restriction](#)

[11.44.040 Special Use Permit Required; Conditions](#)

[11.44.050 Initial Investigation Fee](#)

11.44.010 Findings And Purpose

The city recognizes that the existence of sexually oriented businesses within the city presents unique problems in a variety of areas, including crime prevention, protection of retail trade, maintenance of protection of the quality of life in the city, and public health concerns as a result of sexually transmitted diseases. In particular, the city also recognizes problems that other communities throughout the country have had with sexually oriented businesses in terms of their location and effect upon adjoining neighborhoods. Finally, the city makes note of the spread of the sexually transmitted disease known as acquired immune deficiency syndrome (AIDS), and the lack of any adequate cure or treatment for this disease. In order to provide for the general safety and welfare of the citizens of the city, the preservation of property values, and to minimize public health risks, the city finds it necessary to regulate sexually oriented businesses in terms of their physical location, condition of the premises, and the like.

11.44.020 Definitions - Sexually Oriented Businesses

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

ADULT ENTERTAINMENT CENTER. An enclosed building or a part of an enclosed building, a portion of which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals, or the charging of any admission fee for the viewing of this type of activity.

ADULTS-ONLY BOOKSTORE. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for rent, sale, or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined in this section, or an establishment with a segment or section devoted to the sale, rental, or display of this type of material, for sale or rental to patrons therein. A "substantial or significant portion" of its stock in trade shall be deemed to exist if 10% or more of the gross revenue from the business is derived from this type of sales or rentals, or if 10% or more of the floor area of the building used for these purposes is occupied by this stock in trade.

ADULTS-ONLY THEATER. An enclosed building used regularly and routinely for presenting programs, material distinguished or characterized by an emphasis on matter depicting, describing, or relating to nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined in this section, for observation by patrons therein.

MESSAGE PARLOR. An establishment or place primarily in the business of providing massage services.

NUDITY. The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depicting of covered male genitals in a discernibly turgid state.

RAP PARLOR. An establishment or place primarily in the business of providing non-professional conversation or similar services for adults.

SADOMASOCHISTIC ABUSE. Flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

SAUNA. An establishment or place primarily in the business of providing:

- A. A steam bath; and

B. Massage services.

SEXUAL CONDUCT. Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such a person be a female, her breast.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

11.44.030 Zoning Restriction

No sexually oriented businesses shall be permitted to be located in any area which is zoned other than C-1 (commercial).

11.44.040 Special Use Permit Required; Conditions

- A. Within the C-1 zoning district, sexually oriented businesses shall be permitted only by special use permit, to be issued on an annual basis, to be reviewed on an annual basis.
- B. The special use permit shall be issued, with the following exceptions, which shall apply to all special use permits issued for sexually oriented businesses.
 1. *Conditions common to all sexually oriented businesses.*
 - a. *Location.* All sexually oriented businesses shall exist in free-standing buildings, located at least 500 feet from any structure containing any public or private school, church, licensed day care center, public library, park, or municipal building. All sexually oriented businesses shall be located at least 500 feet from any residential district.
 - b. *Parking.* All driveways and parking facilities shall be paved with concrete or bituminous material in accordance with specifications to be established from time to time by the City Engineer.
 - c. *Illumination.* Parking lots and access roads shall be illuminated by exterior lighting facilities with a sufficient candle power or illuminating capacity to meet standards which shall be from time to time established and publicly available through the office of the City Engineer.
 - d. *Inspection.* During business hours, all areas of the facility shall be open and available for inspection by law enforcement personnel, public health officials, and Fire Department or building code officials. The premises of each business shall be completely covered by television camera surveillance devices, with sufficient closed circuit monitors to permit the inspection of all locations within and without the premises on a constant basis. These monitors shall be available to law enforcement personnel at all times during business hour operations. Standards for the quality and type of television camera monitoring equipment shall be established at the time of issuance of the special use permit, by the City Council upon recommendation of its staff and other experts as may be employed by the City Council.
 - e. *Minors.* No person under the age of 18 years shall be permitted on or about the premises, whether or not accompanied by an adult, at any time.
 - f. *Signage.* No exterior signage containing reference to any of the activities going on within the business shall be permitted except a simple, generic sign identifying the type of establishment, as defined in SLPC 11.44.020. Sign lettering shall not

exceed six inches in height. Sign prohibition shall not include the AIDS warning sign noted below.

- g. *AIDS warning.* Each sexually oriented business shall display, immediately adjacent to its main entrance, an AIDS warning sign. The AIDS warning sign shall be purchased from the city, which shall charge a fee equal to the cost of production of the sign. The content of the AIDS warning sign shall be as determined from time to time by the City Council and shall not be altered in any way by the merchant displaying the sign. The sign shall be displayed at all times and shall be illuminated at all times.
- h. *Annual fee and information.* Each sexually oriented business shall pay an annual license fee to be established from time to time by resolution of the City Council.
 - (1) Prior to issuance of the license, the owner of each sexually oriented business shall provide the following information to the city:
 - (A) The type of business organization which owns the business, e.g., corporation, partnership, proprietorship;
 - (B) The names and addresses of all stockholders, partners, or other persons interested in the ownership of the business; and
 - (C) Other information as the City Council may from time to time direct. Forms shall be prepared by city staff listing the types of information which are deemed necessary for investigation of the background of the owner of any sexually oriented business.
 - (2) No person shall be eligible, and no business shall be eligible, to obtain a special use permit for a sexually oriented business if any principal, stockholder, or other interested party having an interest in the business has ever been convicted of any type of felony, or has ever been convicted of any type of gross misdemeanor or misdemeanor involving a sexual offense or illegal sale of liquor, tobacco, or other materials to minors.
- i. *Alcohol and drugs.* No sexually oriented business shall permit on the premises any alcoholic beverage or other mood-altering substances. Owners of all sexually oriented businesses shall make concerned efforts to prohibit any illicit or illegal activities from taking place upon their premises, including the illegal sale, use, or distribution of alcohol or controlled substances, or acts of prostitution or criminal sexual conduct of any kind.
- j. *Revocation.* All special use permits for sexually oriented businesses shall be subject to revocation under the procedures established for revocation of special use permits for any violation of any term or condition of the special use permit. Further, upon the revocation of a special use permit for a violation, the premises where the violation occurred shall not be eligible for another special use permit for a sexually oriented business for a period of ten years following that revocation.
- k. *Other codes.* All sexually oriented businesses shall strictly observe the conditions of all state, fire, health, and building codes. All buildings housing sexually oriented businesses shall be completely sprinkled with an approved fire detection and sprinkler system.
- l. *Consumables.* No sexually oriented business shall engage in the sale or distribution of any item for human consumption, and no sexually oriented business shall be eligible for any vending machine license of any kind.

m. *Violations of law.* The special use permit of any sexually oriented business shall be subject to revocation in the event any employee, owner, interested principal, or agent of the business is convicted of any of the following crimes on more than one occasion within any calendar year, or on three occasions within any ten-year period:

- (1) Prostitution;
- (2) Sale of any material, device, or item to any minor which is prohibited by state law;
- (3) Trafficking in controlled substances including the use, possession, or distribution thereof; or
- (4) Any sex crime as defined in M.S. §§ 609.293 - 609.352, inclusive, as they may be amended from time to time.

2. *Conditions common to bookstores.*

- a. *Windows.* All bookstores shall be completely surrounded on the exterior walls by transparent windows which shall not be covered in any manner. Windows shall be at least four feet in height, and the interior of the premises shall be illuminated at all times during regular business hours. Windows shall not be tinted and shall be specifically designed and aligned so as to permit the observance from the outside of patrons and employees on the inside.
- b. *Booths.* No private booths of any kind will be allowed within the bookstore, excepting a private business office for use only by store employees. All other areas of bookstores at all times shall be open and accessible.
- c. *Parking.* Each bookstore shall provide one parking stall for every ten square feet of retail floor space located in the bookstore.

3. *Conditions common to theaters.*

- a. *Parking.* One parking stall shall be provided for every ten square feet, as measured at the foundation level, of the building housing the theater, or one space per seat allocated for patron seating, whichever figure is greater.
- b. *Obscenity.* For any theater offering live entertainment, the following activities are hereby defined as obscene and shall be prohibited:
 - (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piqueurism, sapphism, or zooerastia;
 - (2) Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;
 - (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
 - (4) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;

- (5) Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraining of those persons;
- (6) Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, or vaginal or anal irrigation.

4. *Conditions common to parlors.*

- a. *Enclosures.* No private booths or enclosed areas shall be permitted in any parlor or any sauna having a steam bath facility; any such steam bath shall be completely surrounded by transparent windows, to permit observation of all areas within those steam baths from the outside. A massage parlor or sauna may provide for separate enclosed areas where members of the same sex may be shielded from view from members of the opposite sex, but for no other purposes.
 - b. *Obscenity.* No person shall engage in any of the acts described in Paragraph B,3,b, publicly or in private, for remuneration or no remuneration, in any parlor.
5. *Additional conditions.* The City Council, upon recommendation of its Planning Commission, may make or propose other conditions and restrictions on sexually oriented businesses as the City Council deems from time to time to be appropriate, where those restrictions or regulations are designed to protect the general health, safety, and welfare of the public.

11.44.050 Initial Investigation Fee

In addition to the annual permit fee required by SLPC 11.44.040 Paragraph B,1,h, at the time of initial application for a special use permit, an initial investigation fee shall be charged, in an amount to be established from time to time by resolution of the City Council.

11.48 LICENSE BACKGROUND CHECKS

11.48.010 Purpose

11.48.020 Criminal History License Background Investigations

11.48.030 Investigation Fee

11.48.010 Purpose

The purpose and intent of this chapter is to establish regulations that will allow law enforcement access to Minnesota's computerized criminal history information for specified non- criminal purposes of licensing background checks.

11.48.020 Criminal History License Background Investigations

- A. The Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city:
 1. Peddlers, solicitors and transient merchants;
 2. Tobacco;
 3. Intoxicating liquor;

4. Wine and 3.2% malt;
5. Liquor pawnbrokers;
6. Second hand goods;
7. Dealer vehicles for hire;
8. Sauna;
9. Massage services;
10. Sexually oriented business;
11. Lawful gambling premises;
12. Permit bingo hall;
13. Kennel license; and
14. Used car dealership.

B. *Conducting the criminal history background investigation.* In order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator or other city staff involved in the license approval process.

C. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. § 364.09, as it may be amended from time to time, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

1. The ground and reasons for the denial;
2. The applicant compliant and grievance procedure set forth in M.S. § 364.06, as it may be amended from time to time;
3. The earliest date the applicant may reapply for the license; and
4. That all competent evidence of rehabilitation will be considered upon reapplication.

11.48.030 Investigation Fee

Upon application, the potential licensee must pay an investigation fee which shall be set from time to time by Council resolution to cover the cost of the investigation.

(This page intentionally left blank)

12 BUILDING REGULATIONS; CONSTRUCTION

12.04 STATE BUILDING CODE

12.08 CONTRACTOR LICENSING

12.12 CERTIFICATE OF OCCUPANCY

12.16 HOUSING MAINTENANCE AND OCCUPANCY

12.20 ADDRESS NUMBERS

12.24 MOVING BUILDINGS OR STRUCTURES

12.28 VACANT PREMISES AND BUILDINGS

12.32 ABANDONED PROPERTY

12.36 PROPERTY MAINTENANCE CODE

12.40 EXCESSIVE USE OF CITY SERVICES

12.44 CONSTRUCTION SITE RUNOFF CONTROL

12.48 CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY; PERMITS

12.52 DRIVEWAYS; ACCESS LANES; CURB CUTS

12.04 STATE BUILDING CODE

12.04.010 Codes Adopted By Reference

12.04.020 Application, Administration And Enforcement

12.04.030 Permits And Fees

12.04.040 Violations

12.04.050 Building Code Optional Chapters

12.04.010 Codes Adopted By Reference

The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to M.S. Ch. 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this chapter. The Minnesota State Building Code is hereby incorporated in this code as if fully set out herein.

12.04.020 Application, Administration And Enforcement

- A. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by M.S. § 326B.121, subd. 2(d), as amended from time to time.
- B. This code shall be enforced by the Minnesota Certified Building Official designated by the City of Spring Lake Park, Minnesota to administer the code (M.S. § 326B.133), including plumbing plan review and inspections.
- C. Prior to the installation of a system other than for a single-family dwelling with independent plumbing service, complete plumbing plans and specifications, together with any additional information that the Building Official may require, shall be submitted in duplicate and approved by the Building Official. No construction shall proceed except in accordance with the approved plans. Any alteration or extension of any existing plumbing system shall be subject to these same requirements. A plumbing system installation, as described herein, shall be subject to inspection as required by the State Plumbing Code. Fees for Plumbing Plan review shall be as specified for plan review in the city's fee schedule.

12.04.030 Permits And Fees

- A. The issuance of permits and the collection of fees shall be as authorized in Minn. Rules, Ch.

1300.

- B. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the City Council of the City of Spring Lake Park. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with M.S. § 326B.148.

12.04.040 Violations

A violation of the code is a misdemeanor (M.S. § 326B.082, subd. 16).

12.04.050 Building Code Optional Chapters

- A. The Minnesota State Building Code, established pursuant to Minn. Rules, Ch. 1300 allows the municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.
- B. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for the City of Spring Lake Park, Minnesota:
 - 1. Minnesota Rules, Chapter 1306, Special Fire Protection Systems, subpart 2; and
 - 2. International Building Code Appendix J, Grading.

12.08 CONTRACTOR LICENSING

[12.08.010 Licenses Required](#)

[12.08.020 Exemptions](#)

[12.08.030 Application And Fee](#)

[12.08.040 Expiration](#)

[12.08.050 Renewal](#)

[12.08.060 Rights Of Licensee](#)

[12.08.070 Qualifications Of Licensee](#)

[12.08.080 Suspension Or Revocation; Notice And Hearing](#)

[12.08.090 Suspension Period](#)

[12.08.100 Mandatory Revocation](#)

[12.08.110 Moving Building; Bond Required](#)

[12.08.120 Moving Building; Insurance Required](#)

[12.08.130 Public Liability And Property Damage Insurance](#)

12.08.010 Licenses Required

Before any person, firm, or corporation shall engage in the business of doing or performing any of the various types of work listed in this section, he or she shall first obtain a license to do so as hereinafter provided:

- A. Cement work, cement block work, cement block laying, or brick work;
- B. General construction, including erection, alteration, or repair of buildings;
- C. The moving or wrecking of buildings;
- D. Plastering, outside stucco work, or lathing;
- E. Plumbing, including installation of outside sewage disposal plants;
- F. Heating, gas piping, ventilating, or air conditioning;

- G. Gas installation, including heating appliances, devices, or machinery, and the like;
- H. Well drilling;
- I. Roofing, siding, gutter, and other specialty work such as trim;
- J. Sign and billboard erecting;
- K. Excavators (for basements, foundations, grading of lots, and the like); and
- L. Blacktop driveways and parking lots

12.08.020 Exemptions

Any person, firm, or corporation that has obtained a state license pursuant to M.S. Ch. 326, as it may be amended from time to time, is exempt from the city licensing requirements hereunder, except that those contractors shall pay the city a surcharge in the amount set from time to time by Council resolution for the purpose of license verification.

12.08.030 Application And Fee

All licenses shall be obtained from the Administrator, Clerk/Treasurer of the municipality. Applications for licenses shall be filed with the Administrator, Clerk/Treasurer on the forms furnished by the municipality. The annual fee for each license shall be in the amount set from time to time by Council resolution.

12.08.040 Expiration

All licenses shall expire on April 1 following the date of issuance unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to its expiration, then all rights granted by the license shall cease and any work performed after the expiration of the license shall be in violation of this code.

12.08.050 Renewal

Persons, firms, or corporations renewing their licenses after the expiration date shall be charged the full annual license fee. No pro rata license fee shall be allowed for renewals.

12.08.060 Rights Of Licensee

A license granted to a general contractor shall include the right to perform all of the work included in his or her general contract. The license shall include any or all of the persons performing the work which is classified and listed in SLPC 12.08.010, providing that each person performing that work is in the regular employ of the general contractor and qualified under state law and the provisions of this building code to perform that work. In these cases, the general contractor shall be responsible for all of the work so performed. Subcontractors on any work shall be required to comply with the sections of this code pertaining to license, bond, qualifications, and the like, for his or her particular type of work.

12.08.070 Qualifications Of Licensee

Each applicant for a license shall satisfy the governing body that he or she is competent by reason of education, special training, and experience, and that he or she is equipped to perform the work for which a license is requested in accordance with all state or city laws.

12.08.080 Suspension Or Revocation; Notice And Hearing

The governing body shall have the power to suspend or revoke the license of any person, partnership, firm, or corporation, licensed under the regulations of this code, whose work is found to be improper or defective or so unsafe as to jeopardize life or property, providing the person holding the license is given

20 days' notice and granted the opportunity to be heard before that action is taken. If and when the notice is sent to the legal address of the licensee and he or she fails or refuses to appear at the hearing, the license will be automatically suspended or revoked five days after date of hearing.

12.08.090 Suspension Period

When a license is suspended, the period of suspension shall be not less than 30 days nor more than one year, the period being determined by the governing body.

12.08.100 Mandatory Revocation

When any person, partnership, firm, or corporation holding a license as provided herein has been convicted for the second time by a court of competent jurisdiction for violation of any of the provisions of this code, the governing body shall revoke the license of the person, partnership, firm, or corporation so convicted. That person, partnership, firm, or corporation may not make application for a new license for a period of one year.

12.08.110 Moving Building; Bond Required

Any person, firm, or corporation when applying for a permit to move a building (the fee as established in the city's fee schedule), may be required by the governing body of the municipality to furnish the municipality with a surety bond, the amount of which may be established by the governing body prior to the issuance of the permit. This bond shall guarantee that any damage of any kind to the public property, rights-of-way, streets, or utilities shall be promptly and completely repaired or replaced in a manner satisfactory to the municipality at the expense of the applicant.

12.08.120 Moving Building; Insurance Required

Each applicant for a permit to move a building over any street or public right-of-way must satisfy the Building Inspector that he or she is provided with sufficient and adequate insurance to protect the municipality and the public from any and all damages which may result, either directly or indirectly, from the moving of the building.

12.08.130 Public Liability And Property Damage Insurance

The Administrator, Clerk/Treasurer shall not issue a license to any person, firm, or corporation until the applicant shall file with the Administrator, Clerk/Treasurer, policies of public liability and property damage insurance, which shall remain and be in force and effect during the entire term of the license. The policies shall contain a provision that they shall not be canceled without ten days' written notice to the city. The insurance policies shall contain and provide limits of not less than \$300,000 for injuries, including accidental death to any one person, and, subject to the same limit for each person, in an amount of not less than \$1,000,000 on account of any one accident. The policy shall provide property damage coverage of not less than \$100,000 for any one accident.

12.12 CERTIFICATE OF OCCUPANCY

[12.12.010 Purpose](#)

[12.12.020 Application](#)

[12.12.030 Compliance; Owner Responsibility](#)

[12.12.040 Definitions - Certificate Of Occupancy](#)

[12.12.050 Certificate Of Occupancy Required](#)

[12.12.060 Inspection Required](#)

[12.12.070 Temporary Certificate](#)

[12.12.080 Posting](#)

[12.12.090 Renewal Requirements](#)

[12.12.100 Application; Fee](#)

[12.12.110 Enforcement And Inspection Authority](#)

[12.12.120 Inspection Access](#)

[12.12.130 Compliance Order](#)

[12.12.140 Appeal](#)

[12.12.150 Violations](#)

12.12.010 Purpose

The purpose of this chapter is to protect the public health, safety, and general welfare of the people who live, work, and conduct business in the city. The general objectives include the protection of the character and stability of all industrial and commercial districts within the city and to correct and prevent structure conditions that adversely affect life, safety, health, and general welfare.

12.12.020 Application

Every building or structure, its premises used in whole or in part within a commercial or industrial district, and buildings used for public assembly, shall conform to the requirements of this chapter, irrespective of when the building or structure may have been constructed, altered, or repaired.

12.12.030 Compliance; Owner Responsibility

It shall be the responsibility of the owner of any above-described building or structure to ensure that all requirements of this chapter are met and maintained.

12.12.040 Definitions - Certificate Of Occupancy

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

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING CODE. The Uniform and/or International Building Code as adopted by reference in this title.

BUILDING OFFICIAL. The city building code administrative authority certified under M.S. § 326B.133, as it may be amended from time to time.

CERTIFICATE OF OCCUPANCY. A certificate stating that the building or structure meets the requirements of the building, fire, and zoning codes enforced within the city.

FIRE CODE. The Uniform and/or International Fire Code as adopted by reference in this title.

HAZARDOUS MATERIAL. Those chemicals or substances which are physical hazards or health hazards as defined by the State Fire Code, whether the materials are in usable or waste condition.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by a separation wall, each part shall be deemed a separate **STRUCTURE**.

ZONING TITLE or SLPC 16. SLPC 16, as it may be amended; the approved zoning ordinances of the city.

12.12.050 Certificate Of Occupancy Required

- A. Commencing March 1, 2003, no person, corporation, partnership, or any other business entity shall occupy, operate, or conduct business within any building or structure located within a

commercial or industrial district, or a building designed for public assembly, without first obtaining a certificate of occupancy from the city. A certificate of occupancy shall be required whenever:

1. Any structure or building is erected or moved;
2. Any portion of an existing industrial or commercial structure or building is structurally altered or remodeled;
3. Any existing industrial or commercial structure or building changes occupancy classification; or
4. Any existing industrial or commercial structure or building is occupied by a new tenant or owner.

B. No structure or building, or portion thereof, shall be occupied prior to obtaining a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this or any associated codes.

12.12.060 Inspection Required

A. The Building Official shall inspect the structure or building and determine whether the structure or building is in compliance with all fire, building, and zoning codes.

B. Upon the Building Official's determination of compliance, he or she shall issue a certificate of occupancy containing the following information:

1. The license number;
2. The address of the structure;
3. The date of the inspection;
4. The name and address of the owner;
5. A description of the portion of the structure for which the certificate is issued;
6. A statement that the described portion of the structure has been inspected for compliance with the requirements of this chapter;
7. The date issued;
8. The date for expiration; and
9. The name and signature of the Building Official.

12.12.070 Temporary Certificate

If the Building Official finds that no substantial hazard will result from occupancy of any structure or building as defined by this chapter, a temporary certificate of occupancy may be issued for the use of a portion or portions of a structure or building prior to completion.

12.12.080 Posting

The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

12.12.090 Renewal Requirements

Certificates of occupancy shall require renewal as follows:

- A. Existing buildings possessing a certificate of occupancy within a commercial or industrial district shall be renewed every three years; and
- B. Existing buildings containing hazardous materials, or buildings used for public assembly, shall be renewed every 12 months.

12.12.100 Application; Fee

- A. *Application fees.* The City Council shall adopt, from time to time by resolution, a fee schedule that will reflect the cost to be collected at the time of application and renewal for each certificate of occupancy.
- B. *Owner or agent to apply.* The owner, or his or her legally constituted agent, of any building listed in SLPC 12.08.010, shall make application or renewal for a certificate of occupancy. Application forms may be acquired from and subsequently filed with the Administrator, Clerk/Treasurer. Application and renewal forms shall contain the following information:
 - 1. The name, address, and telephone number(s) of the owner, partners if a partnership, managing partner, officers of a corporation, or a duly authorized agent of any other legally constituted entity;
 - 2. The name, address, and telephone number(s) of the designated agent, if any;
 - 3. The legal name and address of the building or structure;
 - 4. A description of use for the building or structure, or portions thereof; and
 - 5. Any pertinent information that may be deemed necessary by the Building Official.

12.12.110 Enforcement And Inspection Authority

The Building Official or designated agent(s) shall be the compliance official who shall administer and enforce the provisions of this chapter and is authorized to cause inspections on a scheduled basis. Inspections shall be conducted during reasonable hours and the compliance official shall present evidence of official capacity to the person(s) in charge of any respective building or structure.

12.12.120 Inspection Access

Should an owner, agent, or person in charge of any building or structure governed by this chapter refuse to permit free access and entry to the premises under his or her control for inspection pursuant to this chapter, the Building Official may seek a court order authorizing the inspection.

12.12.130 Compliance Order

- A. When the Building Official, or his or her designee, determines that any building or structure fails to meet the provisions of this chapter, the Building Official shall issue a compliance order setting forth the violations and ordering the owner to correct the violations.
- B. This compliance order shall:
 - 1. Be in writing;
 - 2. Describe the location, nature, and code section of the violation;
 - 3. Establish a reasonable time for the correction of the violation;
 - 4. Notify the owner, or his or her designated agent, of appeal recourse; and
 - 5. Be personally served upon the owner or his or her designated agent.

12.12.140 Appeal

- A. *Right of appeal.* Any person to whom a compliance order is directed may appeal the compliance order to the City Council sitting as the Board of Appeals. The appeal must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in the amount set from time to time by Council resolution, and must be filed with the City Administrator, Clerk/Treasurer within ten business days after service of the compliance order. The filing of an appeal shall postpone all proceedings of any action of the violation in which the appeal is filed, unless such a postponement would cause imminent peril to life, health, or property.
- B. *Hearing; Board of Appeals decision.* Upon at least five business days' notice to the owner or designated agents of the time and place for hearing the appeal, and within 30 days after the appeal is filed, the Board of Appeals shall hold a hearing thereon, taking into consideration advice and recommendations from the Building Official or other city staff. The Board of Appeals may reverse, modify, or affirm, in whole or in part, the compliance order, and may order return of all or part of the filing fee, if the appeal is upheld.

12.12.150 Violations

Violation of any provisions of this chapter shall be a misdemeanor.

12.16 HOUSING MAINTENANCE AND OCCUPANCY

[12.16.010 Definitions - Housing Maintenance And Occupancy](#)

[12.16.020 Required Inspections](#)

[12.16.030 Rental Units; Operating License Required](#)

[12.16.040 Fees](#)

[12.16.050 License Application](#)

[12.16.060 Resident Agent Required](#)

[12.16.070 Conformance To Laws](#)

[12.16.080 Inspection Condition](#)

[12.16.090 License Not Transferable](#)

[12.16.100 Enforcement And Inspection Authority](#)

[12.16.110 Inspection Access](#)

[12.16.120 Compliance Order](#)

[12.16.130 \(Reserved\)](#)

[12.16.140 License Suspension Or Revocation](#)

[12.16.150 Restrictions On Ownership Transfer](#)

[12.16.160 Compliance Orders; Remedies](#)

[12.16.170 Violations](#)

[12.16.180 Responsibility For A Licensee Relating To The Conduct Of Occupants Or Guests](#)

12.16.010 Definitions - Housing Maintenance And Occupancy

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

CONVERSION. Property conversion shall include all existing residential property that has not previously been registered as rental property in Spring Lake Park.

RENTAL PROPERTIES. All residential properties where the owner of record does not reside at the property and is used as a primary residence by a person or persons, related or not, to the owner of record, or when a room or rooms are rented out for a fee.

RESIDENTIAL. All properties located within an R-1, R-2, R-3, R-4, R-5, and R-6 zones.

12.16.020 Required Inspections

No person shall operate a rental dwelling without first obtaining a certificate of rental inspection from the city as hereinafter provided. The certificate of rental inspection shall be issued for a period of two years. Each certificate of rental inspection shall expire on the anniversary of the certificate of rental inspection issuance. Once issued, a certificate of rental inspection is non-transferable.

12.16.030 Rental Units; Operating License Required

No person shall operate a rental dwelling without first obtaining a license to do so from the city as hereinafter provided. The license shall be issued for a period of one year. Each operating license shall expire on December 31 of each year. License renewals must be filed by November 1 of each year. A delinquent penalty of 5% of the license fee for each day of operation without a valid license shall be charged to owners of rental dwellings.

12.16.040 Fees

A conversion fee shall be paid for a single-family home that is converted to a rental property. The conversion fee shall be established by ordinance of the City Council. The conversion fee shall be in addition to the first year rental registration fee. Any fees and/or fines associated with rental conversion or registration, and remain unpaid after 90 days, may be specially assessed to the property in the manner prescribed by law. Any existing residential property that has converted to rental and has failed to register with the City of Spring Lake Park is subject to an additional fee which is set forth by Council ordinance.

12.16.050 License Application

- A. License application or renewal shall be made by the owner of rental units or his or her legally constituted agent. Application forms may be acquired from and subsequently filed with the City Administrator, Clerk/Treasurer.
- B. The applicant shall supply:
 - 1. The name, address, and telephone number of the dwelling owner, owning partners if a partnership, or corporate officers if a corporation;
 - 2. The name, address, and telephone number of the designated resident agent, if any;
 - 3. The name, address, and telephone number of the vendee, if the dwelling is being sold through a contract for deed;
 - 4. The legal address of the dwelling; and
 - 5. The number of dwelling units within the dwelling.

12.16.060 Resident Agent Required

No operating license shall be issued or renewed for a non-resident owner of rental dwelling units unless the owner designates in writing to the City Administrator, Clerk/Treasurer the name of his or her resident agent, or non-resident agent located within the Twin City area, who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of city ordinances, to receive orders, and to accept all service of process pursuant to law. The Administrator, Clerk/Treasurer shall be notified in writing of any change of resident or non-resident agent.

12.16.070 Conformance To Laws

No operating license shall be issued or renewed unless the rental dwelling and its premises conform to the ordinances of the city and the laws of the state.

12.16.080 Inspection Condition

No operating license shall be issued or renewed unless the owner of rental units agrees in his or her application to permit inspections, at all reasonable times, pursuant to this chapter.

12.16.090 License Not Transferable

No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the Administrator, Clerk/Treasurer within ten days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. This notice shall include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings.

12.16.100 Enforcement And Inspection Authority

The Administrator, Clerk/Treasurer and his or her designated agents shall be the compliance official who shall administer and enforce the provisions of this chapter and who is hereby authorized to cause inspections on a scheduled basis for rental units, or otherwise when reason exists to believe that a violation of this chapter has been or is being committed. Inspections shall be conducted during reasonable daylight hours and the compliance official shall present evidence of official capacity to the occupant in charge of the respective dwelling units.

12.16.110 Inspection Access

Any owner, occupant, or other person in charge of a dwelling or dwelling unit may refuse to permit free access and entry to the structure or premises under his or her control for inspection pursuant to this chapter, whereupon, the compliance official may seek a court order authorizing the inspection.

12.16.120 Compliance Order

- A. When the compliance official determines that any dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the provisions of this chapter, he or she shall issue a compliance order setting forth the violations of the code provisions and ordering the owner, occupant, operator, or agent to correct the violations.
- B. This compliance order shall:
 1. Be in writing;
 2. Describe the location and nature of the violation of this chapter;
 3. Establish a reasonable time for the correction of the violation, and notify of appeal recourse; and
 4. Be served upon the owner, or his or her agent, or the occupant, as the case may require.

12.16.130 (Reserved)

12.16.140 License Suspension Or Revocation

Every operating license issued under the direction of this chapter is subject to suspension or revocation by the City Council should the licensed owner or his or her duly authorized resident agent fail to operate or maintain licensed rental dwellings and units therein consistent with the provisions of the ordinances of

the city and the laws of the state. In the event that an operating license is suspended or revoked by the City Council for just cause, it shall be unlawful for the owner or his or her duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid operating license may be restored by the City Council.

12.16.150 Restrictions On Ownership Transfer

It shall be unlawful for the owner of any dwelling, dwelling unit, or rooming unit upon whom a pending compliance order has been served to sell, transfer, mortgage, or otherwise dispose thereof to another person until the provisions of the tag or compliance order have been complied with, unless the owner shall furnish to the grantee, lessee, or mortgage a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the dwelling, dwelling unit, or rooming unit who has received a notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice upon him or her and shall be liable to all penalties and procedures provided by this chapter.

12.16.160 Compliance Orders; Remedies

Upon failure to comply with the compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may by resolution cause the cited deficiency to be remedied as set forth in the compliance order. The cost of the remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by M.S. Ch. 429, as it may be amended from time to time, that the assessment shall be payable in a single installment.

12.16.170 Violations

Any person who fails to comply with a compliance order after right of appeal has expired, and any person who fails to comply with a modified compliance order within the time set therein, upon conviction therefor shall be punished as for a misdemeanor. Each day of failure to comply shall constitute a separate punishable offense.

12.16.180 Responsibility For A Licensee Relating To The Conduct Of Occupants Or Guests

- A. *Conduct on licensed premises.* It shall be the responsibility of the licensee to take appropriate action following conduct by occupant(s) or guest(s) of the occupants which is in violation of any of the following statutes or ordinances:
1. M.S. §§ 609.75 through 609.76, as they may be amended from time to time, which prohibit gambling;
 2. M.S. §§ 609.321 through 609.324, as they may be amended from time to time, which prohibit prostitution and acts relating thereto;
 3. M.S. §§ 152.01 through 152.025 and 152.027, subds. 1 and 2, as they may be amended from time to time, which prohibit the unlawful sale or possession of controlled substances;
 4. M.S. § 340A.401, as it may be amended from time to time, which regulates the unlawful sale of alcoholic beverages;
 5. M.S. § 609.33, as it may be amended from time to time, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
 6. M.S. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, as they may be amended from time to time;

7. M.S. § 609.72, as it may be amended from time to time, which prohibits disorderly conduct;
8. SLPC 9.20.020 Paragraphs A through F, SLPC 13.04.010 Paragraphs A and B, SLPC 13.04.020 Paragraphs A through F, SLPC 13.04.030 Paragraph A, SLPC 13.04.020 Paragraph G and SLPC 13.08 regulating nuisances, disorderly conduct, prostitution, weapons violations and similar conduct; or
9. M.S. §§ 609.221, 609.222, 609.223, 609.2231, and 609.224, as they may be amended from time to time, regarding assaults in the first, second, third, fourth and fifth degree.

B. Enforcement and administration.

1. The Chief of Police or his/her designee shall be responsible for enforcement and administration of this section.
2. Upon determination by the Chief of Police that a licensed premises or dwelling unit was involved in a violation of Paragraph A, the Chief of Police shall notify the licensee by first class mail of the violation and direct the licensee to take steps to prevent further violations. A copy of the notice shall be sent by first class mail to the occupant in violation of Paragraph A.
3. Upon a second violation within 12 months of Paragraph A involving the same occupant, or a guest of the same occupant of a dwelling unit, the notice provided under Paragraph B,2 shall require the licensee to submit a written report of the action taken to prevent further violations on the premises. This written report shall be submitted to the Chief of Police within ten business days of request of the report and shall detail all actions taken by the licensee in response to all notices regarding violations to Paragraph A within the preceding 12 months. If the licensee fails to comply with the requirements of this paragraph, the rental dwelling license for the individual rental unit, may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Chief of Police in a manner described in this chapter providing that licensees shall have notice requirements and opportunity for hearing as provided under the Administrative Procedures Act.
4. If a third or subsequent violation of Paragraph A involving the same occupant, or a guest of the same occupant, of a dwelling unit occurs within 12 months after any two previous instances for which notices (pursuant to this section) were sent to the licensee regarding the same dwelling unit, the rental dwelling license for the individual rental unit, may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Chief of Police in a manner described in this chapter providing that licensees shall have notice requirements and opportunity for hearing as provided under the Administrative Procedures Act.
5. All notices sent by the city to the licensee shall be by first class mail to the address given by the licensee to the city in the license application process. The city shall retain affidavits of service by first class mail in its file for each violation notice.
6. No adverse license action shall be imposed if the violation to Paragraph A occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to an occupant to vacate the premises, where the violation was related to conduct by that occupant, other occupants, or the occupant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued

at any time if it appears that the licensee has taken appropriate measures which will prevent further violations to Paragraph A.

7. A determination that the licensed premises or dwelling unit has been used in violation of Paragraph A shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of violation to Paragraph A, nor shall the fact of dismissal or acquittal of criminal charges operate as a bar to adverse license action under this section.

12.20 ADDRESS NUMBERS

12.20.010 Purpose

12.20.020 Number Requirements

12.20.030 Compliance Required

12.20.010 Purpose

It is the finding of the City Council that the placement of numerical address numbers on all houses and buildings within the city will promote the general welfare of the community, including fire and police protection and general city administration.

12.20.020 Number Requirements

All persons, firms, partnerships, corporations, or business entities whatsoever, owning homes or commercial or industrial buildings within the city, shall affix numerical numbers on the front of the building so as to indicate the street address. These numerical numbers shall be conspicuously placed on the building and must be legible from the street. The city shall assign the proper numerical designation for all buildings within the city.

12.20.030 Compliance Required

All buildings that do not presently conform with the terms of this chapter shall have 90 days following receipt of notice of non-compliance from the city to comply with this chapter.

12.24 MOVING BUILDINGS OR STRUCTURES

12.24.010 Permit Required

12.24.020 Definitions - Moving Buildings Or Structures

12.24.030 Permit Application; Accompanying Papers

12.24.040 Deposit For City Expense

12.24.050 Duties Of Building Inspector

12.24.060 Duties Of Permittee

12.24.070 Enforcement; Violations

12.24.010 Permit Required

No person shall move a building into or within the city or on the streets or highways in the city of which the city has jurisdiction, without first having obtained a permit therefor. A permit for the movement of a building may not be granted to a building mover who does not possess a current license issued by this state under M.S. § 221.81, as it may be amended from time to time. A permit as required by this section may be issued by the Building Inspector, provided the building mover shall meet all requirements of this chapter. The permit may reasonably regulate the hours, routing, movement, parking, or speed limit for a building mover operating on the streets or highways under the jurisdiction of the city. The city may further charge a permit fee for the regulation of activities which do not involve the use of public streets or highways within the jurisdiction of the city.

12.24.020 Definitions - Moving Buildings Or Structures

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

BUILDING. A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes.

BUILDING INSPECTOR. The Building Inspector of the city.

BUILDING MOVER. A person, corporation, or other entity who raises, supports off the foundation, and moves buildings on and over public streets and highways. **BUILDING MOVER** does not include a person who moves manufactured homes or modular homes, farmers moving their own farm buildings, or persons moving buildings which are less than 16 feet wide by 20 feet long.

12.24.030 Permit Application; Accompanying Papers

A. *Application.* A building mover seeking issuance of a permit hereunder shall file an application for the permit with the Building Inspector.

1. *Form.* The application shall be made in writing, upon forms provided by the Building Inspector, and shall be filed in the office of the City Administrator, Clerk/Treasurer.
2. *Contents.* The application shall set forth:
 - a. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms, and condition of exterior and interior, together with a photograph thereof that fairly portrays the building;
 - b. A legal description of the lot from which the building is to be moved, giving the lot, block, and tract number;
 - c. A legal description of the lot to which it is proposed the building be moved, giving lot, block, and tract number;
 - d. The portion of the lot to be occupied by the building when moved;
 - e. The highways, streets, and alleys over, along, or across which the building is proposed to be moved;
 - f. Proposed moving date and hours; and
 - g. Any additional information which the Building Inspector shall find necessary to make a fair determination of whether a permit should be issued.

B. *Accompanying papers.*

1. *Tax certificate.* The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and charges against the same are paid in full.
2. *Certificate of ownership or entitlement.* The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence that he or she is entitled to move the building.
3. *Fee.* The application shall be accompanied by a fee for services performed, including the expense of the Building Inspector to travel to the site of the building proposed to be moved, to inspect the building to assure the building is suitable to be moved to the city, and the return trip. The fee shall be based on an hourly rate and the current city rate per mile for travel, to be established from time to time by resolution of the City Council.

12.24.040 Deposit For City Expense

- A. Upon receipt of any application, it shall be the duty of the Building Inspector to estimate the expense that will be incurred in removing and replacing any electric wires, street lamps, or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making those removals and replacements. The Building Inspector shall also estimate the cost of repairs and alterations to the site and building to insure state and city code compliance.
- B. Prior to issuance of the permit, the Building Inspector shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense.

12.24.050 Duties Of Building Inspector

- A. *Inspection.* The Building Inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.
- B. *Standards for issuance.* The Building Inspector shall refuse to issue a permit if he or she finds:
 - 1. Any application requirement or any fee or deposit requirement has not been complied with;
 - 2. The building is too large to move without endangering persons or property in the city;
 - 3. The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;
 - 4. The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;
 - 5. The applicant's equipment is unsafe, and persons and property would be endangered by its use;
 - 6. Zoning or other ordinances would be violated by the building in its new location;
 - 7. For any other reason, persons or property in the city would be endangered by the moving of the building;
 - 8. The building would for any reason be not equal to the standards provided for in the building code of the city; or
 - 9. The building does not conform to the general design or architecture of other buildings within 250 feet of the new location.
- C. *Fees and deposits.*
 - 1. *Deposit.* The Building Inspector shall deposit all fees and deposits with the City Administrator, Clerk/Treasurer.
 - 2. *Return upon non-issuance.* Upon refusal to issue a permit, the Building Inspector shall return to the applicant all deposits and insurance policies. Permit fees filed with the application shall not be returned.
 - 3. *Refund upon allowance for expense.* After the building has been moved, the Building Inspector shall furnish the Administrator, Clerk/Treasurer with a written statement of all expenses incurred in returning and replacing all property belonging to the city, and of all material used in the making of the removal and replacement, together with a statement of

all damage caused to or inflicted upon property belonging to the city. Provided, however, that if any wires, poles, lamps, or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The City Council shall authorize the Administrator, Clerk/Treasurer to return to the applicant all deposits after the Administrator, Clerk/Treasurer deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

- D. *Designate streets for removal.* The Building Inspector shall designate streets over which the building may be moved. The Building Inspector shall have the list approved by the Administrator, Clerk/Treasurer and shall reproduce the list upon the permit in writing. In making their determinations, the Building Inspector and Administrator, Clerk/Treasurer shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.

12.24.060 Duties Of Permittee

Every permittee under chapter chapter shall:

- A. *Use designated streets.* Move a building only over streets designated for that use in the written permit;
- B. *Notify of revised moving time.* Notify the Building Inspector in writing of a desired change in moving date and hours as proposed in the application;
- C. *Notify of damage.* Notify the Building Inspector in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred;
- D. *Lights and barricades.* Cause red lights to be displayed during the nighttime on every side of the building while standing on a street, in a manner so as to warn the public of the obstruction; and at all times erect and maintain barricades across the streets in a manner so as to protect the public from damage or injury by reason of the removal of the building;
- E. *Street occupancy period.* Remove the building from the city streets after one day of that occupancy unless an extension is granted by the Building Inspector;
- F. *Comply with governing law.* Comply with the building code, the fire zone, and SLPC 16 regarding zoning, and all other applicable ordinances and laws upon relocating the building in the city;
- G. *Pay expense of officer.* Pay the expense of a traffic officer ordered by the Building Inspector to accompany the movement of the building to protect the public from injury;
- H. *Clear old premises.* Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition; and
- I. *Remove service connection.* The permittee shall notify the gas and electric service companies and the City Public Works Department to remove their services.

12.24.070 Enforcement; Violations

- A. *Enforcing officers.* The Building Inspector and the Police Department shall enforce and carry out the requirements of this chapter.
- B. *Permittee liable for expense above deposit.* The permittee shall be liable for any expense, damages, or costs in excess of deposited amounts or securities, and the City Attorney shall

prosecute an action against the permittee in a court of competent jurisdiction for the recovery of excessive amounts.

- C. *Original premises left unsafe.* The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where the permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the general deposit.
- D. *Violations.* Any person, firm, or corporation who moves any building into or within the city without a permit as provided for herein shall be construed to have committed a misdemeanor for each day that the building remains within the city in violation of this chapter.

12.28 VACANT PREMISES AND BUILDINGS

[12.28.010 Purpose](#)

[12.28.020 Evacuation](#)

[12.28.030 Securing](#)

[12.28.040 Maintenance](#)

[12.28.050 Monitoring Fee](#)

[12.28.060 Special Assessment](#)

12.28.010 Purpose

Vacant premises that are not maintained contribute to the detriment of neighborhoods, increase crime, and diminish property values of a city. For the benefit of the community, the City of Spring Lake Park has deemed it necessary and appropriate to maintain, preserve and improve housing by providing an orderly and effective way to ensure compliance with housing codes and provide a system to increase concerns for health, safety and protection of the community.

12.28.020 Evacuation

The Chief Building Official, Fire Marshal, Chief of Police, and their designees, are authorized to order the immediate evacuation of a building or premises that pose an immediate threat to health and safety. Once evacuated, unsecured buildings or premises posing an immediate danger of sustaining property damage or threat to health and safety may be ordered immediately secured and posted. Unauthorized entry onto posted premises or into a posted building, or the removal or defacing of a notice, is a violation of this section. In all other cases, a vacant building that remains unsecured for a period of 48 hours or more is deemed a public nuisance and must be secured. Securing must be in the manner prescribed by SLPC 12.28.030. City officials or their designees are authorized to enter private property and use reasonable force to enforce this clause.

12.28.030 Securing

Boarding of all unsecure openings must be done with sound materials securely fastened to the building and painted with a color consistent with the adjacent surfaces, except that openings on walls facing street frontages must be covered with clear acrylic plastic sheets only. Nonresidential building exterior signage on the vacant portions must be removed, except signage used for sale or lease of the building as allowed by SLPC 16.24.010

12.28.040 Maintenance

The premises of a vacant building must be maintained in an appropriate manner including, but not limited to mowing of yard areas; removal of weeds from parking areas, drives, medians, and landscaping; collection and removal of debris; and watering and maintaining landscaping and yard as required by the 2006 *International Property Maintenance Code*.

12.28.050 Monitoring Fee

Properties remaining vacant for 120 days or more, except for seasonal vacancies, may be assessed a monitoring fee established by the City Council from time to time and payable 30 days after notice from the Compliance Official, thereafter annually on the anniversary of the original date of vacancy.

12.28.060 Special Assessment

Costs of securing and maintaining a property, and unpaid monitoring fees, may be specially assessed to the property in the manner prescribed by law.

12.32 ABANDONED PROPERTY

[12.32.010 Purpose](#)

[12.32.020 Definitions - Abandoned Property](#)

[12.32.030 Determination Of Abandoned Property](#)

[12.32.040 Revocation Of Certificate Of Occupancy](#)

[12.32.050 Notification Of Revocation Of Certificate Of Occupancy](#)

[12.32.060 Building Code Inspection](#)

[12.32.070 Issuance Of Temporary Certificate Of Occupancy With Financial Guarantee](#)

[12.32.080 Application And Inspection](#)

[12.32.090 Appeals](#)

12.32.010 Purpose

Abandoned buildings that are not maintained contribute to the detriment of neighborhoods, increase crime, and diminish property values of a city. For the benefit of the community, the City of Spring Lake Park has deemed it necessary and appropriate to maintain, preserve and improve housing by providing an orderly and effective way to ensure compliance with housing codes and provide a system to deal with increased concerns for health, safety and protection of the community. The City Council intends that this chapter be an integral part of the city's program of health, safety, fire, building and land use regulations.

12.32.020 Definitions - Abandoned Property

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

ABANDONED PROPERTY. The discontinued use or occupancy of a property for 30 days, with no evidence of routine maintenance and upkeep by the property owner, but excluding temporary interruptions during periods of building or remodeling where a valid building permit has been issued or during periods of routine seasonal closure.

BOARD OF APPEALS. The Spring Lake Park City Council.

BUILDING. Any roofed structure that may provide shelter.

CERTIFICATE OF OCCUPANCY. A document issued by the Building Official allowing for occupancy or use of a building, and certifying that the structure or use has been constructed or will be used in compliance with all applicable codes and ordinances.

CITY. The City of Spring Lake Park.

CODE OFFICIAL. The current City Building Official or designee.

COMPLIANCE ORDER. A document issued to the owner of a property after a building code inspection that requires the correction of identified deficiencies or hazardous items.

PROPERTY. Real estate, including any improvements therein.

RENEWAL FEE. Fee paid for new certificate of occupancy, which includes related inspections.

VANDALIZE. To destroy or damage (property) maliciously.

12.32.030 Determination Of Abandoned Property

The Code Official, or designee, shall be responsible for the investigation of all properties or complaints concerning vacant or abandoned property.

12.32.040 Revocation Of Certificate Of Occupancy

If a property is declared abandoned as defined in SLPC 12.32.020, the property's certificate of occupancy will be revoked, and the property will be posted to prevent occupancy.

12.32.050 Notification Of Revocation Of Certificate Of Occupancy

The city will make every effort to notify the current property owner, Real Estate Agent, Asset Manager, or any other individual known to the city that is involved in the transaction for sale of the property by way of U.S. mail and by posting the same on the property.

12.32.060 Building Code Inspection

Once the certificate of occupancy has been revoked for a property, a building code inspection must take place prior to a new certificate of occupancy being issued.

- A. The building code inspection may result in corrective actions. A compliance order may be issued to the owner when deficiencies, unsafe conditions, or hazardous items have been identified during a housing inspection as described in the *International Property Maintenance Code* and the Minnesota State Building Code provisions.
- B. The corrective actions must be completed and pass inspection by the Code Official in order to have a new certificate of occupancy issued for the property.
- C. If corrective actions are not required, a new certificate of occupancy will be issued by the Code Official.

12.32.070 Issuance Of Temporary Certificate Of Occupancy With Financial Guarantee

The city may issue a temporary certificate of occupancy for corrective actions, if the buyer, seller or other responsible person has:

- A. Executed an agreement with the city to complete the correction actions in a timely manner; and
- B. Deposited with the city a cash escrow, bond or letter of credit, and proof of construction loan or similar financial guarantee equivalent to 110% of the estimated cost of corrections.
 1. If escrowed items contain immediate hazardous items, the temporary certificate of occupancy will be withheld from the new property owner until these items are satisfactorily completed and inspected by the Code Official; until that time the building may not be occupied.
 2. Once the correction items have been completed, and are in compliance with the *International Property Maintenance Code* as approved by the Code Official, a new certificate of occupancy can be issued replacing the temporary certificate.

12.32.080 Application And Inspection

- A. *Application required.* The owner or owner's representative is required to make application for the issuance of a new certificate of occupancy, which would include the inspection by the Code Official.
- B. *Fee.* At the time of application for a new certificate of occupancy, the applicant must pay a fee appropriate for the type of building as set forth from time to time by City Council resolution.
- C. *Inspection.* Upon receipt of a properly executed application and payment of the fee, the Code Official will cause a property maintenance inspection to be made of the premises to ensure the property is in compliance with applicable provisions of the International Property Maintenance Code.
- D. *Final inspection.* Upon completion of repairs or corrections made to the property per the compliance order, the property owner shall request the Code Official to conduct a final inspection, which may be combined with the final building permit inspection, where required.

12.32.090 Appeals

A person aggrieved by a declaration of abandoned property or compliance order may appeal in writing for relief from the action of the Code Official to the City of Spring Lake Park Board of Appeals. The decision and order of the Board of Appeals shall be binding to all parties. A hearing shall be set within 30 days after receipt to the city of a written appeal.

12.36 PROPERTY MAINTENANCE CODE

[12.36.010 Adoption Of International Property Maintenance Code](#)

[12.36.020 Revisions To International Property Maintenance Code](#)

12.36.010 Adoption Of International Property Maintenance Code

The *International Property Maintenance Code*, 2006 edition, as published by the International Code Council, is hereby adopted by reference as the Property Maintenance Code of the City of Spring Lake Park, in the State of Minnesota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical features and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Spring Lake Park are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in SLPC 12.36.020. A copy of the 2006 *International Property Maintenance Code* is on file at the Office of Administration at Spring Lake Park City Hall.

12.36.020 Revisions To International Property Maintenance Code

The following sections are hereby revised:

Section 101.1. Title. Insert: *City of Spring Lake Park*

Section 103.5. Fees. Insert: *City of Spring Lake Park Permit Fee Schedule*

Section 302.4. Weeds. Insert: *Nine (9) inches*

Section 304.14. Insect Screens. Insert: *April 16, October 16*

Section 602.3. Heat Supply. Insert: *October 15, April 15*

Section 602.4. Occupiable Space. Insert: *October 15, April 15*

12.40 EXCESSIVE USE OF CITY SERVICES

[12.40.010 Purpose](#)

[12.40.020 Definitions - Excessive Use Of City Services](#)

[12.40.030 Collection Authorized](#)

12.40.010 Purpose

The purpose of this chapter is to recover costs associated with repeated and/or unfounded requests for excessive use of city services.

12.40.020 Definitions - Excessive Use Of City Services

- A. "Excessive consumption of inspection services" occurs on a non-rental property when:
1. One or more inspections are performed at the same location within a consecutive 12 month period after any inspection for which a notice of the same violation was served, and
 2. During any inspection under Paragraph A,1, the inspector finds continuing or additional violations.
- B. "Excessive consumption of inspection services" occurs on a rental property when:
1. Paragraph A is met, or
 2. The second follow-up inspection to an initial or renewal inspection reveals non-compliance with requirements established in the initial or renewal inspection, or the first follow-up inspection.
- C. A "repeated, unfounded request for enforcement" means a complaint determined not to be a violation of city code for enforcement by any person within 90 days of a previous unfounded request for enforcement regarding the same property or subject matter, provided that person had notice the first request for enforcement has been determined to be unfounded. For the purposes of this section, "notice" means actual notice, or written notice mailed to the person's last known address, and either not returned, or returned by the postal authorities as undeliverable.
- D. All police enforcement and services are exempt from the requirements of this chapter.

12.40.030 Collection Authorized

The city is authorized to collect inspection costs, as determined from time to time by ordinance, from a property owner who consumes excessive inspection services, or from a person who makes repeated unfounded requests for enforcement. Unpaid excessive inspection costs may be specially assessed against the property in the manner prescribed by law. For SLPC 12.40.020 Paragraphs A,1 or A,2, excessive consumption of inspection services, double the cost may be imposed.

12.44 CONSTRUCTION SITE RUNOFF CONTROL

[12.44.010 Intent](#)

[12.44.020 Statutory Authority](#)

[12.44.030 Findings](#)

[12.44.040 Purpose](#)

[12.44.050 Definitions - Construction Site Runoff Control](#)

[12.44.060 Scope And Effect](#)

[12.44.070 \(Reserved\)](#)

[12.44.080 \(Reserved\)](#)

[12.44.090 Minimum Construction Site Best Management Practices](#)

[12.44.100 Completion Of Work](#)

[12.44.110 Enforcement Procedures](#)

[12.44.120 Penalty](#)

12.44.010 Intent

To promote the health, safety and general welfare of the citizens of Spring Lake Park, Minnesota by requiring proper storm water management practices for construction activity.

12.44.020 Statutory Authority

These regulations are adopted pursuant to M.S. § 462.351.

12.44.030 Findings

The City of Spring Lake Park hereby finds that uncontrolled land disturbing activity at construction sites are subject to soil erosion and other pollutants which enter into receiving water bodies adversely affecting the public health, safety and general welfare by impacting water quality, creating nuisances and impairing other beneficial uses of environmental resources.

12.44.040 Purpose

The purpose of this chapter is to promote, preserve and enhance the natural resources within the City of Spring Lake Park and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing activities that would have an adverse and potentially irreversible impact on water quality; by minimizing conflicts and encouraging proper installation and maintenance of Best Management Practices (BMPs) for land disturbing activities, and by requiring detailed review standards and procedures for land disturbing activities proposed for such areas, thereby achieving a balance between development, redevelopment and protection of water quality.

12.44.050 Definitions - Construction Site Runoff Control

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When inconsistent with the context, words used in the present tense include future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

APPLICANT. Any person who wishes to obtain a building permit, zoning or subdivision approval.

BEST MANAGEMENT PRACTICE (BMP). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions and other management practices published by state or designated area-wide planning agencies.

DETENTION FACILITY. A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

DISCHARGE. The release, conveyance, channeling, runoff or drainage of storm water including snowmelt from a construction site.

EXPOSED SOIL AREAS. All areas of a construction site where the vegetation (trees, shrubs, brush, grasses, and the like) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of gravel, concrete or bituminous. Once soil is exposed it is considered "exposed soil," until it meets the definition of **FINAL STABILIZATION**.

FINAL STABILIZATION. Means that all soil-disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass is not considered **FINAL STABILIZATION**.

LAND DISTURBING OR DEVELOPMENT ACTIVITIES. Any change of the land surface including removing vegetative cover, excavating, filling, grading and the construction of any structure.

PERSON. Any individual, firm, corporation partnership, franchise, association or governmental entity.

PUBLIC WATERS. Waters of the state as defined in M.S. § 103G.005, Subd. 15.

RETENTION FACILITY. A permanent natural or man-made structure that provides for the storage of storm water runoff by means of a permanent pool of water.

SEDIMENT. Solid matter carried by water, sewage, or other liquids.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A joint storm water and erosion and sediment control plan containing the requirements of this chapter, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution due to sedimentation.

STRUCTURE. Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures earthen structures, roads, parking lots, paved storage areas, fences and retaining walls.

WATERS OF THE STATE. As defined in M.S. § 115.01, Subd. 22 the term **WATERS OF THE STATE** means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of accumulations of water, surface or underground natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

WETLANDS. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, **WETLANDS** must have the following three attributes:

- A. Have a predominance of hydric soils;
- B. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- C. Under normal circumstances support a prevalence of such vegetation.

12.44.060 Scope And Effect

- A. *Applicability.* Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities greater than or equal to one acre or part of a larger common plan or development greater or equal to one acre, must submit a Storm Water Pollution Prevention Plan (SWPPP) to the Zoning Administrator. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the SWPPP or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this chapter. The provisions of Paragraph B apply to all land, public or private.
- B. *Exemptions.* The provisions of this chapter do not apply to:
 1. Any part of a subdivision if a plat for the subdivision has been approved by the City

- Council on or before the effective date of this chapter;
2. A lot for which a building permit has been approved on or before the effective date of this chapter;
 3. Installation of fences, signs, telephone and electric poles and other kinds of posts or poles;
 4. Emergency work to protect life, limb or property; or
 5. Tilling, planting or harvesting of agricultural, horticultural or forestry crops.

12.44.070 (Reserved)

12.44.080 (Reserved)

12.44.090 Minimum Construction Site Best Management Practices

- A. No SWPPP which fails to meet the standards contained in this section, or as described in the NPDES Construction General Permit, shall be approved by the City Council or designated representative.
- B. *Site dewatering.* Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydrocyclones, swirl concentrators or other appropriate BMPs for dewatering activities described in the NPDES Construction General Permit, Part IV, D. Water may not be discharged in a manner that causes nuisance conditions, erosion, scour, or flooding of the site or receiving channels or a wetland. All discharge points must be adequately protected from erosion and scour. The discharge must be dispersed over natural rock riprap, sand bags, plastic sheeting or other accepted energy dissipation measures. Adequate sedimentation control measures are required for discharge water that contains suspended solids.
- C. *Construction site waste.* Management of solid and hazardous wastes on site shall meet the requirements of the NPDES Construction General Permit, Part IV, F.
 1. *Solid waste and material disposal.* All waste, unused building material (including garbage debris, cleaning wastes, wastewater, toxic materials or hazardous materials), collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
 2. *Hazardous materials.* Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spill leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
 3. *Liquid Waste.* All other non-storm water discharges (concrete truck washout, vehicle washing, maintenance spills, and the like) conducted during the construction activity shall not be discharged to the municipal storm sewer, wetlands, natural drainageways or waters of the state.
 4. *Sanitary facilities.* Adequate on-site sanitary facilities shall be provided in convenient location(s) for all persons who work on the site.
- D. *Tracking.* Vehicle tracking of sediment onto paved surfaces must be removed by street sweeping as needed to prevent discharge of sediment-laden water from entering the city storm sewer system.
- E. *Drain inlet protection.* All storm drain inlets shall be protected during construction with control

measures approved by the City Engineer until final establishment has been accomplished or until approval from the city.

- F. *Site runoff control.* Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Diverted runoff shall be conveyed in a manner that will not erode the conveyance at receiving channels. All temporary or permanent drainage channels must be stabilized within 24 hours of being connected to a water of the state. Sediment control is required along channel edges to reduce sediment reaching the channel. This site shall include, as applicable, BMPs to minimize erosion described in the NPDES Construction Permit, Part IV, B.
- G. *Site phasing.* All activities on the site shall be conducted in a logical sequence to minimize the area of base soil exposed at any one time.
- H. *Soil stabilization.* All exposed soil left inactive for 14 or more days must have temporary or permanent stabilization year round.
- I. *Temporary sediment basins.* For sites with more than ten acres disturbed at one time, or if a channel originates in the disturbed area one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion, scour, or flooding along the discharge channel or the receiving water. The use and management of site temporary sediment basins shall meet the requirements of the NPDES Construction General Permit, Part III, C.
- J. *Sediment control.* Silt fence or equivalent sediment control measures shall be placed along all side slopes and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fence shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fence or equivalent sediment control BMPs, as applicable, shall be used to minimize the discharge of sediment and other pollutants, as described in NPDES Construction General Permit, Part IV, C, and must include a maintenance and inspection schedule.
- K. *Stockpile protection.* Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslide drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be temporarily stabilized by mulch, vegetation, tarps, or other means and enclosed by a silt fence or equivalent sediment control measures. Stockpiles which will be in existence for less than seven days shall be enclosed by silt fence or equivalent sediment control measure around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days.
- L. *Inspection and maintenance.* All stormwater management BMPs shall be inspected weekly or after every 1/2-inch rain event by the applicant. If sediment has reached 1/3 the capacity of the sediment control practice, appropriate maintenance or replacement of the BMP must be completed to ensure maximum effectiveness. All site inspections, records of rainfall events and BMP maintenance shall comply with the requirements of the NPDES Construction General Permit, Part IV, E.

12.44.100 Completion Of Work

Work will be considered complete when all exposed soil areas have undergone final stabilization, as defined in SLPC 12.44.050; is constructed to finish grade, is in conformance with all permit conditions, including the NPDES Construction General Permit, Part IV, G, and is to the satisfaction of the city. The

applicant or representative shall notify the city when the land disturbing operations are ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed and final stabilization has occurred in accordance with this chapter.

12.44.110 Enforcement Procedures

- A. *Right of entry.* The applicant shall promptly allow the city and its authorized representatives, upon presentation of identification, to:
1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys;
 2. Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations;
 3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site;
 4. Inspect the stormwater pollution control measures; and
 5. Sample and monitor any items or activities pertaining to stormwater pollution control measures.
- B. *Notification by city of failure of the SWPPP.* If upon inspection by the city or designated representative, the applicant fails to implement the erosion and sediment control practices outlined in the approved SWPPP or minimum BMP standards outlined in SLPC 12.44.090, the city will notify the applicant with a letter of failure which outlines the issues of noncompliance and a timeline for completion of any work to bring the site into compliance.
- C. *Failure to conduct corrective work.* When an applicant fails to conform to any provision of this policy within the time stipulated, the city may take the following actions:
1. Issue a stop work order, withhold the scheduling of inspections, and/or the issuance of a certificate of occupancy;
 2. Revoke any permit issued by the city to the applicant for the site in question or any other of the applicant's sites within the city's jurisdiction;
 3. Direct the correction of the deficiency by city forces or by a separate contract. The issuance of a permit constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion or sediment control; and
 4. All costs incurred by the city in correcting storm water pollution control deficiencies must be reimbursed by the applicant. If payment is not made within 30 days after costs are incurred by the city, the city may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the city, concur that the benefit to the property exceeds the amount of the proposed assessment and waive all rights by virtue of M.S. § 429.081 to challenge the amount or validity of assessment.
- D. *Action against the financial security.* If appropriate actions by the applicant have not been completed within seven days after notification by the city, the city may act against the financial security if any of the conditions listed below exist. The city shall use funds from this security to finance any corrective or remedial work undertaken by the city or a contractor under contract to the city and to reimburse the city for all direct costs incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

1. The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the city-approved grading plan.
2. The applicant fails to conform to any city approved grading plan and/or the SWPPP as approved by the city, or related supplementary instructions.
3. The techniques utilized under the SWPPP fail within one year of installation.
4. The applicant fails to reimburse the city for corrective action taken.

E. *Emergency action.* If circumstances exist such that noncompliance with this chapter poses an immediate danger to the public health, safety and welfare, as determined by the City Administrator, the city may take emergency preventative action. The city shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the city may be recovered from the applicant's financial security.

12.44.120 Penalty

- A. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to SLPC 1.04.200.
- B. Any person, firm or corporation failing to comply with or violating any of the provisions of SLPC 12.44.010 through SLPC 12.44.110 shall be deemed guilty of a misdemeanor and subject to a fine or imprisonment or both. All land use and building permits must be suspended until the applicant has corrected the violation. Each day that a separate violation exists constitutes a separate offense.

12.48 CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY; PERMITS

[12.48.010 Management Of Rights-Of-Way; Authority](#)

[12.48.020 Definitions - Management Of Rights-Of-Way; Authority](#)

[12.48.030 Obstruction Or Excavation; Permit Required](#)

[12.48.040 Permit Application; Joint Application](#)

[12.48.050 Permit Issuance; Conditions](#)

[12.48.060 Action On Small Wireless Facility Permit Applications](#)

[12.48.070 Permit Fees](#)

[12.48.080 Patching And Restoration](#)

[12.48.090 Supplementary Permit Applications](#)

[12.48.100 Denial Or Revocation Of Permit](#)

[12.48.110 Installation Requirements](#)

[12.48.120 Notice; Inspection](#)

[12.48.130 Work Done Without Permit](#)

[12.48.140 Supplementary Notification](#)

[12.48.150 Permit Revocation](#)

[12.48.160 Mapping Data Required](#)

[12.48.170 Location And Relocation Of Facilities](#)

[12.48.180 Damage To Other Facilities](#)

[12.48.190 Right-Of-Way Vacation](#)

[12.48.200 Indemnification And Liability](#)

[12.48.210 Abandoned And Unusable Facilities](#)

[12.48.220 Additional Obligations](#)

[12.48.230 Appeal](#)

[12.48.240 Regulatory And Police Powers Reserved](#)

12.48.010 Management Of Rights-Of-Way; Authority

- A. To provide for the health, safety, and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the city strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.
- B. Pursuant to the authority granted to the city under state and federal statutory, administrative, and common law, the city hereby elects pursuant to M.S. § 237.163(2)(b), as it may be amended from time to time, to manage rights-of-way within its jurisdiction.

12.48.020 Definitions - Management Of Rights-Of-Way; Authority

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Defined terms remain defined terms whether or not capitalized.

ABANDONED FACILITY. A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility that is in use or still carries service. A facility is not ABANDONED unless declared so by the right-of-way user.

APPLICANT. Any person requesting permission to excavate or obstruct a right-of-way.

CITY. The city of Spring Lake Park, Minnesota. For purposes of SLPC 12.48.200, city also means the city's elected officials, officers, employees and agents.

CITY INSPECTOR. Any person authorized by the city to carry out inspections related to the provisions of this chapter.

COLLOCATE or COLLOCATION. To install, mount, maintain, modify, operate or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure on a pole that is owned privately, or by the city or other governmental unit. Note: See M.S. § 237.162, subd. 10.

COMMISSION. The State Public Utilities Commission.

CONGESTED RIGHT-OF-WAY. A crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with M.S. § 216D.04(3), as it may be amended from time to time, over a continuous length in excess of 500 feet.

CONSTRUCTION PERFORMANCE BOND. Any of the following forms of security provided at permittee's option:

- A. Individual project bond;
- B. Cash deposit;
- C. Security of a form listed or approved under M.S. § 15.73, subd. 3;
- D. Letter of Credit, in a form acceptable to the city;
- E. Self-insurance, in a form acceptable to the city; or
- F. A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

DEGRADATION. A decrease in the useful life of a right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct the right-of-way earlier than would be required if the excavation or disturbance did not occur.

DEGRADATION COST. Subject to Minn. Rules, part 7819.1100, as it may be amended from time to time, the cost to achieve a level of restoration as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in Plates 1 - 13, set forth in Minn. Rules, parts 7819.9900 - 7819.9950, as they may be amended from time to time.

DEGRADATION FEE. The estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

DELAY PENALTY. The penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

EMERGENCY. A condition that:

- A. Poses a danger to life or health, or of a significant loss of property; or
- B. Requires immediate repair or replacement of facilities in order to restore service to a customer.

EQUIPMENT. Any tangible asset used to install, repair, or maintain facilities in any right-of-way.

EXCAVATE. To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

EXCAVATION PERMIT. The permit which, pursuant to this chapter, must be obtained before a person may excavate in a right-of-way. An **EXCAVATION PERMIT** allows the holder to excavate that part of the right-of-way described in the permit.

EXCAVATION PERMIT FEE. Money paid to the city by an applicant to cover the costs as provided in SLPC 12.48.070 Paragraph A.

FACILITY or FACILITIES. Any tangible asset in the right-of-way required to provide utility service.

HOLE. An excavation in the right-of-way, with the excavation having a length less than the width of the pavement.

MANAGEMENT COSTS. The actual costs the city incurs in managing its rights-of-way, including such costs, if incurred, as those associated with issuing, processing, and verifying right-of-way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way or small wireless facility permits. **MANAGEMENT COSTS** do not include payment by a telecommunications right-of-way user for the use of the right-of-way, unreasonable fees of a third-party contractor used by the city including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the city, the fees and cost of litigation relating to the interpretation of Laws 1997, Ch. 123, as it may be amended from time to time, being M.S. §§ 237.162 or 237.163, as they may be amended from time to time, or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to SLPC 12.48.230.

OBSTRUCT. To place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

OBSTRUCTION PERMIT. The permit which, pursuant to this chapter, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein.

OBSTRUCTION PERMIT FEE. Money paid to the city by a permittee to cover the costs as provided in SLPC 12.48.070 Paragraph B.

PATCH or PATCHING. A method of pavement replacement that is temporary in nature. A **PATCH** consists of:

- A. The compaction of the sub-base and aggregate base; and
- B. The replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A **PATCH** is considered full restoration only when the pavement is included in the city's five-year project plan.

PAVEMENT. Any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

PERMIT. Has the meaning given "right-of-way permit" in M.S. § 237.162, as it may be amended from time to time.

PERMITTEE. Any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this chapter.

PERSON. An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or non-profit, and whether natural, corporate, or political.

PUBLIC RIGHT-OF-WAY or RIGHT-OF-WAY. The area on, below, or above a public roadway, highway, street, cart-way, bicycle lane, and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A **RIGHT- OF-WAY** does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service. (Note: This definition does not include other public grounds that may be the subject of other city requirements.)

REGISTRANT. Any person who:

- A. Has or seeks to have their equipment or facilities located in any right-of-way; or
- B. In any way occupies or uses, or seeks to occupy or use, the right-of-way, or place its facilities or equipment in the right-of-way.

RESTORATION COST. The amount of money paid to the city by a permittee to achieve the level of restoration according to Plates 1 - 13 of State Public Utilities Commission rules.

RESTORE or RESTORATION. The process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

RIGHT-OF-WAY PERMIT. Either the excavation permit or the obstruction permit, or both, depending on the context, required by this chapter.

RIGHT-OF-WAY USER.

- A. A "telecommunications right-of-way user" as defined by M.S. § 237.162(4); or
- B. A person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public

right-of-way.

SERVICE or UTILITY SERVICE. Includes:

- A. The services provided by a public utility as defined in M.S. §§ 216B.02(4) and 216B.02(6), as they may be amended from time to time;
- B. Services of a telecommunications right-of-way user, including transporting of voice or data information;
- C. Services of a cable communications system as defined in M.S. Ch. 238, as it may be amended from time to time;
- D. Natural gas or electric energy or telecommunications services provided by the city;
- E. Services provided by a cooperative electric association organized under M.S. Ch. 308A, as it may be amended from time to time; and
- F. Water, sewer, including service laterals, steam, cooling, or heating services.

SERVICE LATERAL. An underground facility that is used to transmit, distribute or furnish gas, electricity, communications, or water from a common source to an end-use customer. A **SERVICE LATERAL** is also an underground facility that is used in the removal of wastewater from a customer's premises.

SMALL WIRELESS FACILITY. A wireless facility that meets both of the following qualifications:

- A. Each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- B. All other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

SUPPLEMENTARY APPLICATION. An application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

TELECOMMUNICATIONS RIGHT-OF-WAY USER. A person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way, that is used or is intended to be used for providing wireless service, or transporting telecommunications or other voice or data information. A cable communication system defined and regulated under M.S. Ch. 238, as it may be amended from time to time, and telecommunications activities related to providing natural gas or electric energy services whether provided by a public utility as defined in M.S. § 216B.02, as it may be amended from time to time, a municipality, a municipal gas or power agency organized under M.S. Ch. 453 and 453A, as they may be amended from time to time, or a cooperative electric association organized under M.S. Ch. 308A, as it may be amended from time to time, are not

TELECOMMUNICATIONS RIGHT-OF-WAY USERS, except to the extent such entity is offering wireless service.

TEMPORARY SERVICE. The compaction of sub-base and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the

replacement is of pavement included in the city's capital improvement plan, and is scheduled for completion within two years, in which case it is considered full restoration.

TRENCH. An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

UTILITY POLE. A pole that is used in whole or in part to facilitate telecommunications or electric service.

WIRELESS FACILITY. Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial, or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireless backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

WIRELESS SERVICE. Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities.

WIRELESS SERVICE does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

WIRELESS SUPPORT STRUCTURE. A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

12.48.030 Obstruction Or Excavation; Permit Required

A. *Permit required.* Except as otherwise provided in this chapter, no person may obstruct or excavate any right-of-way, or install or place facilities in the right-of-way, without first having obtained the appropriate permit from the city.

1. *Excavation permit.* An excavation permit is required to excavate the part of the right-of-way described in the permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.
2. *Obstruction permit.* An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.
3. *Small wireless facility permit.* A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion of the right-of-way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

B. *Permit extensions.* No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless that person:

1. Makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and
2. A new permit or permit extension is granted.

C. *Delay penalty.* In accordance with Minn. Rules, part 7819.1000(3), as it may be amended from time to time, and notwithstanding Paragraph B, the city shall establish and impose a delay

penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution.

- D. *Permit display.* Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

12.48.040 Permit Application; Joint Application

- A. *Permit applications.* Application for a permit is made to the city. Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

1. Submission of a completed permit application form, including all required attachments, scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities, and the following information:
 - a. Each applicant's name, Gopher One-Call registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers;
 - b. The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times;
 - c. A certificate of insurance or self insurance:
 - (1) Verifying that an insurance policy has been issued to the permittee by an insurance company licensed to do business in this state, or a form of self insurance acceptable to the city;
 - (2) Verifying that the permittee is insured against claims for personal injury, including death, as well as claims for property damage; including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property; arising out of:
 - (A) The use and occupancy of the right-of-way by the permittee, its officers, agents, employees, and permittees; and
 - (B) The placement and use of facilities and equipment in the right-of-way by the permittee, its officers, agents, employees, and permittees.
 - (C) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
 - (D) Requiring that the city be notified 30 days in advance of cancellation of the policy or material modification of a coverage term; and
 - (E) Indicating comprehensive liability coverage, automobile liability coverage, worker's compensation, and umbrella coverage established by the city in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter.
 - d. The city may require a copy of the actual insurance policies;
 - e. If the person is a corporation, a copy of the certificate required to be filed under M.S. § 300.06, as it may be amended from time to time, as recorded and certified to by the Secretary of State;

- f. A copy of the person's order granting a certificate of authority from the State Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have the certificate from the Commission or other state or federal agency; and
- g. Prior to commencement of work, the permittee must deposit with the city security in the form of letter of credit or construction bond, in a sufficient amount as determined by the City Council for the completion of the work. The security will be held until the work is completed plus a period of three months thereafter satisfactorily completed. The security will then be returned to the permittee with interest if held for a sufficient length of time to be required by law and then interest at the applicable statutory rate.

2. Payment of money due the city for:

- a. Permit fees, estimated restoration costs, security, and other management costs;
- b. Prior obstructions or excavations;
- c. Any undisputed loss, damage, or expense suffered by the city because of the applicant's prior excavations or obstructions of rights-of-way or any emergency actions taken by the city; and
- d. Franchise fees or other charges, if applicable.

3. Submission of a schedule for the proposed work, including a start date and completion date. The city reserves the right to modify the schedule as necessary in the issuance of the permit; therefore, the dates stated on the permit may not necessarily match those on the applicant's proposed schedule.

B. *Joint application.* Applicants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

1. *Shared fees.* Applicants who apply for permits for the same obstruction or excavation, which the city does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, applicants must agree among themselves as to the portion each will pay and indicate the same on their applications.
2. *With city projects.* Applicants who join in a scheduled obstruction or excavation performed by the city, whether it is a joint application by two or more applicants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

12.48.050 Permit Issuance; Conditions

A. *Permit issuance.* If the applicant has satisfied the requirements of this chapter, the city shall issue a permit.

B. *Conditions.* The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare, or when necessary to protect the right-of-way and its current use. In addition, a permittee shall comply with all requirements of local, state and federal laws, including but not limited to M.S. §§ 216D.01-.09 (Gopher One-Call Excavation Notice System) and Minn. Rules, Ch. 7560.

C. *Small wireless facility conditions.*

1. In addition to Paragraph B, the erection or installation of a wireless support structure, to

collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions: A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.

2. No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
3. No wireless facility may extend more than ten feet above its wireless support structure.
4. Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
5. Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.
6. Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement or relocation requirements on the replacement of such structure.

D. *Small wireless facility agreement.* A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require payment of the following:

1. Up to \$150 per year for rent to collocate on the city structure;
2. Twenty-five dollars per year for maintenance associated with the collocation;
3. A monthly fee for electrical service as follows:
 - a. Seventy-three dollars per radio node less than or equal to 100 maximum watts;
 - b. One hundred eight-two dollars per radio node over 100 maximum watts; or
 - c. The actual costs of electricity, if the actual cost exceeds the foregoing.
4. The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant.

12.48.060 Action On Small Wireless Facility Permit Applications

A. *Deadline for action.* The city shall approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review period established in this section.

B. *Consolidated applications.*

1. An applicant may file a consolidated small wireless facility permit application addressing the proposed collection of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:
 - a. Are located within a two-mile radius;
 - b. Consist of substantially similar equipment; and
 - c. Are to be placed on similar types of wireless support structures.
2. In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

C. *Tolling of deadline.* The 90 day deadline for action on a small wireless facility permit application may be tolled if:

1. The city receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension.
2. The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt of the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information.
3. The city and a small wireless facility applicant agree in writing to toll the review period.

12.48.070 Permit Fees

A. *Excavation permit fee.* The city shall impose an excavation permit fee in an amount sufficient to recover the following costs:

1. The city management costs; and
2. Degradation costs, if applicable.

B. *Obstruction permit fee.* The city shall impose an obstruction permit fee and it shall be in an amount sufficient to recover the city management costs.

C. *Small wireless facility permit fee.* The city shall impose a small wireless facility permit fee in an amount sufficient to recover:

1. Management costs; and
2. City engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

D. *Payment of permit fees.* No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow the applicant to pay the fees within 30 days of billing.

E. *Non-refundable.* Permit fees that were paid for a permit that the city has revoked for a breach as stated in SLPC 12.48.150 are not refundable.

F. *Application to franchises.* Unless otherwise agreed to in a franchise, management costs may be

charged separately from, and in addition to, the franchise fees imposed on a right-of-way user in the franchise.

- G. *State law applies.* All permit fees shall be established consistent with the provisions of Minn. Rules, part 7819.1000, as it may be amended from time to time.

12.48.080 Patching And Restoration

- A. *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under SLPC 12.48.220 Paragraph B.
- B. *Patch and restoration.* The permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.
1. *City restoration.* If the city restores the right-of-way, the permittee shall pay the costs thereof within 30 days of billing. If, following the restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within 30 days of billing, all costs associated with having to correct the defective work.
 2. *Permittee restoration.* If the permittee restores the right-of-way itself, it shall, at the time of application for an excavation permit, post a construction performance bond in accordance with the provisions of Minn. Rules, part 7819.3000, as it may be amended from time to time.
 3. *Degradation fee in lieu of restoration.* In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the costs to accomplish these responsibilities.
- C. *Standards.* The permittee shall perform patching and restoration according to the standards and with the materials specified by the city and shall comply with Minn. Rules, part 7819.1100, as it may be amended from time to time.
- D. *Duty to correct defects.* The permittee shall correct defects in patching or restoration performed by the permittee or its agents. The permittee, upon notification from the city, shall correct all restoration work to the extent necessary, using the method required by the city. This work shall be completed within five calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under SLPC 12.48.220 Paragraph B.
- E. *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city, at its option, may do the work. In that event, the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If the permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

12.48.090 Supplementary Permit Applications

- A. *Limitation on area.* A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated before working in that greater area shall:

1. Make application for a permit extension and pay any additional fees required thereby; and
2. Be granted a new permit or permit extension.

B. *Limitation on dates.* A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

12.48.100 Denial Or Revocation Of Permit

- A. *Reasons for denial.* The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare, or when necessary to protect the right-of-way and its current use.
- B. *Procedural requirements.* The denial or revocation of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant or right-of-way user in writing within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission.

12.48.110 Installation Requirements

The excavation, backfilling, patching, restoration, and all other work performed in the right-of-way shall be done in conformance with Minn. Rules, part 7819.1100 and 7819.5000, as it may be amended from time to time, and other applicable local requirements, in so far as they are not inconsistent with M.S. §§ 237.162 and 237.163, as they may be amended from time to time. Installation of service laterals shall be performed in accordance with Minn. Rules, Ch. 7560 and this code. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable permits and/or agreements referenced in this code.

12.48.120 Notice; Inspection

- A. *Notice of start and completion.* The permittee shall notify the city when the work under any permit hereunder begins. When the work under any permit hereunder is completed, the permittee shall furnish the city with a completion certificate in accordance with Minn. Rules, part 7819.1300, as it may be amended from time to time.
- B. *Site inspection.* The permittee shall make the work site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of, and upon completion of, the work.
- C. *Authority of city.*
1. At the time of inspection, the city may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.
 2. The city may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the permittee shall present proof to the city that the

violation has been corrected. If this proof has not been presented within the required time, the city may revoke the permit pursuant to SLPC 12.48.150.

12.48.130 Work Done Without Permit

- A. *Emergency situations.* Each person with facilities in the right-of-way shall immediately notify the city of any event regarding its facilities which it considers to be an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Excavators notification to Gopher State One-Call regarding an emergency situation does not fulfill this requirement. Within two business days after the occurrence of the emergency, the owner shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency. If the city becomes aware of an emergency regarding facilities, the city will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.
- B. *Non-emergency situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for that permit, pay double all the other fees required by this chapter, deposit with the city the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this chapter.

12.48.140 Supplementary Notification

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, the permittee shall notify the city of the accurate information as soon as this information is known.

12.48.150 Permit Revocation

- A. *Substantial breach.* The city reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule, or regulation, or any material condition of the permit. A substantial breach by the permittee shall include, but shall not be limited to, the following:
1. The violation of any material provision of the right-of-way permit;
 2. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
 3. Any material misrepresentation of fact in the application for a right-of-way permit;
 4. The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or
 5. The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued by the city.
- B. *Written notice of breach.* If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation, or any condition of the permit, the city shall make a written demand upon the permittee to remedy the violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

- C. *Response to notice of breach.* Within 24 hours of receiving notification of the breach, the permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. The permittee's failure to contact the city, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.
- D. *Reimbursement of city costs.* If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with the revocation.

12.48.160 Mapping Data Required

- A. *Information required.* Each permittee shall provide mapping information required by the city in accordance with Minn. Rules, parts 7819.4000 and 7819.4100, as they may be amended from time to time. Within 90 days following completion of any work pursuant to a permit, the permittee shall provide the city accurate maps and drawings certifying the "as-built" location of all equipment installed, owned and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the city's electronic mapping system, when practical or as a condition imposed by the city. Failure to provide maps and drawings pursuant to this paragraph shall be grounds for revoking the permit holder's registration.
- B. *Service laterals.* All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minn. Rules, part 7560.0150, subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the city reasonably requires it. Permittees or their subcontractors shall submit to the city evidence satisfactory to the city of the installed service lateral locations. Compliance with this paragraph and with applicable Gopher State One-Call law and Minn. Rules governing service laterals installed after December 31, 2005 shall be a condition of any city approval necessary for:
1. Payments to contractors working on a public improvement project including those under M.S. Ch. 429; and
 2. City approval under development agreements or other subdivision or site plan approval under M.S. Ch. 462. The city shall reasonably determine the appropriate method of providing such information. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or future permits to the offending permittee or its subcontractors.

12.48.170 Location And Relocation Of Facilities

- A. *Regulations apply.* Placement, location, and relocation of facilities must comply with this chapter, with other applicable law, and with Minn. Rules, parts 7819.3100, 7819.5000, and 7819.5100, as these statutes and rules may be amended from time to time, to the extent the rules do not limit authority otherwise available to cities.
- B. *Corridors.* The city may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue. Any permittee who has facilities in the right-of- way in a position at variance with the corridors established by the city shall, no later than at the time of the next reconstruction or excavation of the area where facilities

are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the city for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs, and hardship to the permittee.

- C. *Limitation of space.* To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making these decisions, the city shall strive, to the extent possible, to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

12.48.180 Damage To Other Facilities

When the city does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the city shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that facility owner and must be paid within 30 days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the city's response to an emergency occasioned by that owner's facilities.

12.48.190 Right-Of-Way Vacation

Reservation of rights. If the city vacates a right-of-way which contains facilities, the facility owner's rights in the vacated right-of-way are governed by Minn. Rules, part 7819.3200, as it may be amended from time to time.

12.48.200 Indemnification And Liability

By applying for and accepting a permit under this chapter, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minn. Rules, part 7819.1250, as it may be amended from time to time.

12.48.210 Abandoned And Unusable Facilities

- A. *Discontinued operations.* A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right-of-way under this chapter have been lawfully assumed by another registrant.
- B. *Removal.* Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the city.

12.48.220 Additional Obligations

- A. *Compliance with other laws.* Obtaining a right-of-way permit does not relieve the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law, or regulation. A permittee shall comply with all requirements of local, state, and federal laws, including M.S. §§ 216D.01 - 216D.09 (Gopher One-Call Excavation Notice System), as they may be amended from time to time. A permittee shall

perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

- B. *Prohibited work.* Except in an emergency, and with the approval of the city, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for that work.
- C. *Interference with right-of-way.* A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.
- D. *Trenchless excavation.* As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in M.S. Ch. 216D and Minn. Rules, Ch. 7560, and shall require potholing or open cutting over existing underground utilities before excavating as determined by the city.

12.48.230 Appeal

- A. A right-of-way user that has been denied registration, has been denied a permit, has had a permit revoked, believes that the fees imposed are not in conformity with M.S. § 237.163, subd. 6, or disputes a determination of the city regarding SLPC 12.48.100 may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council.
- B. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee imposition, will be in writing and supported by written findings establishing the reasonableness of the decision.

12.48.240 Regulatory And Police Powers Reserved

A permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

12.52 DRIVEWAYS; ACCESS LANES; CURB CUTS

[12.52.010 Purpose](#)

[12.52.020 Definitions - Driveways; Access Lanes; Curb Cuts](#)

[12.52.030 Construction; Permit Required](#)

[12.52.040 License Required](#)

[12.52.050 Location Of Driveways And Access Lanes](#)

[12.52.060 Widths Of Driveways And Access Lanes](#)

[12.52.070 Fire Department Driveways And Access Lanes](#)

[12.52.080 Concrete Curb Street; Driveway Aprons](#)

[12.52.090 Maintenance](#)

[12.52.100 Number Of Driveway Connections Allowed](#)

[12.52.110 Allowed Widths For Driveway Connections](#)

[12.52.120 Curb Cut And Apron Construction Standards](#)

[12.52.130 Unimproved Surface; Abatement Required](#)

[12.52.140 Interim Use Permit For Handicap Accessibility](#)

12.52.010 Purpose

The purpose of this chapter is to promote a pleasant physical environment and to protect the value of public and private property within the city by regulating the location, width, type of construction, and

maintenance of all driveways, access lanes, and curb cuts.

12.52.020 Definitions - Driveways; Access Lanes; Curb Cuts

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

ACCESS LANE. A fully improved or unimproved surface within a commercial property providing ingress or egress to public streets or off-street parking, driveways, or structures.

APRON. A fully improved concrete surface adjacent to a curb cut, built in accordance with the city standard details, for residential or commercial application.

CURB CUT. A segment of concrete curb built in accordance with the city standard details, where the back of the curb is depressed to allow vehicular access across the curb.

CURB TAPER. A segment of concrete curb built in accordance with the city standard details, to provide transition from the curb cut to the standard curb.

DRIVEWAY CONNECTION. The location where a private or public driveway physically intersects the edge of the public street.

DRIVEWAY, PRIVATE. A fully improved or unimproved surface that runs from a private garage to the curb line.

DRIVEWAY, PUBLIC. A fully improved or unimproved surface that runs from a public garage to the curb line.

GARAGE, PRIVATE. An accessory building designed and used for the storage of not more than three motor vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE, PUBLIC. A building other than a private garage, used for the care or repair of automobile parts and equipment, or where these vehicles are parked or stored for remuneration, hire, or sale within the structure.

IMPROVED SURFACE. Any exterior area constructed of asphalt, concrete, brick, or similar dust-free surface as approved by the Building Official.

UNIMPROVED SURFACE. Any exterior area where the grass or topsoil have been removed or worn away, and no improved surface materials have been installed. **UNIMPROVED SURFACES** include, but are not limited to gravel, limestone, and rock.

12.52.030 Construction; Permit Required

- A. No private or public driveway, access lane, apron, or street curbs may be constructed or substantially altered in the city without securing a zoning permit from the Building Official.
- B. All requests for permits must be submitted upon a written application provided by the city, which sets forth the materials to be used, width, thickness, and exact location. Permits are subject to a fee as established by resolution adopted by the City Council from time to time.

12.52.040 License Required

No person, firm, or corporation shall install, modify, or replace any driveways, access lanes, aprons, or curb cuts without first having obtained a license in accordance with SLPC 12.48.150.

12.52.050 Location Of Driveways And Access Lanes

- A. No part of any private or public driveway or access lane shall be located less than five feet from any side yard property line, except by variance obtained in the manner provided by SLPC 14.24.010.
- B. In the case of corner lots within residential districts, no part of that portion of any private or public driveway within the public right-of-way shall be located less than 40 feet, as measured perpendicularly to a line extended along the back of the curb, from a point tangent to the beginning radius of the street that intersects the street to which the driveway connection is being made.
- C. In the case of corner lots within commercial and industrial districts, all public driveways and access lanes shall be subject to review and approval by the Planning Commission and the City Council

12.52.060 Widths Of Driveways And Access Lanes

- A. No part of the portion of any private driveway located on private property shall exceed 36 feet. The portion of any private driveway located on a public right-of-way shall be a minimum width of 12 feet or a maximum width of 29 feet. In cases where the driveway connection is narrower than the driveway, the apron shall be aligned with the edge of the driveway nearest the house. Appropriate tapering shall be done beyond the apron to transition from the apron to the driveway. The standard extent of the taper shall be to the property line.
- B. All public driveways and access lanes which are not designated as Fire Department access must maintain a minimum of 12 feet in width for all one-way traffic, and 24 feet in width for all two-way traffic. Measurement of width on public driveways and access lanes shall be from edge of pavement to edge of pavement for those without curbing, or from face of curb to face of curb for those with curbing.

12.52.070 Fire Department Driveways And Access Lanes

All designated Fire Department driveways and access lanes must comply with the requirements stated in Fire Regulation 1-95 of the Spring Lake Park, Blaine, Mounds View Fire Department, which is available at the office of the City Building Official and Fire Marshal.

12.52.080 Concrete Curb Street; Driveway Aprons

An apron shall be required on all public and private driveways that connect to a public street that contains concrete curb.

12.52.090 Maintenance

- A. All private and public driveways and access lanes shall be maintained in a condition of reasonable repair and must not be allowed to remain in a condition that would constitute a public nuisance or dangerous hazard.
- B. All public driveways and access lanes must be free of blockage which would prevent the free flow of traffic in and out of any public driveway or access lane.

12.52.100 Number Of Driveway Connections Allowed

All property owners in a residential district are permitted to maintain a total of two driveway connections. All driveway connections must lead to a garage or the driveways must connect in a horseshoe

configuration. However, where an attached garage was converted into finished living space, the existing improved driveway connection may remain in place. The cost of the second driveway connection, which must be constructed in accordance with city standards, shall be the property owner's responsibility.

12.52.110 Allowed Widths For Driveway Connections

A single driveway connection shall be a minimum width of 12 feet and may be a maximum width of 29 feet. The total maximum width of multiple driveway connections cannot exceed 29 feet or 36 feet if the setback of an existing garage is less than 25 feet from the public street.

12.52.120 Curb Cut And Apron Construction Standards

All curb cut and apron construction must comply with the minimum requirements set forth in the city standard details for concrete residential or commercial applications, which is available at the office of the City Building Official and Fire Marshal.

12.52.130 Unimproved Surface; Abatement Required

All unimproved driveways and access lanes must be constructed to an improved surface within four years of passage of this chapter.

12.52.140 Interim Use Permit For Handicap Accessibility

An interim use permit may be considered for a driveway and driveway connection in a residential district that do not lead to a garage if requested by a homeowner due to a physical handicap of a family member residing in the home.

(This page intentionally left blank)

13 GENERAL OFFENSES

13.04 GENERAL OFFENSES

13.08 OFFENSES AGAINST PUBLIC MORALS

13.04 GENERAL OFFENSES

13.04.010 General Provisions

13.04.020 Offenses Against Public Order And Safety

13.04.030 Offenses Against Persons And Property

13.04.040 Unlawful Conduct In Public Buildings And Grounds

13.04.050 Curfew For Minors

13.04.010 General Provisions

- A. *Misdemeanor Offenses.* The doing of any of the acts or things prohibited or the failing to do any of the things or acts commanded to be done, as set forth in Paragraph B, SLPC 13.04.020 Paragraphs A through F, and 13.04.030 Paragraph A, is hereby declared to be an offense against the good order, public peace, morals, health, welfare, and proper government of this city, and unlawful and deemed to be a misdemeanor.
- B. *Conspiracy.* Whenever two or more persons shall conspire to commit any act injurious to public health, public morals, trade, or commerce, or for the perversion or obstruction of public justice or the due administration of the law, every such person shall be guilty of a misdemeanor.

13.04.020 Offenses Against Public Order And Safety

- A. *Disorderly Conduct.* The doing of any of the following act without authority of law and by any person or persons is hereby declared to be disorderly conduct: willfully disturbing any assembly or meeting not unlawful in its character or the peace and quiet of any family or neighborhood.
- B. *Obstruction Of Health Officer.* Every person who shall willfully oppose or obstruct a health officer or physician charged with the enforcement of the health laws in performing any legal duties shall be guilty of a misdemeanor.
- C. *Intimidation Of Public Officer.* Every person who shall directly or indirectly address any threat or intimidation to a public officer or to a referee, arbitrator, appraiser, or assessor or to any other person authorized by law to hear or determine any controversy or matter with intent to induce him or her contrary to his or her duty to do or make or to omit or delay in any act, decision, or determination, shall be guilty of a misdemeanor.
- D. *Inflammable Products.* Every manufacturer or vendor who shall sell or cause to be sold, place or cause to be placed any gasoline or benzine in quantities of more than one pint, in any receptacle except of a bright red color and tagged and labeled in large plain letters with the name of the contents, or who shall sell or cause to be sold, place or cause to be placed, kerosene or other illuminating oil in the same quantities in a receptacle of red color, shall be guilty of a misdemeanor.
- E. *Furnishing Firearms To Minor.* Every person who shall sell, give, loan, or in any way furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his or her parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.
- F. *Firecrackers; Explosives.* Every person who shall purchase, manufacture, use, sell, or keep for sale within this city, firecrackers, crackers, and other explosive pyrotechnics, except by special permit, shall be guilty of a misdemeanor.
- G. *Use Of Firearms And The Like.* No person shall fire or discharge any gun, pistol, B.B. gun, air

rifle, or firearms of any description, or any other similar type instrument for the purpose of throwing or projecting missiles of any kind whatsoever, including bows and arrows, whether that instrument is called by any name set forth or any other name, within the city limits without having first obtained a permit from the City Council. Any permit of this type granted shall be subject to revocation at the pleasure of the Council.

H. *Ultimate Fighting.*

1. *Definition and purpose.* Ultimate fighting is as an organized event where the primary practice involves individuals engaged in physical contact by striking an opponent with hands, head, feet or body. The City Council finds that the practice of ultimate fighting is dangerous and puts the public health, safety and welfare at great risk.
2. *Prohibited conduct.* It shall be unlawful in any public or private building or place to permit the practice of ultimate fighting or to participate in the practice of ultimate fighting as above defined. Officially sanctioned and regulated boxing and wrestling and team sports in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, baseball and softball are not included among activities prohibited by this paragraph.

13.04.030 Offenses Against Persons And Property

A. *Destruction Of Property.* No person shall willfully or maliciously displace, remove, injure, or destroy:

1. A highway or private way laid out by authority of law, or bridge upon a public or private way;
2. A tree, rod, post, or other monument, which has been erected or marked for the purpose of designating a point in any boundary, or mark or inscription thereon;
3. A mile board, a milestone, or guide post erected upon a highway or any inscription thereon;
4. A line of telegraph or telephone or any part thereof or any appurtenance or apparatus connected with the working of any magnetic or electric telegraph or telephone or the sending or conveyance of messages thereby;
5. The pipe or main for conducting gas or water or heat, or any works erected for supplying buildings with gas or water or heat, or any appurtenance or appendage connected therewith; or
6. A sewer or drain, or a pipe or a main connected therewith or forming a part thereof.

13.04.040 Unlawful Conduct In Public Buildings And Grounds

A. *Defacement Of Property.* No person shall mark with ink, paint, chalk, or other substance, or post hand bills on, or in any other manner deface or injure any public buildings or structure or any school building or structure used or usable for school purposes within the city, or mark, deface, or injure fences, trees, lawns, or fixtures appurtenant to or located on the site of this type of buildings, or post hand bills on those fences, trees, or fixtures, or place a sign anywhere on any site of this type.

B. *School Grounds; Breach Of Peace.* No person shall willfully or maliciously make or assist in making on any school building or structure any noise, disturbance, or improper diversion or activity by which peace, quiet, and good order shall be disturbed.

C. *School Grounds; Offensive Language And Conduct.* No person shall use offensive, obscene, or abusive language or engage in boisterous or noisy conduct tending reasonably to arouse alarm, anger, or resentment in others on any school grounds or in buildings or structures.

D. *Improper Conduct While School Is In Session.*

1. No person shall, in any school room or in any building or on the grounds adjacent to the same, disturb or interrupt the peace and good order of the school while in session.
2. Any person not in immediate attendance in the school and being in the building or upon the premises belonging thereto who shall conduct or behave himself or herself improperly, or who upon the request of a teacher of that school, or the person in charge thereof, to leave the building or premises, shall neglect or refuse so to do, shall be in violation of this paragraph. No person shall loiter on any school grounds or in any school building or structures.

13.04.050 Curfew For Minors

A. *Purpose; Findings.*

1. The City Council finds and determines that there has been an increase in juvenile violence and crime by juveniles in the city.
2. Juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime.
3. Because of the foregoing, special and extenuating circumstances presently exist within the city that require special regulation of juveniles within the city in order to protect them and other persons during the nighttime hours to aid in crime prevention, to promote parental supervision and authority over minors, and to decrease juvenile crime rates.
4. In accordance with prevailing community standards, this section serves to regulate the conduct of minors in public places during nighttime hours, to be effectively and consistently enforced for the protection of juveniles from each other and from other persons, in public places during nighttime hours, for the enforcement of parental control of, authority over, and responsibility for their children, for the protection of the general public from nighttime mischief by juveniles, for the reduction in the incidence of juvenile criminal activities, for the furtherance of family responsibility, and for the public good, safety, and welfare.
5. It is the intent of the City Council to review and evaluate the need and effect of nighttime curfew for juveniles set forth in this section on the incidence of juvenile criminal activity and protection of juveniles against criminal activity.

B. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED ADULT. Any person who is at least 18 years of age and authorized by a parent or guardian to have custody and control of a juvenile.

CITY COUNCIL. The City Council for this city.

EMERGENCY. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

JUVENILE. A person under the age of 18 years. The term does not include persons under 18 who are married or have been legally emancipated.

PARENT. Any person having legal custody of a juvenile:

1. As natural or adoptive parent, or stepparent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access, and includes, but is not limited to, streets, highways, roadways, parks, public recreation, entertainment, or civic facility, schools, and the common areas of hospitals, apartment houses, office buildings, transport facilities, and shops.

SERIOUS BODILY INJURY. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

C. Prohibited Acts.

1. It is unlawful for a juvenile under the age of 12 to be present in any public place within the city:
 - a. Any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. on the following day; or
 - b. Any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. the following day.
2. It shall be unlawful for any juvenile age 12 to and including age 14 years to be present in any public place within the city:
 - a. Any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day; or
 - b. Any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.
3. It shall be unlawful for any juvenile age 15 to and including age 17 years to be in any public place within the city:
 - a. Any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. on the following day; or
 - b. Any time between 12:01 a.m. and 5:00 a.m. on any Friday or Saturday.
4.
 - a. It shall be unlawful for a parent or authorized adult of a juvenile to knowingly, or through negligent supervision, to habitually permit the juvenile to be in any public place within the city during the hours prohibited by Paragraphs C,1, C,2, and C,3, under circumstances not constituting an exception to this section as set forth in Paragraph D.
 - b. For the purpose of this paragraph, the following definition shall apply unless the context clearly indicates or requires a different meaning.

KNOWINGLY. Includes knowledge which a parent or authorized adult shall

reasonably be expected to have concerning the whereabouts of a juvenile under that person's care.

5. a. It shall be unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly and habitually permit any juvenile to be in that place during the hours prohibited by Paragraphs C,1, C,2, and C,3, under circumstances not constituting an exception to this section as set forth in Paragraph D.
- b. For the purpose of this paragraph, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PERSON OPERATING. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment described above. The term includes the members or partners of an association or partnership and the officers of a corporation.

D. *Exceptions.*

1. The following shall constitute valid exceptions to the operation of the curfew:
 - a. At any time, if a juvenile is accompanied by his or her parent or an authorized adult;
 - b. At any time, if a juvenile is involved in, or attempting to remedy, alleviate, or respond to an emergency;
 - c. If the juvenile is engaged in a lawful employment activity, or is going to or returning home from his or her place of employment;
 - d. If the juvenile is attending an official school, religious, or other social or recreational activity supervised by adults and sponsored by a city or the county, a civic organization, or another similar entity that takes responsibility for the juvenile;
 - e. If the juvenile is going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a city or the county, a civic organization, or another similar entity that takes responsibility for the juvenile;
 - f. If the juvenile is on an errand as directed by his or her parent, without any detour or stop;
 - g. If the juvenile is engaged in interstate travel;
 - h. If the juvenile is on the public right-of-way boulevard or sidewalk abutting the juvenile's residence or abutting the neighboring property, structure, or residence; or
 - i. If the juvenile is exercising First Amendment rights protected by the U.S. Constitution (or those similar rights protected by Article I of the State Constitution), such as free exercise of religion, freedom of speech, and the right of assembly.
2. It is an affirmative defense to prosecution under Paragraph C,5 that:
 - a. The owner, operator, or employee of an establishment promptly notified the Police Department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave; or

- b. The owner, operator, or employee reasonably and in good faith relied upon a juvenile's representation of proof of age. Proof of age may be established pursuant to M.S. § 340A.503(6), as it may be amended from time to time, or other verifiable means, including, but not limited to, school identification cards and birth certificates.

E. *Enforcement.* Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in a public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that no exception set forth in Paragraph D is applicable.

F. *Penalty.*

1. *General penalty.* Whoever violates any provision of this chapter for which no other penalty has been established shall be subject to penalties as provided in SLPC 1.04.200.
2. *Ultimate fighting.* Any person violating SLPC 13.04.020 Paragraph H by permitting or practicing ultimate fighting is guilty of a misdemeanor and is punishable by a fine of up to \$1,000 or 90 days in jail, or both.
3. *Curfew penalties.*
 - a. *Minors.* Violation of Paragraphs C,1, C,2, and C,3 will be prosecuted pursuant to M.S. Ch. 260B, as it may be amended from time to time and Anoka County Ordinance No. 95-2, and will be subject to the penalties therein.
 - b. *Adults.* Violation of Paragraphs D and E shall be a misdemeanor.

13.08 OFFENSES AGAINST PUBLIC MORALS

13.08.010 Prostitution And Nudity

13.08.020 Dissemination Of Pornography

13.08.010 Prostitution And Nudity

A. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUDITY. The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of a post-pubertal female breast with less than a fully opaque covering of any portion thereof below the top of the nipple thereof, or the showing of covered male genitals in a discernibly turgid state.

PERSON. Includes individuals, firms, partnerships, corporations, joint ventures, clubs, associations, and organizations and shall further include the officers, agents, partners, directors, and employees thereof.

PUBLIC PLACE. Any place or premises accessible to the general public including but not limited to streets, alleys, sidewalks, driveways, and parks; and also includes parts of buildings and other premises whether publicly or privately owned which are used by the general public or as to which the general public is invited, commercially, for a fee or otherwise or in or on which the general public is permitted, including any club or association of members which accepts members from the general public; and shall also include private property wherein the conduct complained of is openly and easily visible by members of the general public from positions not on that private property.

SADOMASOCHISTIC ABUSE. Scenes, exhibitions, enactments, re-enactments, displays, or acts involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or physical abuse of any person.

SEXUAL CONDUCT. Any acts by oneself or another or simulation of acts of masturbation, homosexual intercourse, heterosexual intercourse, fellatio, cunnilingus, anal intercourse, or the physical contact with a person's unclothed genitals, pubic area, buttocks, or if the person is a female, her breasts.

SEXUAL EXCITEMENT. The condition of the human male or female genitals or the breasts of the female in a state of sexual stimulation or the sensual experience of humans engaging in or witnessing sexual conduct or nudity.

- B. *Prostitution And Similar Acts Prohibited.* No person in any public or private place shall hold out for hire, offer, or agree to submit his or her body for hire for the purpose of heterosexual intercourse, homosexual intercourse, cunnilingus, fellatio, anal intercourse, manual genital stimulation, or for the purpose of engaging in any similar act using any device, contrivance, or other part of the body.
- C. *Further Prohibited Acts.* No person in any public or private place shall secure or offer to secure, entice or attempt to entice, or invite another to engage in prostitution as described in this section, and no person shall aid or abet the commission of acts of prostitution or knowingly accept any part of the earnings of a prostitute or earnings from prostitution; nor shall any person knowingly facilitate or promote prostitution as defined in this section by any means, including but not limited to means of telephone communication or by use of a telephone answering service or the like.
- D. *Public Nudity, Sexual Conduct, And The Like Prohibited.* It shall be unlawful for the lessee, licensee, owner, or manager of any public place to permit, allow, suffer, or fail to prevent in that place, nudity, sadomasochistic abuse, sexual conduct, or sexual excitement as defined in this section, or for any persons to so participate or engage in any nudity, sadomasochistic abuse, sexual conduct, or sexual excitement in any public place.
- E. *Liability For Violations.* Every person who commits or attempts to commit, conspires to commit, or aids and abets in the commission of any act constituting a violation of this section or any act which constitutes an omission and, therefore, a violation of this section, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall be guilty of the offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any of the provisions of this section is likewise guilty of the offense.

13.08.020 Dissemination Of Pornography

A. Purpose; Prohibition.

1. The City Council seeks to discharge its duties and responsibilities to the community by stemming the tide of obscene, lewd, lascivious, tawdry, and indecent books, pictures, films, exhibitions, materials, and the like and to thereby preserve the quality of life and environment in the community, to safeguard the dignity of its citizens and protect and defend their morals, character, and privacy and that of their children from indecent intrusions, and to preserve and improve the quality of local commerce and the standards of life in the city.
 - a. The City Council adopts the findings of the U.S. Supreme Court that: the sum of experience, including that of the past two decades, affords an ample basis for legislatures to conclude that a sensitive key relationship of human existence,

central to family life, community welfare, and the development of human personality, can be debased and distorted by crass, commercial exploitation of sex.

- b. The City Council finds that pornography produces an irretrievable erosion in human values, decency, and spirit especially affecting young adults and children and further recognizes the unsettling hypothesis that there is an arguable correlation between the unrestricted use of pornography and incidence of criminal acts.

2. In light of these findings and with deep and grave concern for the future well-being of the community, the City Council hereby prohibits the use, sale, transfer, barter, trade, exhibition, and production of pornography.

- B. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMUNITY STANDARDS. The contemporary community standards of the community which the trier of fact is from, including his or her community or the vicinage from which he or she comes.

MATERIAL. Any tangible property including but not limited to books, printed material, magazines, movies, pictures, plays, exhibitions, and productions which are capable of being used or adapted to arouse interest, or to affect the human senses, whether through the medium of reading, observation, sound, or in any other manner.

MINOR. Any natural person under the age of 18 years.

NUDITY. The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breasts with less than a fully opaque covering of any portion thereof below a point immediately above the areola, or the depiction of covered male genitals in a discernibly turgid state.

OBSCENE. The descriptive adjective used to modify or qualify any material or performance which is an obscene work.

OBSCENE WORK or **OBSCENE MATERIAL.** Any work including but not limited to books, movies, pictures, magazines, exhibitions, productions, recordings, and the like which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way, and which, taken as a whole, lack serious literary, artistic, political, or scientific value. In determining whether or not a work is an **OBSCENE WORK** or **OBSCENE MATERIAL**, the trier of fact must find:

1. The average person, applying contemporary community standards, would find that the work or material, taken as a whole, appeals to the prurient interest in sex;
2. The work or material depicts or describes, in a patently offensive way, sexual conduct specifically defined herein or authoritatively construed by the courts of this state as being a portrayal of patently offensive sexual conduct as that phrase is used in definition of an **OBSCENE WORK** or **OBSCENE MATERIAL**; and
3. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

PATENTLY OFFENSIVE. So offensive on its face as to affront current standards of decency.

PATENTLY OFFENSIVE SEXUAL CONDUCT. Includes any of the following described sexual conduct if depicted or described in a patently offensive way:

1. An act of sexual intercourse, normal or perverted, actual or simulated, including genital-to-genital contact, anal-to-genital contact, or oral-to-genital intercourse, whether between human beings or between a human being and an animal;
2. Sadoomasochistic abuse, which is defined as any scene, exhibition, act, enactment, re-enactment, or display involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or physical abuse of any person;
3. Masturbation, excretory functions, and lewd exhibitions of human genitals including any explicit, close-up representation of a human genital organ or a fully exposed view focusing upon the open and uncovered human male or female sexual organ;
4. Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human person or the breasts of a human female whether alone or between members of the same or opposite sex or between humans and animals in an act of actual or simulated sexual stimulation or gratification;
5. Any device designed or marketed as useful primarily for the stimulation of human genital organs;
6. Male or female genitals in a state of sexual stimulation or arousal; or
7. Covered male genitals in a discernibly turgid state.

PERFORMANCE. Any play, motion picture, dance, or other exhibition performed before an audience.

PERSON. Includes individuals, firms, partnerships, corporations, joint ventures, clubs, associations, and organizations and shall further include the officers, agents, partners, directors, and employees thereof.

PRURIENT INTEREST. Having, exhibiting, or lending itself to a shameful, morbid, or lascivious interest in or thoughts about or desires as to nudity, sex, or the bodily functions of human beings.

- C. *Distribution And Exhibition Prohibited.* It shall be unlawful for any person to sell, give away, barter, trade, deal in, produce, perform, show, exhibit, or possess with an intent to sell, give away, barter, trade, deal in, show, or exhibit any obscene work or material including but not limited to works or materials such as obscene books, magazines, pictures, movies, printed material, recordings, closed circuit television productions, or exhibitions and the like.
- D. *Distribution And Exhibition To Minors Prohibited.* It shall be unlawful for any person to sell, give away, barter, trade, deal in, produce, perform, show, exhibit, or possess with intent to sell, give away, barter, trade, deal in, show, or exhibit to any minor any work or material including but not limited to books, magazines, pictures, movies, printed material, recordings, closed circuit television productions, or exhibitions and the like which depict or show nudity as defined in this section, or any obscene work or material including but not limited to obscene books, magazines, pictures, movies, printed material, recordings, performances, closed circuit television productions, and the like.
- E. *Unlawful Public Display.* It shall be unlawful for any person to display to public view at newsstands, stores, business establishments, and in any public places where minors are or may be invited, allowed, or suffered, or any private place where the display is openly and easily visible to members of the general public, any device, contrivance, movie, pictures, book, magazine, recording, advertisement, or the like, the cover or external covering of which exploits, is devoted

to, shows, exhibits, describes, or depicts any nudity, sexual conduct, lewdness, indecency, sadomasochistic abuse, illicit sex, lust, or perversion.

F. *Violations.* Any person found guilty by a lawful authority of violating any provision of this section shall be guilty of a misdemeanor.

G. *Liability For Violations.* Every person who commits or attempts to commit, conspires to commit, or aids and abets in the commission of any act constituting a violation of this section or any act which constitutes an omission and, therefore, a violation of this section, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall be guilty of the offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any of the provisions of this section is likewise guilty of the offense.

H. *Dissemination A Public Nuisance.*

1. The sale, distribution, trading in, dealing in, giving, showing, exhibition, performance, or production of any obscene work or material is hereby declared to be a nuisance.
2. Whenever the City Council determines that a nuisance is being kept, maintained, produced, permitted, conducted, or allowed, or exists, it may order the termination or abatement of that nuisance by the person or persons keeping, conducting, maintaining, producing, permitting, or allowing that nuisance.

I. *Order To Abate; Enforcement.*

1. *Order.* The order of the City Council shall be in writing, shall recite the allegations constituting the nuisance, provide a specified time for compliance, and state that civil enforcement of the order shall be undertaken if no compliance occurs. The order shall be served in the manner of a summons and complaint in a civil action.
2. *Enforcement.* If no abatement or termination of the nuisance occurs within the time prescribed in the Council order, the city shall forthwith seek enforcement of its order in any appropriate civil proceeding.

J. *Recovery Of Expenditures.*

1. The city shall keep an accurate account of expenses incurred in carrying out its order and abating the nuisance, including all expenses incurred in connection therewith, including but not limited to filing fees, service fees, publication fees, attorney's fees, appraisal fees, witness fees, traveling expenses, administrative time of city staff employees, and the like. The court shall examine the expenses, correct them if necessary, and allow the city's expense account.
2. The person or persons charged with keeping, containing, producing, permitting, allowing, or conducting the nuisance shall pay the expenses, but if in default of payment by October 1, the City Administrator, Clerk/Treasurer shall certify the amount to the County Auditor for entry on the tax lists of the county as a special charge against the real estate used in connection with the nuisance or upon which or within which the nuisance was kept, maintained, produced, permitted, conducted, or allowed, and the sum shall be collected in a manner as other taxes and paid over to the municipal treasury.

14 SUBDIVISION CONTROL

14.04 GENERAL PROVISIONS

14.08 PLATTING PROCEDURES

14.12 DESIGN STANDARDS

14.16 IMPROVEMENT

14.20 ENGINEERING STANDARDS AND SPECIFICATIONS

14.24 VARIANCES

14.28 ADMINISTRATIVE SUBDIVISIONS

14.04 GENERAL PROVISIONS

14.04.010 Title

14.04.020 Purpose

14.04.030 Interpretation; Minimum Requirements

14.04.040 Scope; Abrogation And Greater Restrictions

14.04.050 Definitions - Subdivision Control

14.04.010 Title

This title shall be known as "Subdivision Control."

14.04.020 Purpose

Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of subdivisions without correlation to the city plan will bring a disastrous, disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome community environment, adequate municipal services, and safe streets, all subdivisions hereafter platted within the city shall fully comply with the regulations hereinafter set forth in this title.

14.04.030 Interpretation; Minimum Requirements

In their interpretation and application the provisions of this title shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

14.04.040 Scope; Abrogation And Greater Restrictions

Except in the case of resubdivision, this title shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds prior to January 20, 1962. Nor is it intended by this title to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by or in conflict with this title, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land to which the city is a party. Where this title imposes a greater restriction upon land than is imposed or required by existing provisions of law, contract, or deed, the provisions of this title shall control.

14.04.050 Definitions - Subdivision Control

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

CITY PLAN. This includes all plans of the City Council and City Planning Commission for land use, transportation facilities, and community facilities.

COLLECTOR STREET. A street that carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and principal streets for circulation within the development.

CUL-DE-SAC. A minor street with only one outlet.

EASEMENT. A grant by an owner of land for the specific use of the land by the public generally, or to a person or persons.

FINAL PLAT. The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Register of Deeds.

LOT. A parcel or portion of land in a subdivision or plot of land, separated from other parcels or portions by description as on a subdivision or by metes and bounds, for the purpose of sale or lease or separate use thereof.

MARGINAL ACCESS STREET. A service drive or minor street that is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

MINOR STREET. A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

OWNER. Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.

PERSON. Any individual, firm, association, syndicate, or partnership, corporation, trust, or any other legal entity.

PRELIMINARY PLAT. The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and Council for their consideration.

STREET. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place, or however otherwise designated.

STREET WIDTH. The shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER. Any person commencing proceedings under this title to effect a subdivision of land hereunder for himself or herself or for another.

SUBDIVISION. The division of a parcel of land into two or more lots or parcels, for the purpose of transfer of ownership of building development. The term includes resubdivision, and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

SUBDIVISION, ADMINISTRATIVE. A subdivision which results in two or fewer parcels, tracts or lots from one or two existing parcels, tracts or lots.

THOROUGHFARE. A fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas. The Council, upon recommendation of the Planning Commission, shall determine when a given street is a major **THOROUGHFARE**, secondary **THOROUGHFARE**, collector street, or minor street.

ZONING ADMINISTRATOR. The appointed Administrator, Clerk/Treasurer, or his/her designee.

14.08 PLATTING PROCEDURES

[14.08.010 Preliminary Plat; Procedures](#)

[14.08.020 Preliminary Plat; Required Data](#)

[14.08.030 Final Plat; Procedures](#)

[14.08.040 Final Plat; Required Data](#)

14.08.010 Preliminary Plat; Procedures

- A. Prior to the preparation of a preliminary plat the subdivider should meet with the Zoning Administrator and the City Engineer regarding city plans for the thoroughfares, parks, utilities, and the like, in the area being subdivided.
- B. The subdivider shall have a preliminary plat prepared on the basis of the city plans, and of the design standards and data required by this chapter.
- C. The subdivider shall then submit to the Zoning Administrator ten copies of a preliminary plat of his/her proposed subdivision, the requirements of which are set forth in this chapter. They shall be filed at least 30 days prior to a regularly scheduled Planning Commission meeting and shall be accompanied by the fees set forth in the fee schedule, as may be amended from time to time. An electronic copy of the preliminary plat, in a format specified by the Zoning Administrator, shall also be submitted.
- D. The subdivider shall submit the preliminary plat of his or her proposed subdivision to the applicable watershed district(s) for review and approval. Final plat approval will not be granted until evidence of watershed district approval is provided.
- E. *Notice procedure.* Notice of the public hearing at which the Planning Commission will consider the preliminary plat shall be made by the Zoning Administrator pursuant to M.S. § 462.358, Subd. 3b, as it may be amended from time to time. The owner or subdivider shall also be notified as to the time and place of the public hearing. As required by M.S. § 505.03, as it may be amended from time to time, at least 30 days prior to taking final action on a preliminary plat, the proposed preliminary plat must be presented by the Administrative Officer to the Commissioner of Transportation for review if the plat includes or borders on a trunk highway or state rail bank property. Within five days after receiving a preliminary plat that includes or borders on an existing or proposed county road or state rail bank property, the Administrative Officer must submit it to the County Engineer for review. The Commissioner of Transportation and the County Engineer must report to the city within 30 days with any comments and recommendations they may have. No preliminary plat may be approved by the city until these comments and recommendations are received and considered. Within ten days after approval of the preliminary plat, notice must be sent to the Commissioner and the County Board explaining how their comments and recommendations have been met.
- F. *Public hearing.* At the public hearing set for consideration of the preliminary plat, the Planning Commission shall consider comments to the notice of plat and it shall also review the preliminary plat from the standpoint of environmental impact, compatibility with surrounding area, suitability of area for subdividing, public health and welfare, crowding potential, the compatibility with the city Comprehensive Plan and overall city planning.
- G. *Planning Commission action.* At the conclusion of the public hearing set forth in the preceding paragraph, the Planning Commission shall either recommend approval, conditional approval or denial of the preliminary plat. The Planning Commission may also table the preliminary plat for future consideration. The Planning Commission shall not recommend approval of a preliminary plat unless the presentation requirements set forth in SLPC 14.08.020 have all been met. No lot on the preliminary plat shall be recommended for approval if, in the opinion of the Planning Commission, a lot does not have dedicated road access, or an adequate building site, meeting the requirements of all rules and regulations in this chapter and the code of the city. The action of the Planning Commission shall be stated in writing setting forth the conditions of approval,

reasons for approval or the reasons for denial. The Planning Commission's recommendation shall then be submitted to the City Council.

H. *City Council action.* The City Council shall consider the Planning Commission's action, if the city has a Planning Commission, at their next regularly scheduled meeting, and shall either approve, approve with conditions, deny or table for future consideration the application. As required by M.S. § 462.358, Subd. 3b, as it may be amended from time to time, the Council must either approve or deny the application for a preliminary plat within 120 days after the application has been submitted, unless an extension of time has been agreed to in writing by the subdivider. The 120-day period does not begin to run until the application contains all of the information required by SLPC 14.08.020. Failure to comply with the time limits for approval in M.S. § 462.358, Subd. 3b, as it may be amended from time to time, may result in automatic approval of a preliminary plat. The Council shall not approve a preliminary plat unless the presentation requirements set forth in SLPC 14.08.020 have all been met. No lot on the preliminary plat shall be approved if, in the opinion of the Council, a lot does not have dedicated road access, an adequate building site, or sufficient area for an on-site individual sewage treatment system in areas where public services are not available, meeting the requirements of all rules and regulations in this chapter and the code of the city. The action of the Council shall be stated in writing, setting forth the conditions of approval, reasons for approval or the reasons for denial. Approval shall mean the acceptance of the design as a basis for preparation of the final plat, and the submission of such final plat for approval. Approval by the City Council of all engineering proposals presented in the preliminary plat which pertain to such things as water supply, sewage disposal, storm drainage, gas and electric service, road gradients and widths and the surface of roads is required prior to the approval of the final plat. The Council may, after notifying the subdivider, employ qualified persons to check and verify each proposal, the costs of such services shall be paid by the subdivider.

14.08.020 Preliminary Plat; Required Data

Preliminary plat must be prepared by a Minnesota Registered Land Surveyor and certified as such. Plats must conform to the technical requirements of M.S. § 505.021, as it may be amended from time to time.

A. *Scale.* One inch equals 100 feet.

B. *Identification and description.*

1. Proposed name of the subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county;
2. Location by section, town, range, or by other legal description;
3. Names and addresses of the owner, subdivider, surveyor, and designer of the plan. The subdivider shall submit a statement that he or she has the area being subdivided under ownership or control;
4. Graphic scale;
5. North point;
6. Date of preparation; and
7. A dedication statement as required by M.S. § 505.021, Subd. 2, as it may be amended from time to time, describing what part of the subdivision land is dedicated, to whom and for what purpose.

C. Existing conditions in tract and in surrounding area to a distance of 300 feet:

1. Boundary line of the proposed subdivision, clearly outlined and dimensioned;

2. Any non-residential zoning districts;
3. Total approximate acreage and total water frontage (shoreland areas) and water boundaries;
4. Platted streets, railroad right-of-way, and utility easements;
5. Boundary line and ownership of adjoining land;
6. Existing buildings and structures;
7. Sewers, water mains, wells, culverts, or other underground facilities;
8. Topography, showing lakes, watercourses, marsh areas, and contours at vertical intervals of not more than two feet. Contour lines shall be shown by means of dashed lines on the preliminary plan. All elevation data shall be mean sea level or some other assumed, workable datum;
9. Plans for the provision of potable water, sewage disposal, drainage and flood control;
10. Summary of soil and vegetation types (terrestrial and aquatic);
11. Evidence that the ground water level is at least three feet below the level of finished grades or plans for resolving any ground water problems; and
12. All other information required by M.S. § 505.021, as it may be required from time to time.

D. *Subdivision design features.*

1. Layout of proposed streets, showing right-of-way widths and names of streets. The name of any street heretofore used in the city or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall cover the whole ownership tract;
2. Location and widths of proposed pedestrian ways and utility easements;
3. Layout, numbers, and typical dimensions of lots;
4. Minimum front- and side-street building setback lines, indicating dimensions;
5. Areas, other than streets, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of the area or areas in acres;
6. Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning;
7. Preliminary street grades and direction of flow and disposal of surface water shall be drawn on the preliminary plan;
8. Statement of proposed protective covenants;
9. Statement of source of water supply; and
10. Statement of provisions for sewage treatment.

E. *Dedications.* Easement dedications must be provided over natural drainage or ponding areas for management of stormwater and significant wetlands. Provisions for surface water drainage and flood control must be provided.

F. *Preliminary Title Opinion.* The subdivider shall provide a Preliminary Title Opinion, prepared by an attorney of the subdivider's choosing, in substantial conformity with the form set forth below:

City Council of the City of

RE: Plat of _____

Subdividers _____

Preliminary Opinion _____

I hereby certify that I have examined the above-described plat including the signatories thereon and an abstract of title consisting of entries _____ through _____ inclusive, last certified by (Abstract Co.) to the hour of 8:00 a.m. on _____. From such examination I conclude that good record title in fee simple absolute is in the subdividers' so as to vest in the public those right-of-way rights and easement rights as in the plat, subject to the following:

- 1.
- 2.
- 3.

which shall be cured prior to the recording of the plat. I further agree to furnish the Final Title Opinion following the recording of the plat as required by SLPC 15.08.

Sincerely, _____

14.08.030 Final Plat; Procedures

- A. The owner or subdivider shall file with the Zoning Administrator within one year of the date of approval of the preliminary plat the final plat which shall substantially conform to the preliminary plat as approved and all applicable city regulations and ordinances, state and federal rules, regulations and laws. Final plat approval shall not be granted to any plat which is not filed within the time herein specified, unless an extension is requested in writing and for good cause, granted by the City Council. The final plat shall be presented to the City Council at a scheduled meeting which is at least two weeks after the date of filing with the Zoning Administrator.
- B. The owner or subdivider shall submit the following:
 1. Ten copies of the final plat. This final plat shall incorporate all changes required by the Council. Otherwise it shall conform to the preliminary plan. The final plat may constitute only that portion of the preliminary plan which the subdivider proposes to record and develop at the time. Lots which have received preliminary approval but are not included on the final plat must be considered as a new subdivision;
 2. An up-to-date certified abstract of title or registered property report and other evidence as the City Attorney may require showing title or control in the applicant; and
 3. A copy of the permit approval from the applicable watershed district(s). If a permit is not required by the watershed district the owner or subdivider shall provide written documentation from the applicable watershed district(s) stating that no permit is required.
- C. The Zoning Administrator, City Engineer and City Attorney shall check the final plat to see that it is in substantial conformity with the preliminary plat as approved by the City Council at that it meets all applicable city regulations and ordinances, state and federal rules, regulations and laws.
- D. *City Council action.* Final plat approval shall not be granted unless all presentation requirements of SLPC 14.08.040 have been met and the plat conforms to all applicable city regulations and ordinances, state and federal rules, regulations and laws. The City Council shall approve, deny or table the final plat, and the Clerk shall notify the owner or subdivider of the Board's actions within 60 days of the submittal of the final plat, as required by M.S. § 462.358, Subd. 3b, as it may be amended from time to time, unless an extension of time has been agreed to in writing by the subdivider. Failure to meet the time limit requirements of M.S. § 462.358, Subd. 3b, as it may be amended from time to time, may result in automatic approval of the final plat. The final plat, if approved, shall then be recorded with the County Recorder by the subdivider, at the subdivider's expense and proof of recording shall be provided to the Zoning Administrator. If any irregularity prevents recording of the final plat, the County Recorder shall notify the owner or subdivider. Any approval of the final plat by the Council shall be null and void if the plat is not recorded with the County Recorder within 90 days after the date of approval unless application for an extension of

time is made, in writing, during said 90-day period, to the City Council and for good cause granted by the Council.

14.08.040 Final Plat; Required Data

The final plat shall include the following:

- A. Such information as was found necessary for review and requested by the Planning Commission or City Council;
- B. Any supplementary engineering data required by the City Engineer;
- C. Data requirements as set forth in M.S. Ch. 505, as it may be amended from time to time. All interior and exterior boundary lines shall be correctly designated on the plat and shall show beatings on all straight lines, or angles at all angle points, and central angle and radii and arc lines for all curves. Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that monuments have been set;
- D. An identification system for all lots and blocks. All lots shall be numbered consecutively;
- E. The area (in square feet) and dimensions of all lots in feet and hundredths;
- F. The subdivider shall submit two hard shells, one transparency copy and six duplicate copies of the final plat;
- G. All signatures on the plat must be in black ink;
- H. Certification by a registered land surveyor to the effect that the plat represents a survey made by him/her and that monuments and markers shown thereon exist as located and that all dimensional and geodesic details are correct;
- I. Notarized certification by the fee owner, any contract for deed vendees and by any mortgage holder of record, of the adoption of the plat and the dedication of roads and other public areas as required by M.S. § 505.021, Subd. 3, as it may be amended from time to time;
- J. Certification showing that all taxes, special assessments and utility charges currently due on the property to be subdivided have been paid in full for the calendar year in which the plat is filed;
- K. Form for approval by Registered Land Surveyor;
- L. I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of the subdivision ordinance of the city and M.S. Ch. 505.

- 1. The subdivider shall provide the County Auditor's Office with a Final Title Opinion prepared by the attorney who prepared the Preliminary Title Opinion in substantial conformity with the form set forth below, within 14 days of the final plat being recorded.

City Council of the City of

RE: Plat of _____
Subdividers _____

Gentlemen: Final Opinion

I hereby certify that I have examined all records relating to the above described plat in the office of the County Recorder from the date of the abstract of title to _____, the date the plat was recorded. From such examination I conclude:

- 1. That all defects cited in the Preliminary Opinion have been cured;
- 2. That as of the date of recording, good record title in fee simple absolute was in the subdividers; and

3. That the public is vested with those right-of-way rights and easement rights as in the plat indicated. Sincerely,

2. The attorney shall also sign the following statement on the face of the plat prior to filing: I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.

M. Form for mortgage statement:

I hereby attest to the fact that there are no mortgages, other than shown, outstanding against any of the property in this subdivision. Signed _____ Dated _____
_____ Subdivider

N. Form for comparison by Zoning Administrator:

Accepted and approved by the City Council of the City of Spring Lake Park, Minnesota, this _____ day of _____, _____. Signed _____ Mayor
Signed _____ Administrator, Clerk/Treasurer _____

O. Form for approval by City Council:

Accepted and approved by the City Council of the City of Spring Lake Park, Minnesota, this _____ day of _____, _____. Signed _____ Mayor
Signed _____ Administrator, Clerk/Treasurer _____

P. Form for approval by County Treasurer:

I hereby certify that the taxes for the year ____ for the lands described within are paid. Signed _____
_____ County Treasurer

Q. Form for approval by County Auditor:

No delinquent taxes and transfer entered. Dated _____. Signed _____
_____ County Auditor; and

R. Form for approval by County Recorder: I hereby certify that the within instrument was filed in this office for record on the _____ day of _____, _____, at o'clock _____.M., and was duly recorded in Book of _____ on page _____.
Signed _____ County Recorder

14.12 DESIGN STANDARDS

14.12.010 Streets

14.12.020 Easements

14.12.030 Blocks

14.12.040 Lots

14.12.050 Dedication Requirements

14.12.010 Streets

A. *General design.* The design of all streets shall be considered in their relation to: public safety, existing and planned streets, efficient circulation of traffic, topographical conditions, run-off of storm water, and proposed uses of the land to be served by the streets.

1. The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of existing streets in adjoining areas.
2. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being divided, then the new streets shall be carried to the boundaries of the unsubdivided land.

B. *Width.* All right-of-way widths shall conform to the following minimum dimensions:

1. Thoroughfares: 80 feet;
 2. Collector streets: 70 feet;
 3. Minor streets: 60 feet; and
 4. Marginal access streets: 30 feet.
- C. *Reverse curves*. Tangent of at least 50 feet in length shall be introduced between reverse curves on collector streets.
- D. *Street grades*. All center line gradients shall be at least 0.5% and shall not exceed the following:
1. Collector streets: 4%; and
 2. Minor streets: 6%.
- E. *Minor streets*. Minor streets shall be so aligned that their use by through traffic will be discouraged.
- F. *Street jogs*. Street jogs with center line offsets of less than 125 feet shall be avoided.
- G. *Safe intersections*. It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow.
- H. *Alleys*. Alleys are not permitted in residential areas.
- I. *Cul-de-sacs*. Maximum length cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet and a street property line diameter at least 120 feet.
- J. *Half-streets*. Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision and adjoining unsubdivided areas.
- K. *Reserve strips*. Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.
- L. *Private streets*. Private streets shall not be approved nor shall public improvements be approved for any previously existing private street.
- M. *Hardship to owners of adjoining property avoided*. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- N. *Street interval*. In general, provisions shall be made at intervals not exceeding one-half mile for through streets (streets running through the subdivision in a fairly direct manner).
- O. *Intersections*. In general, streets shall intersect at right angles.

14.12.020 Easements

- A. *Utilities*. Easements at least ten feet wide, centered on rear and other lot lines, shall be provided for utilities, where necessary. They shall have continuity of alignment from block to block. At deflection points, easements for pole-line anchors shall be provided where necessary.
- B. *Drainage*. Where a subdivision is traversed by a water course, drainage way channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course together with further width or construction or both, as will be adequate for storm water run-off. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy run-off.

14.12.030 Blocks

- A. *Length.* Block lengths shall not exceed 1,800 feet and, if possible, should not be less than 400 feet in length.
- B. *Arrangement.* A block shall be so designated as to provide two tiers of lots, unless it adjoins a railroad or limited access highway and unless topographic conditions necessitate a single tier of lots.
- C. *Pedestrian ways.* In blocks over 1,200 feet long, a pedestrian way or easement shall or may be required by the Council in locations deemed necessary to public health, convenience, and necessity. This type of an easement shall not be less than 15 feet in width.

14.12.040 Lots

- A. *Lots.* All lots shall abut by their full frontage on a publicly dedicated street. The finished grade at the perimeter of principal buildings on lots shall average a height above center of street of one-half inch per foot of required setback, with a minimum of 24 inches, to assure adequate drainage of rain water from roofs away from the building.
- B. *Corner lots.* Corner lots shall be platted at least 15 feet wider than the minimum lot size required; 25 feet wider in the case of corner lots adjacent to a major thoroughfare.
- C. *Side lot lines.* Side lot lines shall be substantially at right angles of radial to the street line.
- D. *Water courses.* Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width as required to assure house sites that are not subject to flooding.
- E. *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.
- F. *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels. However, outlots may be used if there is a reasonable likelihood that future subdivision of adjoining land will absorb these outlots into standard lots.
- G. *Lots along thoroughfares.* Subdivisions along future major thoroughfares shall be so designed that where possible there would be no direct vehicular access from residential lots onto those thoroughfares. Residential lots shall be separated from major thoroughfares and railroad rights-of-way by a 25-foot buffer strip, which may be in the form of added depth or width of lots backing on major thoroughfares or siding on the thoroughfare or railroad right-of-way. A screen planting easement shall be granted to the city for the 25-foot buffer strip if it adjoins a major thoroughfare.
- H. *Site improvements.* All newly developed lots within the city shall conform to the following criteria.
 - 1. The landowner shall landscape the property and establish turf consisting of tame, perennial grass by either sodding or cultivating and seeding the entire front, rear, and side yards except those areas covered by buildings, patios, sidewalks, driveways, and other landscaping materials.
 - 2. The landowner is responsible for maintaining the landscaping and turf in an attractive and well-kept condition.
 - 3. Whenever it is impossible or impractical to landscape and establish turf on the property, the landowner must submit a plan to the city detailing how and when the landowner will control weeds and drifting sand on the property. This plan is subject to the approval of the building official of the city. Failure on the part of the landowner to follow through and implement the approved plan is a violation of this section.

I. *Performance agreement.* Upon the issuance of a building permit, the city is responsible for providing written notice to the landowner of the requirement to comply with this section. The landowner must then comply with this section by the end of the next full growing season.

14.12.050 Dedication Requirements

- A. As a condition of subdivision approval, subdividers shall dedicate a portion of any proposed subdivision for conservation purposes or for public use as parks, recreational facilities as defined and outlined in M.S. § 471.191, playgrounds, trails, wetlands or open space; provided that the city may choose to accept an equivalent amount in cash for part or all of the portion required to be dedicated based on the fair market value of the land following the criteria of M.S. § 462.358, Subd. 2b, as it may be amended from time to time.
- B. Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location. Land with trash, junk, pollutants, flooding or wetlands and unwanted structures is generally not acceptable.
- C. The Planning Commission and the City Council shall determine the land and/or cash contribution requirements for proposed subdivisions.
- D. Any increase in density of subdivisions shall be reviewed for reconsideration of park land and/or cash contribution requirements.
- E. When a proposed park, playground, recreation area or other public ground has been indicated in the city's official map or Comprehensive Plan and is located in whole or in part within a proposed subdivision, it shall be designated as such on the plat and shall be conveyed to the city. If the subdivider elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the city may consider acquiring the site through purchase or condemnation.
- F. Land area conveyed or dedicated to the city shall not be used in calculating density requirements of the city zoning ordinance and shall be in addition to and not in lieu of open space requirements for planned unit developments.
- G. Where private open space for park and recreation purposes is provided in a proposed subdivision, these areas may be used for credit, at the discretion of the City Council, against the land or cash dedication requirement for park and recreation purposes, provided the City Council finds it is in the public interest to do so.
- H. The dedication requirements are presumptively appropriate. A subdivider may request a deviation from the presumptive requirements based upon the anticipated impact of that particular subdivision. The request must be made before final subdivision approval by the city.
- I. Dedication formula.
 - 1. In residential subdivisions where a land dedication is required, the following formula will be used to determine the dedication requirement:

Density: Units per Acre	Land Dedication Percentage
0.00-4.00	10%
4.01-8.00	12%
8.01-12.00	14%
12.01-16.00	16%

2. In commercial or industrial subdivisions where a land dedication is required, the following formula will be used to determine the dedication: 3% of the gross area of land being platted.
- J. In lieu of land dedication the city may require cash fees established pursuant to M.S. § 462.358, Subd. 2b, as it may be amended from time to time, for commercial, industrial, multi-family dwelling units and single-family dwelling units, in amounts established in a separate ordinance or in the ordinance establishing fees and charges adopted pursuant to SLPC 3.16.030 Paragraph A, as that ordinance may be amended from time to time.
- K. The city may elect to receive a combination of cash, land and development of the land. The fair market value of the land the city wants and the value of the development of the land shall be calculated. That amount shall be subtracted from the cash contribution required by Paragraph J. The remainder shall be the cash contribution requirement.
- L. Fair market value shall be determined as of the time of final subdivision approval in accordance with the following:
1. The city and the developer may agree as to the fair market value; or
 2. The fair market value may be based upon a current appraisal submitted to the city by the subdivider at the subdivider's expense. The appraisal shall be made by appraisers who are approved members of the SREA or MAI, or equivalent real estate appraisal societies.
 3. If the city disputes such appraisal the city may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.
- M. Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this section based upon the percentage of land devoted to the various uses.
- N. Cash contributions are to be calculated at the time of final subdivision approval. The Council may require the payment at the time of final subdivision approval or at a later time under terms agreed upon in the development agreement. Delayed payment shall include interest at a rate set by the city.
- O. Cash contributions shall be deposited in the park dedication fund and shall only be used for the acquisition of land for the purposes set forth in Paragraph A, and the planning and development of land for such purposes.
- P. Property being subdivided without an increase in the number of lots shall be exempt from park and trail dedication requirements if similar requirements were satisfied in conjunction with an earlier subdivision. If the number of lots is increased, then the dedication shall be based on the additional lots created.

14.16 IMPROVEMENT

[14.16.010 Subdivider Responsibility](#)

[14.16.020 Monuments](#)

[14.16.030 Streets](#)

[14.16.040 Sidewalks](#)

[14.16.050 Water Main](#)

[14.16.060 Sanitary Sewer](#)

[14.16.070 Drainage Facilities](#)

[14.16.080 Landscaping](#)

[14.16.090 Street Name Signs; Stop Signs](#)

[14.16.100 Trunk Facilities](#)

[14.16.110 Standards And Specifications; Compliance Required](#)

[14.16.120 Required Improvements](#)

[14.16.130 Performance Bond; Surety](#)

14.16.010 Subdivider Responsibility

Before the Council approves a final plat, the subdivider shall give satisfactory assurance of the installation of the following improvements.

14.16.020 Monuments

Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shown on the final plat and as required by the City Engineer. Pipes or steel rods shall be placed at the corners of each lot and at each intersection of street center lines. All national, state, county, or other official benchmark monuments, or triangular stations in or adjacent to the property, shall be preserved in precise position.

14.16.030 Streets

- A. *Grading.* The full right-of-way of all streets shall be graded.
- B. *Surfacing.* All streets shall be improved with a bituminous surface as provided in SLPC 14.20.030 Paragraph B.
- C. *Concrete curb and gutter.* Shall be provided along all streets.
- D. *Street lighting.* Street lighting fixtures, as may be required by the City Council, shall be installed.

14.16.040 Sidewalks

Sidewalks shall be installed if the Council shall determine it is in the public interest.

14.16.050 Water Main

Where connection with the city water system is feasible, the public water facilities shall be used.

14.16.060 Sanitary Sewer

Wherever trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers and connect the same to the trunk line sewers in accordance with state and city regulations.

14.16.070 Drainage Facilities

Facilities and easements shall be installed as will adequately provide for the drainage of surface water.

- A. When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- C. When development density, topographic features, and soil runoff using natural features, and

vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.

14.16.080 Landscaping

All developments shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers and ground cover materials. All areas not covered by buildings, streets, sidewalks, parking lots, driveways or similar hard surface materials shall be covered with sod or an equivalent ground cover approved by the city. This requirement shall not apply to site areas retained in a natural state. All new landscape trees and shrubs must meet the American Standard for Nursery Stock and American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball. Landscape trees must be balled and burlapped or moved from the growing site by tree spade. Deciduous trees will be not less than one and one quarter inches but not more than three inches caliper for balled and burlapped trees, and not less than three inches but not more than six inches caliper for spade-moved trees. Coniferous trees will not be less than six feet in height but no more than eight feet for balled and burlapped trees, and not less than eight feet in height but not more than 14 feet for spade-moved coniferous trees. The city may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee.

14.16.090 Street Name Signs; Stop Signs

- A. *Street name signs.* Street signs of a design approved by the City Council shall be installed at each street intersection.
- B. *Stop signs.* Stop signs shall be placed on all streets intersecting a thoroughfare or collector street, if the city deems it advisable.

14.16.100 Trunk Facilities

Where a water main, sanitary sewer, or storm drain facility should, according to the city plan, be constructed at a larger size to serve areas outside the subdivision, the larger facility should be constructed, the additional cost to be borne by the city.

14.16.110 Standards And Specifications; Compliance Required

The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion. If determined necessary by the City Engineer, the subdivider shall be required to submit an erosion and sediment control plan. Erosion and sediment control measures shall be consistent with best management practices (BMPs) for erosion and sedimentation control as specified in the "Minnesota Stormwater Manual" (MPCA, 2005), as amended, and shall be sufficient to retain sediment on site. Erosion and sediment controls shall meet the standards for the general permit authorization to discharge stormwater associated with construction activity under the national pollutant discharge elimination system/state disposal system permit program permit MN RI00001 (NPDES general construction permit) issued by the Minnesota Pollution Control Agency, as amended. Final stabilization of the site must be completed in accordance with the NPDES construction permit requirements.

14.16.120 Required Improvements

All of the required improvements shall conform to the engineering standards and specifications of this title.

14.16.130 Performance Bond; Surety

- A. Some or all of the improvements to be installed by the subdivider. In this case, the subdivider may submit an agreement and performance bond or cash escrow, guaranteeing completion of the improvements. The performance bond may be for an amount equal to one and one-fourth the City Engineer's estimate of the costs, and the improvements shall be completed within a specified time to be determined by the City Council. The improvements shall be under the direction and control of the City Engineer and subject to his or her approval. The subdivider shall reimburse the city for all engineering and legal expenses incurred by the city.
- B. The city may elect to install any or all of the improvements under a cash escrow agreement with the subdivider. Nothing herein shall be construed to limit the authority of the Council to proceed under the Public Improvement Code, being SLPC 14.16.010.
- C. In lieu of the cash deposit required by Paragraph B, the City Council may accept an undertaking in writing, approved as to form by the City Attorney, executed by the subdivider and a corporate surety as surety, to pay the whole cost thereof, as estimated by the City Engineer, of the improvements to be paid for by the subdivider under this paragraph; that undertaking to provide for payment by the subdivider of sums as due from time to time for cost of the improvements as the same are under construction.

14.20 ENGINEERING STANDARDS AND SPECIFICATIONS

14.20.010 Conformance Required

14.20.020 Monuments

14.20.030 Streets; Grading, Surfacing, And Curb And Gutter

14.20.040 Sidewalks

14.20.050 Water Main

14.20.060 Sanitary Sewer

14.20.070 House Service

14.20.080 Private Well

14.20.090 Private Sewage System

14.20.100 Private Well Or Septic Tank; House Plumbing

14.20.110 Drainage Systems

14.20.120 Street Signs

14.20.130 Inspection

14.20.010 Conformance Required

Conformity of all engineering standards and specifications as described herein shall be required prior to approval of a final plat.

14.20.020 Monuments

All lot corner pipes or steel rods shall be one-half inch in diameter placed flush with the finished lot grade. All quarter corners, sixteenth corners, and section corners, if encountered within or adjoining a plat, shall be duly described and tied and placed in a three-foot deep by six-inch round concrete monument.

14.20.030 Streets; Grading, Surfacing, And Curb And Gutter

- A. *Street grading.* The grades after approval by the City Engineer shall be graded to full right-of-way width with a six-inch curb 0.3 foot rise above the curb to the property line and a slope of no greater than three to one from the property line to natural ground.
- B. *Street surfacing.* A surfaced road not less than 32 feet shall be required for all streets and alleys. All streets shall be improved with a concrete or bituminous surface. Streets to be paved shall be

surfaced for a nine-ton axle weight capacity using current Minnesota Department of Transportation design standards and in accordance with the city design template.

C. *Curb and gutter.* A concrete B618 curb and gutter shall be required.

14.20.040 Sidewalks

Concrete sidewalks shall be five feet wide and four inches thick placed on a four-inch gravel base. Sidewalk grades shall coincide with street grades and slope one-fourth inch per foot from the property line. Sidewalk shall be placed at the property line.

14.20.050 Water Main

Water main of the sizes indicated on the city's overall plan shall be installed together with the necessary looping, valves, hydrants, and water services to the property line.

14.20.060 Sanitary Sewer

A sanitary sewer of eight-inch PVC pipe shall be required as minimum size placed at not less than 0.3% grade except for a dead-end section where a 0.4% minimum grade shall be required. House service wyes shall be four inches.

14.20.070 House Service

Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the house. A one inch polyethylene water service, corporation cock, and curb box and stop, and four-inch schedule 40 PVC pipe sewer service shall be minimum requirements and may be placed in a common trench.

14.20.080 Private Well

- A. Individual wells should be authorized by the Council only on special application.
- B. Any well for domestic usages should have not less than 80 feet of four-inch or larger casing. The property owner should still be required to pay for his or her water main assessment and hook-up charge.
- C. Any well to be used only for lawn watering could be a shallow sand point well but must be inspected to insure it does not get used for other purposes.
- D. Any such permit should be given only after hook-up to city water for domestic water usages.

14.20.090 Private Sewage System

An individual sewage system is not permitted unless granted specially by the Council to meet a special problem or circumstance.

14.20.100 Private Well Or Septic Tank; House Plumbing

When individual well and septic tanks are used and the septic tank is placed at the rear of the house, it shall be required that plumbing be extended from the vent stack or rear outlet to a point three feet beyond the street side of the basement footing and capped. Inside the basement, the vent elbow shall be set up to be easily reversed for connection to the capped line. The basement slab shall be scored for easy removal to include an area three feet square.

14.20.110 Drainage Systems

All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates on the developed property. Where a master plan or storm sewer district has been established, the drainage network shall conform to the adopted plan. All piping shall provide complete removal and a permanent solution for the drainage water.

14.20.120 Street Signs

All street signs shall be in accordance with standards adopted by the city and shall be furnished and installed by the developer. Location of the signs shall be as determined by the city.

14.20.130 Inspection

All improvements required on site as described under engineering standards shall be inspected during construction by the City Engineer at the expense of the subdivider. This inspection shall include aggregate samples, bituminous mix samples, concrete samples, and visual inspection of projects during the installation of work.

14.24 VARIANCES

14.24.010 Variance Procedure

14.24.010 Variance Procedure

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this title, the Council, following consideration of the Planning Commission, shall have the power to vary the requirements of this title in harmony with the general purpose and intent thereof, so that the public health, safety, and general welfare may be secured and substantial justice done. In particular, small subdivisions where one lot is divided into two or three lots, the submission of topographic maps, soil tests, other data, and fee may not be necessary, if the Council, following consideration by the Planning Commission, so determines.

14.28 ADMINISTRATIVE SUBDIVISIONS

14.28.010 Administrative Subdivisions; Qualification

14.28.020 Information Required For Administrative Subdivisions

14.28.030 Filing And Review Of Application

14.28.040 Recording

14.28.050 Enforcement And Penalties

14.28.010 Administrative Subdivisions; Qualification

The following shall be considered an administrative subdivision:

- A. *Lot boundary line adjustment.* Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or the combination of recorded lots to form no more than two lots. Newly created lots shall conform to the design and performance standards of SLPC 14 and SLPC 16.
- B. *Lot split.* The simple division of a single parcel, tract or lot to create no more than two lots and the newly created property line will not cause the remaining portion of the lot or any structure to be in violation with SLPC 14 and SLPC 16.
- C. *Base lot subdivision.* In the case of a request to divide a base lot upon which a two-family dwelling or a townhouse, which is part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of SLPC 14 and SLPC 16.

14.28.020 Information Required For Administrative Subdivisions

- A. Whenever any subdivision or land as outlined in SLPC 14.28.010 is proposed, the owner or subdivider shall file an application and secure approval of an administrative subdivision. The Zoning Administrator retains full discretion to mandate that any such application proceed as a formal subdivision application.
- B. The administrative subdivision application shall be considered to be officially filed when the Zoning Administrator has received the application and has determined that the application is complete. The administrative subdivision application will not be deemed complete without evidence of permit approval from the applicable watershed district(s). Administrative subdivisions shall consist of maps and accompanying written documents. The subdivider shall submit one large scale copy, five reduced scale copies (11 inches by 17 inches) and one digital copy in a format accepted by the city with a resolution of 300dpi or greater to include the following information:
 - 1. Certificate of survey prepared by a licensed land surveyor, identifying the following:
 - a. Scale (engineering only) one inch equals 100 feet;
 - b. Name and address, including telephone number, of legal owner and/or agent of property;
 - c. North point indication;
 - d. Existing boundaries of parcel to be platted with dimensions and area and proposed new property lines with dimensions noted;
 - e. Existing legal description/proposed legal description of new lots;
 - f. Easements of record;
 - g. Delineated wetland boundary, to include the ordinary high water level (OHWL) of any lakes or Department of Natural Resources (DNR) waters, 100 year flood elevations;
 - h. All encroachments, easements or rights-of-way encumbering the property;
 - i. Existing buildings, structures and improvements within the parcel to be platted and those 100 feet outside the boundaries of the subject parcel;
 - j. Locations, widths and names of all public streets or rights-of-way showing type, width and condition of the improvements, if any, which pass through and/or are within 100 feet;
 - k. Proposed driveway locations and locations of existing driveways on the same side of the road and any applicable driveway maintenance agreements; and
 - l. Location of any existing abandoned wells, drainageways, waterways, water courses, lakes and wetlands.

14.28.030 Filing And Review Of Application

- A. The owner or subdivider shall file an administrative subdivision application with all required information and accompanying fee and escrow, as set forth in the city's fee schedule.
- B. Upon receipt of an application, the Zoning Administrator shall refer copies of the complete administrative subdivision application to city staff and consultants for review and the preparation of a report.

- C. The Zoning Administrator shall have the authority to request additional information pertinent to the administrative subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.
- D. *Decision.* The Zoning Administrator shall reach a decision on the requested administrative subdivision within 120 days of complete application, unless the applicant agrees to an extension of the review period.
 - 1. The Zoning Administrator may approve the administrative subdivision with conditions that must be met to insure the administrative subdivision is compliant with the regulations set forth in SLPC 14 and SLPC 16, as may be amended, and other applicable requirements.
 - 2. The Zoning Administrator shall prepare findings and deny a subdivision if the administrative subdivision fails to comply with regulations of SLPC 14 and SLPC 16, as may be amended, or other applicable requirements
- E. *Decision appeal.* The owner or subdivider may appeal an administrative subdivision denial to the City Council. The appeal must be filed within 30 days following the decision of the Zoning Administrator.

14.28.040 Recording

If the administrative subdivision is approved by the Zoning Administrator, the administrative subdivision shall then be recorded with the County Recorder by the subdivider at the subdivider's expense and proof of recording shall be provided to the Zoning Administrator. If any irregularity prevents recording of the administrative subdivision, the County Recorder shall notify the owner or subdivider. The administrative subdivision shall be null and void if it is not recorded with the County Recorder within 90 days after the date of approval.

14.28.050 Enforcement And Penalties

- A. This title shall be administered and enforced by the Zoning Administrator who is hereby designated the enforcing officer.
- B. Any violation of the terms and provisions of this title shall constitute a misdemeanor and shall be punished as provided in SLPC 1.04.200. All fines paid for violations shall be credited to the City General Fund. Each 24-hour day that a violation continues shall constitute a separate offense.
- C. In the event of a violation or threatened violation of this title, the City Council and/or the Zoning Administrator, in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City Attorney to institute such action. This will include, but not be limited to, mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

(This page intentionally left blank)

15 LAND USAGE

15.04 ANTENNAS AND TOWERS

15.08 MOBILE HOMES AND MOBILE HOME PARKS

15.12 FLOODPLAIN MANAGEMENT DISTRICT

15.04 ANTENNAS AND TOWERS

15.04.010 Definitions - Antennas And Towers

15.04.020 Permit Required; Exemptions

15.04.030 Application; Fee

15.04.040 Construction Requirements And Restrictions

15.04.050 Location Restrictions

15.04.060 Telecommunications Facilities

15.04.070 Height Restrictions

15.04.080 Variances

15.04.090 Abandonment

15.04.100 Violations; Remedies Not Exclusive

15.04.010 Definitions - Antennas And Towers

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

ANTENNA. Equipment used for transmitting or receiving telecommunications, television, or radio signals, which is located on the exterior of, or outside of, any building or structure.

TOWER. Any pole, spire, or structure, or any combination thereof, to which an antenna is attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires, and braces.

15.04.020 Permit Required; Exemptions

- A. *Permit required.* No antenna or tower of any kind shall hereafter be erected, constructed, or placed, or re-erected, reconstructed, or re-placed, anywhere within the city without first making an application for and obtaining from the city a permit therefor.
- B. *Exemptions.* No permit shall be required for the following:
1. All towers and antennas which do not exceed six feet in height;
 2. Antennas and towers used by the city for city purposes; or
 3. Antennas or towers erected temporarily for test purposes, emergency communication, or for broadcast remote pickup operations, provided that all requirements of SLPC 15.04.040 through SLPC 15.04.060 are met, with the exception of SLPC 15.04.040 Paragraph F, which is waived. Temporary antennas shall be removed within 72 hours.

15.04.030 Application; Fee

All applications for a permit required by this chapter shall be by building permit and shall be accompanied by a fee in the amount as set from time to time by Council resolution.

15.04.040 Construction Requirements And Restrictions

All antennas and towers for which a permit is required shall comply with the following requirements.

- A. Antennas and towers shall be grounded for protection against a direct strike by lightning and shall comply, as to electrical wiring and connections, with all applicable city and state statutes, regulations, and standards.
- B. No antenna or tower shall exceed a height equal to the distance from the base of the antenna or tower to the nearest overhead electrical power line (except individual service drops), or less than five feet.
- C. Antennas and towers shall be protected to discourage climbing by unauthorized persons.
- D. No antenna or tower shall have affixed to it in any way any lights, reflectors, flashers, or other illuminating device, or any signs, banners, or placards of any kind, except one sign not over ten square inches indicating the name of the manufacturer and installer.
- E. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or similar structure.
- F. All towers shall be constructed of corrosive-resistant steel or other corrosive-resistant, non-combustible materials. Towers shall not be constructed or made of wood, including timber or logs.
- G. No part of any antenna or tower, nor any lines, cables, equipment, wires, or braces used in connection with any tower or antenna shall, at any time, extend across or over any part of a street, sidewalk, or alley.
- H. Each tower or antenna erected within the city shall be inspected at least every five years to insure continued maintenance and safety of the structure. An inspection fee, as set from time to time by Council resolution, shall be charged for the inspection.
- I. Any person erecting an antenna or tower within the city shall show proof of liability insurance covering personal injury or property damage in the event that damage or injury is caused by the structure.

15.04.050 Location Restrictions

- A. No part of any tower or antenna shall be constructed, located, or maintained, at any time, permanently or temporarily, within any setback required by SLPC 15.12 for a principal or accessory structure for the zoning district in which the antenna or tower is located.
- B. No antenna or tower shall be constructed, located, or maintained at any time, permanently or temporarily, in the front yard of any residential district.
- C. No person shall erect more than one antenna or tower on a residential parcel within the city.

15.04.060 Telecommunications Facilities

- A. *Purpose and intent.* The purpose of this section is to establish predictable and balanced regulations for the siting and screening of wireless telecommunication equipment in order to accommodate the growth of wireless communication systems within the city while protecting the public against any adverse impacts on the city's aesthetic resources and the public welfare. This section recognizes that these wireless communication systems provide a valuable service to the public but that they are not a public utility. This section creates two categories of support structures for antennas. The first category consists of existing towers, water towers, and high density residential and non-residential buildings, which this chapter favors in order to minimize the number of free-standing towers needed to serve the community. The second category consists of all other support structures. The structures in this second category are all classified as free-standing telecommunications towers even if they are intended to replace existing light poles, utility poles, or similar structures. Free-standing towers are subject to increased standards

to minimize their visual impact. One such standard is that towers must use state-of-the-art stealth design techniques to disguise the towers and soften their views. A telecommunications company that does not currently use stealth technology will need to develop this capability in order to place free-standing towers in this city. This chapter does not accept the lowest common denominator and challenges the telecommunications companies to improve their technology. This chapter allows minimal use of the public right-of-way for telecommunication antennas because that space should be reserved for public utilities and should be free of safety hazards. In addition, telecommunications facilities located in the right-of-way have the potential of being very visible to the traveling public. In order to locate in a public right-of-way, telecommunications companies must use improved technology to reduce the size and visibility of their facilities.

B. *Definitions.* For the purposes of this section, the terms below have the meaning given to them, unless the context clearly indicates a different meaning:

ACCESSORY EQUIPMENT. The wires, cables, and other equipment or facilities that are used with antennas.

ANTENNA. A device used for transmitting or receiving telecommunication, television or radio signals that is used for personal wireless telecommunication service or any other purpose, except a device used for the private enjoyment of those on the premises where it is located, such as amateur radio antennas and antennas receiving television signals for viewing on site. "Antenna" also does not include a lightning rod.

ANTENNA SUPPORT STRUCTURE. An existing structure that is a telecommunications tower, high density residential or non-residential building, water tower, or electric transmission tower carrying over 200 kilo volts of electricity, that can be used for the location of antennas without increasing the mass of the existing structure.

ENGINEER. An engineer licensed by the State of Minnesota, or an engineer acceptable to the city if licensing is not available.

STEALTH DESIGN. State-of-the-art design techniques used to blend the object into the surrounding environment and to minimize the visual impact as much as reasonably possible. Examples of stealth design techniques include eliminating all horizontal projections; architecturally screening roof-mounted antennas and accessory equipment; integrating telecommunications facilities into architectural elements; nestling telecommunications facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public, minimizing the size and appearance of the telecommunications facilities; and designing telecommunications towers to appear other than as towers, such as light poles, power poles, flag poles, and trees.

TELECOMMUNICATIONS FACILITIES. Antennas, accessory equipment, and telecommunications towers.

TELECOMMUNICATIONS TOWER or TOWER. A free-standing, self-supporting lattice, guyed, or monopole structure constructed from grade intended to support antennas, except towers used for amateur radio operations.

C. *Administrative approval.*

1. The Zoning Administrator may grant administrative approval of the following telecommunication facilities:
 - a. Telecommunications facilities located on electric transmission towers carrying over 200 kilo volts of electricity.

- b. Telecommunication facilities located on an antenna support structure that has already been approved by a conditional use permit as the location for a telecommunication facility, if the proposed facility does not involve a variance and is not accompanied by any other matter requiring consideration by the Planning Commission or City Council.
- c. A one-time 15-foot extension of an existing monopole telecommunications structure or one-time replacement of an existing monopole by a tower no greater than 15 feet taller than the existing monopole may be administratively approved if the proposed facility does not involve a variance and is not accompanied by any other matter requiring consideration by the Planning Commission and City Council; and
- d. Telecommunication facilities that are attached to an existing public utility structure within a right-of-way if:
 - (1) The telecommunication facility does not extend above the top of the existing utility structure and the height of the existing utility structure is not increased to accommodate the telecommunication facility;
 - (2) Any replacement utility structure does not exceed the height of the existing utility structure, including the telecommunication facility, and does not exceed the diameter of the existing utility structure by more than 50%;
 - (3) The telecommunication facility is no larger than three cubic feet and has no individual surface larger than four square feet;
 - (4) The telecommunication facility uses stealth design as much as possible, but in no event extends outward from the utility structure beyond two and one-half feet or three feet for an antenna that is one half inch in diameter or less;
 - (5) There is no ground mounted equipment;
 - (6) There is no interference with public safety communications or with the original use of the public utility structure; and
 - (7) The telecommunication facility must be removed and relocated when the road authority requires the removal and relocation of the public utility structure.

2. Administrative review and approval is subject to the following:

- a. Submittal of a complete site and building plan review application, accompanied by a registered land survey, complete site plan, building elevations, and antenna elevations and be signed by a registered architect, civil engineer, landscape architect or other appropriate design professional;
- b. Submittal of an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of the applicant's system. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis; and
- c. Submittal of any necessary easements and easement exhibits, which have been prepared by an attorney knowledgeable in the area of real estate and which are subject to the city attorney's approval.

3. The Zoning Administrator will render a decision within 30 days and serve a copy of the

decision upon the applicant by mail.

4. Any person aggrieved by a decision of the Zoning Administrator may appeal the decision to the Planning Commission.

D. *Conditional use.* Telecommunications facilities that are not eligible for administrative approval under Paragraph C,3 are permitted only as a conditional use in all zoning districts and must be in compliance with the provisions of this section.

1. Conditional use telecommunication facilities are subject to the review procedures outlined in SLPC 16.56.020.
2. Conditional use telecommunications facilities are subject to the following standards:

a. *Residential and commercial zoning districts.*

- (1) Telecommunication facilities may be located only on public or institutional property: in R-1 and R-2 residential districts and on property guided for low-density residential in planned unit development districts subject the standards listed in Paragraphs D,2,a,(2) through D,2,a,(5);
- (2) An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis;
- (3) A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The City Council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant's reasonable capacity and coverage needs; and
- (4) A telecommunications tower and antennas, including attachments other than lighting rods, must not exceed 75 feet in height, measured from grade. The City Council may increase this height to 90 feet if the increase in height would not have a significant impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users. The City Council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.
- (5) Telecommunications facilities may be located in public right-of-way of a major collector or arterial roadway as defined in the Comprehensive Plan, if they meet all of the following requirements:
 - (A) The facility is not located adjacent to residentially zoned property unless the applicant demonstrates by providing a study prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and no other location is feasible in a non-residential zone;
 - (B) The facility must use as many stealth design techniques as reasonably possible. In particular, the antennas must be designed to minimize their size and appearance. Economic considerations

alone are not justification for failing to provide stealth design techniques.

b. *Industrial districts.*

- (1) Antennas may be located in industrial districts on an antenna support structure, a public utility facility, or a telecommunications tower and may be on any right-of-way. Antennas on a right-of-way must also comply with the requirements in Paragraph E,11.
- (2) In industrial districts, a telecommunications tower, including attachments other than lighting rods, may not exceed 150 feet in height, measured from grade. The City Council may allow towers up to 199 feet high if the applicant can demonstrate that off-site views of the tower will be minimized by the topography of the site and surrounding area, the location of the tower, the tower design, the surrounding tree cover and structures, or the use of screening. The City Council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.
- (3) No part of a tower in an industrial district may have a horizontal area of more than 500 square feet.
- (4) An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis.
- (5) A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The City Council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant's reasonable capacity and coverage needs.

E. *General standards.* The following standards apply to all telecommunications facilities.

1. *Vertical projection on antenna support structures.* Antennas mounted on an antenna support structure must not extend more than 15 feet above the height of the structure to which they are attached. Wall or facade-mounted antennas may not extend above the cornice line and must be constructed of a material or color that matches the exterior of the building.
2. *Horizontal projection.* Antennas must not project out from the side of the antenna support structure or tower, unless it is physically impossible to locate the antennas within the structure or tower, in which case they must not project out by more than three feet by more than three feet.
3. *Setbacks.* A tower adjacent to a R-1, R-2, or R-3 zoning district must meet the building setback that is established for the district where it is to be located, but only from the residential zone. This setback is not required for a tower in a right-of-way. The city may waive this setback requirement if necessary to implement stealth design techniques or if the residentially zoned property is public or institutional property. An accessory equipment

cabinet that is greater than 120 square feet in size must be at least ten feet from all property lines.

4. *Height.* The height of an antenna and tower must be the minimum necessary to meet the applicant's coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. The City Council may waive this requirement if additional height is appropriate for co-location opportunities.
5. *Exterior surfaces.* Towers and antennas must be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, brown, or silver, or have a galvanized finish to reduce visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material.
6. *Ground-mounted equipment.* Ground-mounted accessory equipment or buildings must be architecturally designed to blend in with the surrounding environment, including the principal structure, or must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. No more than one accessory building is permitted for each tower. Additional space needed for the co-location of antennas must be added to an existing accessory building in a manner to make it appear as one building. Design of the building or equipment cabinet, screening and landscaping are subject to a site plan review under SLPC 16.20.060.
7. *Construction.* Telecommunications facilities must be in compliance with all building and electrical code requirements. A tower must be designed and certified by an engineer to be structurally sound and in conformance with the building code. Structural design, mounting and installation of the telecommunications facilities must be in compliance with the manufacturer's specifications.
8. *Co-location opportunity.* If a new tower over 60 feet in height is to be constructed:
 - a. The tower must be designed to accommodate both the applicant's antennas and antennas for at least one additional comparable user;
 - b. The tower must be designed to accept antennas mounted at additional heights;
 - c. The applicant, the tower owner, the landowner, and their successors must allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, must submit a dispute over the potential terms and conditions to binding arbitration, and must sign the conditional use permit agreeing to these requirements. The City Council may waive these co-location requirements if necessary to implement stealth design.
9. *External messages.* No advertising message or identification sign larger than two square feet may be affixed to the telecommunications facilities.
10. *Lighting.* Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.
11. *Rights-of-way.* All telecommunication facilities in a public right-of-way must comply with the following:
 - a. Telecommunications facilities located within a right-of-way must not negatively impact the public health, safety and welfare, interfere with the safety and convenience of ordinary travel over the right-of-way, or otherwise negatively impact the right-of-way or its users. In determining compliance with this standard, the city may consider one or more of the following factors:

- (1) The extent to which right-of-way space where the permit is sought is available, including the placement of the ground equipment;
 - (2) The potential demands for the particular space in the right-of-way.
 - (3) The availability of other locations in a right-of-way that would have less public impact;
 - (4) The extent to which the placement of the telecommunications facilities minimizes impacts on adjacent property; and
 - (5) The applicability of ordinances or other regulations of the right-of-way that affect location of equipment in the right-of-way;
- b. The facility, including attachments other than lighting rods, may not exceed 60 feet in height measured from grade in residential and commercial zones, or 75 feet in industrial zones. The City Council may waive this height standard for a facility used wholly or partially for essential public services, such as public safety;
- c. The support structure for the antennas cannot exceed the diameter of the closest public utility pole by more than 50%, but in no event may exceed 18 inches in diameter;
- d. Antennas and other components must not project out from the side of the support structure by more than two feet in residential and commercial districts or three feet in industrial districts;
- e. The support structure for the antennas must match the materials and color of the closest public utility structures in the right-of-way, if required by the Director of Planning;
- f. Ground mounted equipment will be allowed only if:
- (1) The equipment will not disrupt traffic or pedestrian circulation;
 - (2) The equipment will not create a safety hazard;
 - (3) The location of the equipment minimizes impacts on adjacent property; and
 - (4) The equipment will not adversely impact the health, safety, or welfare of the community;
- g. Ground mounted equipment must be:
- (1) Set back a minimum of ten feet from the existing or planned edge of the pavement;
 - (2) Separated from a sidewalk or trail by a minimum of three feet;
 - (3) Set back a minimum of 50 feet from the nearest intersection right-of-way line;
 - (4) Set back a minimum of 50 feet from the nearest principal residential structure;
 - (5) Separated from the nearest ground mounted telecommunication facilities in a right-of-way by at least 330 feet;
 - (6) No larger than three feet in height above grade and 27 cubic feet in size in residential districts;
 - (7) No larger than five feet in height above grade and 81 cubic feet in size in

non-residential districts; and

(8) Screened by vegetative or other screening compatible with the surrounding area if deemed necessary by the Director of Planning;

- h. The antennas cannot interfere with public safety communications;
- i. The telecommunication facility must be removed and relocated when the road authority requires the removal and relocation of public utility structures; and
- j. Telecommunications facilities within a right-of-way must receive a right-of-way permit from the appropriate road authority.

12. *On-site employees.* There must be no employees on the site on a permanent basis. Occasional or temporary repair and service activities are allowed.
13. *Landowner authorization.* When applicable, the applicant must provide written authorization from the property owner. The property owner must sign the conditional use permit agreeing to the permit conditions, agreeing to remove the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city's right to assess removal costs under Paragraph E,14.
14. *Removal.* Obsolete telecommunications facilities must be removed within 90 days after cessation of their use at the site, unless an exemption is granted by the City Council. Unused telecommunications facilities and all related equipment must be removed within one year after cessation of operation at the site, unless an exemption is granted by the City Council. Telecommunications facilities and related equipment that have become hazardous must be removed or made not hazardous within 30 days after written notice to the current owner and to any separate landowner, unless an exemption is granted by the City Council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Anoka or Ramsey County tax records. Telecommunications facilities and all related equipment that are not removed within this time limit are declared to be public nuisances and may be removed by the city. The city may assess its costs of removal against the property.
15. *Historic places.* No telecommunication tower may be located within 400 feet of the boundary of any property that contains a facility or structure listed on the national register of historic places. Antennas may be located in this restricted area only if they are hidden from public view.

15.04.070 Height Restrictions

- A. No ground-mounted antenna, tower, or tower with an antenna shall exceed 75 feet in height, measured from the base of the tower or antenna, whichever is lower, to the highest point of the antenna or tower, whichever is higher.
- B. Towers mounted on a building or structure shall not extend over 25 feet above the highest point of the roof of the building or structure.
- C. The City Council may waive these restrictions if additional height is appropriate for co-location opportunities.

15.04.080 Variances

Variances from the literal provisions of this chapter shall be processed and granted or denied in the same manner as variances are handled under SLPC 16.60.040.

15.04.090 Abandonment

At such time as the antenna or tower erected shall not be used for its intended purpose for a period of one year, it shall be deemed to be abandoned and must be removed within 90 days of notice by the city.

15.04.100 Violations; Remedies Not Exclusive

- A. *Misdemeanor.* Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor.
- B. *Remedies not exclusive.* In addition to the penalties imposed by this chapter, the city may exercise, with or separately from those penalties, all and any other legal and equitable remedies then available to the city by this chapter, or by statute, or by other ordinances of the city, or by applicable rules or regulations, to enforce this chapter, including, without limitation, injunction.
- C. *Costs of enforcement.* The person or persons violating this chapter shall be jointly and severally liable for all costs incurred by the city in enforcing this chapter against those persons, including, without limitation, attorney's fees, witness fees, and administrative expenses, with interest on those fees and expenses from the dates incurred until paid at the highest rate then allowed by law, and shall also be jointly and severally liable for all costs, including attorney's fees, of collecting the fees, expenses, and interest, with interest of the costs and collection from the dates incurred until paid, at the same rate as is payable on the fees and expenses.

15.08 MOBILE HOMES AND MOBILE HOME PARKS

[15.08.010 Definitions - Mobile Homes And Mobile Home Parks](#)

[15.08.020 License And Permit Requirements](#)

[15.08.030 Site Requirements](#)

[15.08.040 Sanitation Facilities](#)

[15.08.050 Laundry Facilities](#)

[15.08.060 Service Buildings](#)

[15.08.070 Sewage And Refuse Disposal](#)

[15.08.080 Garbage Receptacles](#)

[15.08.090 Fire Protection](#)

[15.08.100 Animals And Pets](#)

[15.08.110 Register Of Occupants](#)

[15.08.120 Supervision](#)

[15.08.130 Permit Revocation](#)

[15.08.140 Violations](#)

15.08.010 Definitions - Mobile Homes And Mobile Home Parks

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

DEPENDENT MOBILE HOME. A mobile home which does not have a flush toilet and a bath or shower.

INDEPENDENT MOBILE HOME. A mobile home which has a flush toilet and a bath or shower.

MOBILE HOME. Any vehicle or similar portable structure having no foundation other than wheels, jacks, or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

MOBILE HOME PARK. Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for that accommodation.

MOBILE HOME SPACE. A plot of ground within a mobile home park designated for the accommodation of one mobile home.

PERSON. Any natural individual, firm, trust, partnership, association, or corporation.

15.08.020 License And Permit Requirements

- A. It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the city unless that person shall first obtain a conditional use permit in the manner provided by SLPC 15.12. Any mobile home park in existence on the effective date of this chapter may be continued without expansion or enlargement thereof; provided, however, it must comply with any conditions of this chapter that are applicable to it.
- B. Any conditional use permit granted for the maintenance and operation of a mobile home park shall be in force and effect only during times when the owner or operator thereof has complied with all regulations of the state and has obtained all permits required by the state or any department thereof.
- C. No person may occupy or use a mobile home as a dwelling in the city unless that mobile home is in a duly licensed mobile home park. In the event the Council determines that an exigency exists, it may grant a special permit to allow the temporary use of a mobile home at other locations subject to conditions to be attached to protect the public health and welfare.
- D. Each mobile home park shall include a recreation area, to be approved by the City Council, consisting of not less than 5% of the gross area of the mobile home park. In addition, the park developer shall pay an amount as set from time to time by Council resolution for each mobile home space within the park to the city for the city park system.

15.08.030 Site Requirements

In addition to any conditions or requirements imposed by the conditional use permit, the mobile home park shall conform to the following requirements.

- A. The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- B. Mobile home spaces shall be provided consisting of a minimum of 3,000 square feet for each space which shall be at least 40 feet wide and clearly defined; provided, however, that mobile home parks in existence on the effective date of this chapter which provide mobile home spaces that have a width or area less than that herein above prescribed, may continue to operate with spaces of the existing width and area, but in no event shall any mobile home space be less than 27 feet wide and have an area of less than 1,050 square feet. It is further provided that any mobile home containing more than 1,200 square feet shall be placed on two 3,000-foot spaces.
- C. Mobile homes shall be so harbored on each space that there shall be at least ten-foot clearance between mobile homes. No mobile home shall be located closer than ten feet from any building within the park or from any property line bounding the park.
- D. All mobile home spaces shall abut upon a driveway of not less than ten feet in width, which shall have unobstructed access to a public street, alley, or highway.
- E. Walkways not less than two feet wide shall be provided from the mobile home spaces to the service buildings.

- F. All driveways and walkways within the park shall be hard surfaced and lighted at night with electric lamps of not less than 25 watts each, spaced at intervals of not more than 100 feet.
- G. Each park shall provide service buildings to house those toilet, bathing, and other sanitation facilities and laundry facilities as are hereinafter more particularly prescribed.
- H. An electrical outlet supply at least 100 volts shall be provided for each mobile home space.

15.08.040 Sanitation Facilities

- A. Each park accommodating dependent mobile homes shall be provided with toilets, baths or showers, slop sinks, and other sanitation facilities.
- B. The above-mentioned facilities shall conform to the following requirements.
 - 1. Toilet facilities for males shall consist of not less than one flush toilet, and one urinal, for the first 15 dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of 15, not less than one additional flush toilet and one additional urinal for every additional dependent mobile home or fractional number thereof.
 - 2. Toilet facilities for females shall consist of not less than one flush toilet for the first ten dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of ten, not less than one additional flush toilet for every ten additional dependent mobile homes or fractional number thereof.
 - 3. Each sex shall be provided with not less than one lavatory and one shower or bathtub with individual dressing accommodations for the first ten dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of ten, not less than one additional lavatory and one additional shower or bathtub with individual dressing accommodations for every ten additional dependent mobile homes or fractional number thereof.
 - 4. Each toilet and each shower or bathtub with individual dressing accommodations for which provision is made in Paragraphs B,1, B,2, and B,3 shall be in a private compartment or stall.
 - 5. The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall.
 - 6. There shall be provided in a separate compartment or stall not less than one flush toilet bowl receptacle for emptying bed pans or other containers of human excreta and an adequate supply of hot running water for cleansing those bed pans or containers.

15.08.050 Laundry Facilities

- A. Laundry facilities shall be provided in either of the following ratios:
 - 1. Not less than one double laundry tray and one conventional wringer-type washing machine for the first 25 mobile home spaces or any less number thereof, and for mobile home spaces in excess of 25, not less than one additional conventional wringer-type washing machine for every 25 additional home spaces or fractional number thereof; or
 - 2. Not less than one single laundry tray and one automatic or semiautomatic type washing machine for the first 25 mobile home spaces or any less number thereof, and for mobile home spaces in excess of 25, not less than one additional automatic or semi-automatic type washing machine for every 25 additional mobile home spaces or fractional number thereof.

- B. An ample number of electrical outlets shall be provided supplying current sufficient to operate each washing machine. Drying spaces shall be provided sufficient to accommodate the laundry of the mobile home occupants if automatic drying equipment is not supplied.
- C. The laundry facilities shall be either in a separate building or, if in the same building where sanitation facilities are housed, shall be separated from the rooms housing the sanitation facilities by a soundproof wall.

15.08.060 Service Buildings

- A. Service buildings housing sanitation and laundry facilities or any of this type of facilities, shall be permanent structures complying with all applicable codes and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.
- B. The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68°F. The floors of the service buildings shall be of water impervious material.
- C. Service buildings housing sanitation facilities shall be located not closer than ten feet nor farther than 200 feet from any mobile home space upon which a dependent mobile home is harbored.
- D. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

15.08.070 Sewage And Refuse Disposal

- A. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, and laundries in service and other buildings within the park shall be discharged into the public sewer system in compliance with applicable ordinances.
- B. Each mobile home space shall be provided with a trapped sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory, and kitchen sink of the mobile home harbored in that space and having any or all of those facilities. The trapped sewer in each space shall be connected to discharge the mobile home waste into a public sewer system.
- C. All mobile homes must be connected so as to discharge these wastes into the city system.

15.08.080 Garbage Receptacles

Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 300 feet from any mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

15.08.090 Fire Protection

Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable reasonable regulations of the Fire Department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

15.08.100 Animals And Pets

No owner or person in charge of any dog, cat, or other pet animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park.

15.08.110 Register Of Occupants

- A. It shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:
1. The name and address of each mobile home occupant;
 2. The name and address of the owner of each mobile home and motor vehicle by which it is towed;
 3. The make, model, year, and license number of each mobile home and motor vehicle;
 4. The state, territory, or country issuing those licenses;
 5. The date of arrival and of departure of each mobile home; and
 6. Whether or not each mobile home is a dependent or independent mobile home.
- B. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three years following the date of departure of the registrant from the park.

15.08.120 Supervision

The owner or operator or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, and sanitary condition. The attendant or caretaker shall be answerable, with the owner or operator, for the violation of any provision of this chapter to which the owner or operator is subject.

15.08.130 Permit Revocation

The City Council may revoke any conditional use permit to maintain and operate a park when the owner or operator has been found guilty by a court of competent jurisdiction of violating any provision of this chapter. After such a conviction, the owner or operator may be reissued a conditional use permit if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.

15.08.140 Violations

Any violation which is continued for more than one day after notice of the violation from any city official shall constitute a separate and distinct misdemeanor for each day thereafter that the violation continues.

15.12 FLOODPLAIN MANAGEMENT DISTRICT

[15.12.010 Statutory Authorization And Purpose](#)

[15.12.020 General Provisions](#)

[15.12.030 Definitions - Floodplain Management District](#)

[15.12.040 Establishment Of Floodplain District](#)

[15.12.050 Permitted Uses And Standards In The Floodplain District Administration](#)

[15.12.060 Administration](#)

[15.12.070 Nonconformities](#)

[15.12.080 Amendments](#)

15.12.090 Penalties And Enforcement

15.12.010 Statutory Authorization And Purpose

A. *Statutory authorization.* The Legislature of the State of Minnesota, has, in M.S. Chapter 103F and Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

B. *Purpose.*

1. This chapter regulates development in the flood hazard areas of Spring Lake Park, Minnesota. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this chapter to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
2. National Flood Insurance Program compliance. This chapter is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
3. This chapter is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

15.12.020 General Provisions

A. *Lands to which chapter applies.* This chapter applies to all lands within the jurisdiction of the city shown on the Flood Insurance Rate Maps adopted in Paragraph B as being located within the boundaries of the Floodplain District. The Floodplain District is an overlay district that is superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this chapter. In case of a conflict, the more restrictive standards will apply.

B. *Adoption of flood insurance study and maps.* The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this chapter. The attached material includes the Flood Insurance Study for Anoka County, Minnesota, and Incorporated Areas and the Flood Insurance Rate Map enumerated below, all dated December 16,2015 and all prepared by the Federal Emergency Management Agency. These materials are on file in the Office of the Administrator, Clerk/Treasurer.

1. 27003C0338E;
2. 27003C0382E; and
3. 27003C0401E.

C. *Interpretation.* The boundaries of the Floodplain District are determined by scaling distances on the Flood Insurance Rate Map.

1. Where a conflict exists between the floodplain limits illustrated on the Official Zoning Map and actual field conditions, the flood elevations must be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that

existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

2. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

- D. *Abrogation and greater restrictions.* It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter prevail. All other chapter inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
- E. *Warning and disclaimer of liability.* This chapter does not imply that areas outside the Floodplain Districts or land uses permitted within such districts will be free from flooding or flood damages. This chapter does not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
- F. *Severability.* If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of law, the remainder of this chapter shall not be affected and shall remain in full force.
- G. *Annexations.* The Flood Insurance Rate Map panels adopted by reference into Paragraph B may include floodplain areas that lie outside of the corporate boundaries of the city at the time of adoption of this chapter. If any of these floodplain areas are annexed into the city after the date of adoption of this chapter, the newly annexed floodplain lands will be subject to the provisions of this chapter immediately upon the date of annexation.

15.12.030 Definitions - Floodplain Management District

Unless specifically defined below, words or phrases used in this chapter must be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application.

BASE FLOOD ELEVATION. The elevation of the **REGIONAL FLOOD**, as defined. The term **BASE FLOOD ELEVATION** is used in the flood insurance survey.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including, but not limited to, buildings, manufactured homes, and other structures, recreational vehicles, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of materials or equipment.

FARM FENCE. A fence as defined by M.S. § 344.02 Subd. 1(a) - (d). An open type fence of posts and wire is not considered to be a structure under this chapter. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are not permitted in the Floodplain District.

FLOOD FRINGE. The portion of the floodplain located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study, Anoka County, Minnesota and Incorporated Areas.

FLOODPLAIN. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

HISTORIC STRUCTURE. Defined in 44 Code of Federal Regulations, Part 59.1, as may be amended from time to time.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include the term **RECREATIONAL VEHICLE**.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence (with the exception of farm fences), stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this chapter, the term **RECREATIONAL VEHICLE** is synonymous with the term "travel trailer/travel vehicle."

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance/100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term **BASE FLOOD** used in the Flood Insurance Study.

REGULATORY FLOOD PROTECTION ELEVATION. An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, and other similar items.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a **HISTORIC STRUCTURE** provided that the alteration will not preclude the structure's continued designation as a **HISTORIC STRUCTURE**.

ZONING ADMINISTRATOR. The appointed Administrator, Clerk/Treasurer of the city or his/her designee.

15.12.040 Establishment Of Floodplain District

A. *Areas included.* The Floodplain District for the city includes those areas designated as AE Zones on the Flood Insurance Rate Maps adopted in SLPC 15.12.020 Paragraph B. The Floodplain

District is an overlay district to all existing land use districts. The requirements of this chapter apply in addition to other legally established regulations of the community. Where this chapter imposes greater restrictions, the provisions of this chapter apply.

- B. *Compliance.* No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations. Within the Floodplain District, all uses not listed as permitted uses in SLPC 15.12.050 are prohibited.

15.12.050 Permitted Uses And Standards In The Floodplain District Administration

A. *Permitted uses.* The following uses are permitted within the Floodplain District without a permit provided that they are allowed in any underlying zoning district and not prohibited by any other ordinance; and provided that they do not require structures, fill, obstructions, excavations, drilling operations, storage of materials or equipment or any other form of development as defined in this chapter. If the use does require fill, obstruction, excavation, storage of materials or any other form of development as defined in this chapter, a permit and compliance with Paragraph B is required. The permit requirement may be waived if there is an application for a public waters work permit from the Department of Natural Resources.

1. Agricultural uses such as general farming, pasture, grazing, forestry, sod farming, and wild crop harvesting. Farm fences that do not obstruct flood flows are permitted.
2. Outdoor plan nurseries and horticulture.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
4. Lawns, gardens, parking areas and play areas.
5. Railroads, roads, bridges, utility transmission lines, pipelines and other public utilities, provided that the Department of Natural Resources is notified at least ten days prior to issuance of any permit.

B. *Standards for permitted uses.*

1. The use must have low flood damage potential.
2. The use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected. This provision applies to structures (temporary or permanent), fill (including fill for roads and levees), deposits, obstructions, storage of materials or equipment, and all other uses.
3. Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
4. Public utilities, roads, railroad tracks and bridges to be located within the floodplain must be designed in accordance with Paragraphs B,2 and B,3, or must obtain a Conditional Letter of Map Revision meeting the requirements of 44 CFR 603(d).
 - a. When failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, such facilities must be elevated to the regulatory flood protection elevation.
 - b. Where failure or interruption of service would not endanger public health or safety, minor or auxiliary roads, railroads or utilities may be constructed at a lower

elevation.

5. New or replacement water supply systems and sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

15.12.060 Administration

- A. *Zoning Administrator.* A Zoning Administrator, or other official designated by the City Council, must administer and enforce this chapter.
- B. *Development approvals.* Any construction, enlargement, alteration, repair, improvement, moving or demolition of any building or structure must comply with the requirements of this chapter. No mining, dredging, filling, grading, paving, excavation, obstruction, drilling operation or other form of development as defined in SLPC 15.12.030 are allowed, other than the uses permitted in SLPC 15.12.050 Paragraph A and the activities allowed under SLPC 15.12.070.
- C. *Permit required.* A permit must be obtained from the Zoning Administrator prior to conducting the following activities:
 1. Expansion, change, enlargement, or alteration of a nonconforming use as specified in SLPC 15.12.070. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in SLPC 15.12.030.
 2. Any use that requires fill, obstruction, excavation, storage of materials, or any other form of development as defined in SLPC 15.12.030.
 - a. Permit applications must be submitted to the Zoning Administrator on forms provided for that purpose and shall include the following where applicable: plans drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
 - b. Prior to granting a permit, the Zoning Administrator must verify that the applicant has obtained all necessary state and federal permits.
- D. *Variances.*
 1. An application for a variance to the provisions of this chapter will be processed and reviewed in accordance with applicable state statutes and SLPC 14.24.010.
 2. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
 3. The following additional variance criteria of the Federal Emergency Management Agency must be met:
 - a. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances may only be issued by a community upon: (1) a showing of good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public

safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. The Zoning Administrator must submit hearing notices for proposed variances to the Department of Natural Resources sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
5. A copy of all decisions granting variances must be forwarded to the Commissioner of the Department of Natural Resources within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
6. The Zoning Administrator must notify the applicant for a variance that: (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and (2) such construction below the base or regional flood level increases risks to life and property;
7. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

E. *Notifications for watercourse alterations.* Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to M.S. § 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

F. *Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.* As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

15.12.070 Nonconformities

A. *Continuance of non-conformities.* A use, structure, or occupancy of land which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions. Historic structures, as defined in SLPC 15.12.070, are subject to the provisions of Paragraphs A,1 through A,4.

1. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its nonconformity. There shall be no expansion to the outside dimensions of any portion of a nonconforming structure located within the Floodplain District.
2. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure may not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50% of the market value of the structure, then the structure must meet the standards of Paragraph B.

3. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this chapter. The assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
4. If any nonconformity is substantially damaged, as defined in SLPC 15.12.030, it may not be reconstructed unless it is located in the flood fringe portion of the floodplain and it is reconstructed in accordance with the standards of Paragraph B.
5. Any substantial improvement, as defined in SLPC 15.12.030, to a nonconforming structure, then the existing nonconforming structure must be located in the flood fringe portion of the floodplain and meet the requirements of Paragraph B.

B. *Standards for reconstruction of nonconforming structures.* The following standards and procedures apply to nonconforming structures in the flood fringe portion of the floodplain, as allowed under Paragraph A.

1. All structures, including manufactured homes, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure.
2. Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
3. Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
4. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
5. *On-site sewage treatment and water supply systems.* Where public utilities are not provided: (1) on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and (2) new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.
6. *Certification.* The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this chapter. Floodproofing measures must be certified by a registered professional engineer or registered architect.
7. *Record of first floor elevation.* The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

- A. *Floodplain designation*: restrictions on removal. The floodplain designation on the Official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.
- B. *Amendments require DNR and FEMA approval*. All amendments to this chapter must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner of the DNR must approve the amendment prior to community approval.
- C. *Map amendments require ordinance amendments*. The Floodplain District regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in SLPC 15.12.020 Paragraph B.

15.12.090 Penalties And Enforcement

- A. *Violation constitutes a misdemeanor*. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances) constitutes a misdemeanor and is punishable as defined by law.
- B. *Other lawful action*. Nothing in this chapter restricts the city from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this chapter and will be prosecuted accordingly.
- C. *Enforcement*. In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The city must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

16 ZONING

[16.04 GENERAL PROVISIONS](#)

[16.08 GENERAL REGULATIONS](#)

[16.12 ZONING DISTRICTS AND BOUNDARIES](#)

[16.16 RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS](#)

[16.20 NON-RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS](#)

[16.24 SIGNS AND BILLBOARDS](#)

[16.28 PERFORMANCE STANDARDS](#)

[16.32 ALCOHOL LICENSES](#)

[16.36 DEVELOPMENT STANDARDS](#)

[16.40 OFF-STREET PARKING AND LOADING](#)

[16.44 PLANNED UNIT DEVELOPMENTS](#)

[16.48 REGULATIONS](#)

[16.52 NON-CONFORMING STRUCTURES, LOTS AND USES](#)

[16.56 CONDITIONAL USE PERMITS](#)

[16.60 ADMINISTRATION AND ENFORCEMENT](#)

[16.64 APPENDIX](#)

16.04 GENERAL PROVISIONS

[16.04.010 Title](#)

[16.04.020 Purpose](#)

[16.04.030 Scope; Abrogation And Greater Restrictions](#)

[16.04.040 Interpretations; Measurements](#)

[16.04.050 Permitted Uses](#)

[16.04.060 Conditional Uses](#)

[16.04.070 Definitions - Zoning](#)

16.04.010 Title

This title shall be known as "Zoning" and shall be known, cited, and referred to herein as "this title."

16.04.020 Purpose

This title is enacted for the following purposes:

- A. To promote the general public health, safety, morals, comfort, and general welfare of the inhabitants of the city;
- B. To promote the character and preserve and enhance the stability of property and areas within the city;
- C. To divide the city into zones or districts as to the use, location, construction, reconstruction, alteration, and use of land and structures for residence, business, and industrial purposes;
- D. To provide adequate light, air, privacy, and safety;
- E. To prevent the overcrowding of land, undue concentration of population;
- F. To promote the proper use of land and structures;
- G. To fix reasonable standards to which buildings, structures, and land shall conform for the benefit of all;
- H. To prohibit the use of buildings, structures, and lands that are incompatible with the intended use of development of lands within the specified districts;

- I. To limit congestion in the public streets and protect the public health and welfare by providing for the off-street parking of vehicles and vehicle loading areas;
- J. To protect against fire, explosion, noxious fumes, offensive noise, vibration, dust, odor, heat, glare, pollution of the air, and other hazards in the interest of the public health, comfort, and general welfare; and
- K. To define and limit the powers and duties of the administrative officers and bodies provided for herein.

16.04.030 Scope; Abrogation And Greater Restrictions

- A. *Scope.* From and after the effective date of this title, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, relocated, and every use within a building or use accessory thereto, in the city, shall be in conformity with the provisions of this title. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming properties.
- B. *Interpretation.* In interpreting and applying this title, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, and general welfare. Where the provisions of this title impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this title shall be controlling. Where the provisions of any statute, other ordinance, or regulations impose greater restrictions than this title, the provisions of that statute, other ordinance, or regulation shall be controlling.
- C. *Private agreements.* This title is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this title are more restrictive (or impose higher standards or requirements) than those easements, covenants, or other private agreements, the requirements of this title shall govern.

16.04.040 Interpretations; Measurements

- A. *Interpretations.* For the purpose of this title, the following interpretations shall apply unless the context clearly indicates or requires a different meaning.
 - 1. Words used in the present tense shall include the future; words in the singular shall include the plural, and plural the singular.
 - 2. The masculine gender shall include the feminine and neuter.
- B. *Measurements.* All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the integral foot next below shall be taken.

16.04.050 Permitted Uses

- A. Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified.
- B. No building or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which the building, structure, or land shall be located, except for the following exceptions:
 - 1. Uses lawfully established prior to the effective date of this title;
 - 2. Conditional uses allowed in accordance with SLPC 15.12.060; and

3. Essential services erected, constructed, altered, or maintained by public utilities or by governmental departments or commissions, subject to the permit requirements of this title.

16.04.060 Conditional Uses

Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of conditional use permits, in accordance with the provisions of SLPC 16.56.010. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

16.04.070 Definitions - Zoning

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

ALLEY. A narrow thoroughfare upon which the rear of premises generally abuts or upon which service entrances of buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation, or which is not in excess of 30 feet in width at its intersection with a street.

AUTOMOBILE SERVICE STATION. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries, and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles. When sales, services, and repairs as detailed here are offered as incidental to the conduct of an **AUTOMOBILE SERVICE STATION**, premises shall be classified by the primary usage. **AUTOMOBILE SERVICE STATIONS** shall not include the sale or storage of junked motor vehicles, shall not include premises offering major automobile repairs, automobile wrecking, or automobile sales. In connection with **AUTOMOBILE SERVICE STATIONS**, fuels offered for sale shall be stored only in underground tanks located wholly within the lot line.

AUTOMOBILE WASH. A building, or portion thereof, containing facilities for washing more than two automobiles, using production line methods with a steam cleaning device or other mechanical devices.

BASEMENT. A story having more than one-half its height below the average level of the adjoining finished grade. A **BASEMENT** is counted as a story for the purposes of height regulations, if subdivided and used for business or dwelling purposes.

BERTH. A loading space.

BLOCK. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways, or boundary lines of the corporate limits of the city.

BOARDING HOUSE. A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding ten persons.

BOARDING SCHOOL. A school at which the pupils receive board and lodging during the school term.

BREWER TAP ROOM. A brewer taproom is a facility on or adjacent to premises owned by a brewer licensed under M.S. § 340A.301, Subd. 6(c), (i) or (j) and produces less than 250,000 barrels of malt liquor annually, and where the on-sale and consumption of malt liquor produced by the brewer is permitted pursuant to M.S. § 340A.301, Subd. 6(b).

BUILDABLE AREA. The space remaining on a lot after the minimum setback and open space requirements of this title have been met.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy. The term includes structures of every kind, regardless of similarity to buildings.

BUILDING, ACCESSORY. A subordinate building or structure on the same lot.

BUILDING, DETACHED. A building surrounded by open space, that open space being on the same zoning lot as the building.

BUILDING, HEIGHT OF. The vertical distance measured from the average elevations of the finished grade along the front of the building to the highest point of the roof surface in a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and the ridge of gable, hip, and gambrel roofs.

BUILDING INSPECTOR. The building inspector of the city.

BUILDING LINE. An imaginary line separating buildable area and required yards.

BUILDING LINE SETBACK. The distance between the building line and the property line.

BUILDING, NON-CONFORMING. See **NON-CONFORMING BUILDING.**

BUILDING, PRINCIPAL. A non-accessory building in which a principal use of the zoning district in which it is located is conducted.

BULK. The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another, and includes the following:

- A. The size and height of buildings;
- B. The location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- C. The gross floor area of buildings in relation to lot area (floor area ratio);
- D. All open spaces allocated to buildings; and
- E. The amount of lot area per dwelling unit.

BULK MATERIALS. Uncontained solid matter, such as powder, grain, stone, and sulphur, and the like, that has a tendency to become airborne.

CITY ADMINISTRATOR, CLERK/TREASURER. The Administrator, Clerk/Treasurer of the city.

CITY COUNCIL. The City Council of the city.

CLUSTER DEVELOPMENT. A planned unit development consisting only of residential units.

COCKTAIL ROOM. A cocktail room is a facility on or adjacent to premises owned by a micro distillery licensed under M.S. § 340A.301 Subd. 6(c) which produces premium, distilled spirits in total quantity not to exceed 40,000-proof gallons in a calendar year, and where the on-sale and consumption of distilled spirits produced by the microdistillery is permitted pursuant to M.S. § 340A.301, Subd. 6(c).

COMPREHENSIVE PLAN. A compilation of reports and maps for guiding the physical, social, and economic development, both private and public, of the city.

CONDITIONAL USE. A use classified as conditional generally may be appropriate or desirable in a specific zone, but requires approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or traffic congestion.

CONDITIONAL USE PERMIT. A permit to allow a conditional use duly authorized by the appropriate authority as described in SLPC 16.56.020. A conditional use permit may be subject to periodic review upon determination by the city.

CURB LEVEL. The level of the established curb in front of the building measured at the center of that front. Where a building faces on more than one street, the **CURB LEVEL** shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the City Engineer shall establish the **CURB LEVELS**.

DECIBEL. A unit of measurement of the intensity of sound level.

DISPLACEMENT. The amount of motion involved in a vibration.

DISTRICT. A ZONING DISTRICT as defined herein.

DORMITORY. A building used as group living quarters for a student body, religious order or other group as an associated use to a college, university, boarding school, orphanage, convent, monetary or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

DWELLING, ATTACHED. A dwelling unit which is joined to another dwelling or building on one or more sides by a party wall or walls.

DWELLING, DETACHED. A dwelling unit which is entirely surrounded by open space on a single parcel with no common party walls.

DWELLING, MEDIUM DENSITY. A residential building designed for or occupied by three or more families, either wholly attached or partially a part of a large detached structure with separate laundry, storage, housekeeping, and cooking for each dwelling unit. This type of dwelling units shall include townhouses, patio homes, condominiums, cooperatives, or similar units which are intended to be owner occupied.

DWELLING, MULTIPLE-FAMILY. A residential building containing three or more dwelling units with more than one unit connecting to a common corridor or entranceway and which may have some common housekeeping facilities and are available for rent.

DWELLING, SINGLE-FAMILY. A detached dwelling unit containing accommodations for and occupied by one family only.

DWELLING, TWO-FAMILY. A building designed for occupancy by two families living independently of each other.

DWELLING UNIT. A residential building or portion thereof intended for occupancy by a single family for living purposes and having its own permanently installed cooking and sanitary facilities, but not including hotels, motels, boarding or rooming houses, tourist homes, or mobile homes.

FAMILY. An individual or two or more persons related by blood, marriage, or adoption, and bona fide domestic servants, plus up to two unrelated persons, or a group of not more than three unrelated persons living together as a single housekeeping unit in a dwelling unit. **FAMILY** members may enter into rental agreement(s) within the **FAMILY** unit. The definition of **FAMILY** for single-family residential purposes may be expanded to include up to four unrelated adults and up to six unrelated persons living together as a single housekeeping unit in a dwelling unit, provided that the applicant(s) be a qualified

non-profit organization or a recognized governmental agency, and further provided that the applicant(s) obtain a conditional use permit in the manner provided in this code.

FLOOR AREA. The floor area of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

FOOT CANDLE. A unit of illumination intensity.

FRONTAGE. All the property fronting on one side of a street between the nearest intersecting streets, or between a street and a right-of-way, waterway, or other similar barrier.

GARAGE, PRIVATE. An accessory building designed and used for the storage of not more than three motor-driven vehicles and owned and used by the occupants of the building to which it is accessory.

GARAGE, PUBLIC. A building, other than a private garage, used for the care, repair, or equipment of automobiles, or where these vehicles are parked or stored for remuneration, hire, or sale within the structure.

GRADE, STREET. The elevation of the established street in front of the building measured at the center of that front. Where no **STREET GRADE** has been established, the City Engineer shall establish the **STREET GRADE** or its equivalent for the purpose of this title.

HOME OCCUPATION. Any business, occupation, profession, or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use. General farming and gardening activities are not considered home occupations and are not regulated by this title.

HOTEL. A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals, in which there are more than ten sleeping rooms usually occupied singly, and no provision made for cooking in any individual room or apartment.

HOUSE TRAILER. Any trailer or semi-trailer which is not more than eight feet in width and not more than 35 feet in length, and which is designed, constructed, and equipped for use as a human dwelling place, living abode, or living quarters.

LOADING SPACE. The portion of a lot or plot designed to serve the purposes of loading and unloading all types of vehicles.

LODGING HOUSE. A building where lodging is provided for compensation to three or more persons, in contradistinction to hotels open to transients.

LOT. Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this title, and having its principal frontage upon a street. The term includes the words **PLOT, PIECE, PARCEL,** and **TRACT.**

LOT, CORNER. A lot located at the intersection of two streets; or a lot bounded on two sides by a curving street, two chords of which form an angle of 120 degrees or less measured on the lot side.

LOT COVERAGE. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE, FRONT. The boundary of a lot abutting a street. On a corner lot, the shortest street lot line shall be the **FRONT LOT LINE**.

LOT LINE, REAR. The lot line or lot lines most nearly parallel to and most remote from the front lot line.

LOT LINE, SIDE. Lot lines other than front or rear lot lines which are generally perpendicular to the front lot line.

LOT OF RECORD. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Registrar of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds at the time this title is adopted.

LOT WIDTH. The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

MANUFACTURED HOME. A single-family dwelling transportable in one or more sections for purposes of construction, and built in conformance with the Manufactured Home Building Code as defined in M.S. §§ 327.31 - 327.35, as they may be amended from time to time.

MAY. The act referred to is permissive.

MOBILE HOME. A transportable, single-family dwelling unit, suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing; and being subject to tax or registration under state law; and having no foundation other than wheels, jacks, or skirtings.

MOTEL. A combination or group of two or more detached, semi-detached, or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.

NON-CONFORMING BUILDING. A structure which does not comply with the district, bulk, yard, setback, or height regulations of the district in which it is located.

NON-CONFORMING LOT. A lot which does not comply with the minimum lot area or frontage requirements of the district in which it is located.

NON-CONFORMING USE OF BUILDING. A use of a building which does not conform to the applicable use regulations of the district in which it is located.

NON-CONFORMING USE OF LAND. Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

PARKING, OFF-STREET. Parking spaces which are provided on other than the public right-of-way.

PARKING SPACE. A land area of such a shape and dimension and so maintained as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

PATIO HOUSE. A single-family residence constructed lot line to lot line and oriented about a central court.

PERFORMANCE STANDARD. A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazard, or glare, heat glare, heat generated by, or inherent in, uses of land or building.

PERSON. Includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

PLANNED UNIT DEVELOPMENT. A tract of land developed as a unit rather than as individual development, wherein two or more buildings may be located in relationship to each other rather than to lot lines.

PLANNING COMMISSION. The Planning Commission of the city.

PLOT. A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a building site and improved or intended to be improved by the erection thereon of a building or buildings and accessory building or buildings and having a frontage upon a public street or highway and including as a minimum those open spaces as required under this title.

PUBLIC OPEN SPACE. Any publicly owned open area, including but not limited to the following: parks, playgrounds, school sites, parkways, and streets.

PUBLIC ROAD. Any street, alley, highway, or other public thoroughfare.

PUBLIC UTILITY. Any person, firm, corporation, municipal department, or board fully authorized to furnish and furnishing under municipal regulation to the public, such services as electricity, gas, steam, communication services, telegraph services, transportation, or water.

RECREATIONAL EQUIPMENT. House trailers including those which telescope or fold down, chassis-mounted campers, house cars, motor homes, tent trailers, slip-in campers, converted buses, and converted vans.

REST HOME, CONVALESCENT HOME, or NURSING HOME. A public or private home for the care of persons, or a place of rest for those suffering bodily disorders.

SATELLITE RECEIVE-ONLY ANTENNA or SROA. An accessory structure consisting of a device commonly parabolic in shape, mounted at a fixed point and capable of receiving, for the benefit of the principal use, television signals from a transmitter or a transmitter relay located in geostationary orbit and serving the same or similar function as the common television antenna.

SETBACK. The mean horizontal distance between the property line and the line of a building or the allowable building line.

SHALL. The act referred to is mandatory and not discretionary.

SHOPPING CENTER.

- A. **COMMUNITY SHOPPING CENTER.** A retail center designed for the purpose of retailing and providing a wide range of goods and services of both the convenience and the shopper's or durable nature such as apparel, furniture, and banking and financial services for a trade area comprised of several residential areas.
- B. **NEIGHBORHOOD SHOPPING CENTER.** A retail center designed for the purpose of retailing convenience goods such as foods and drugs and providing personal services such as barber shops and laundry stations for the accommodation of the basic day-to-day shopping or service needs of persons living or working within the nearby area.

SIGN. A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it, or, if no floor above, the space between a floor and the ceiling next above it.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. **A HALF STORY** containing independent apartment or living quarters shall be counted as a full story.

STREET. A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the city as a public street.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a **STRUCTURE** is divided into separate parts by an unpierced wall, each part shall be deemed a separate **STRUCTURE**.

SUBDIVISION REGULATIONS or **SLPC 14.** SLPC 14; the subdivision regulations of the city.

TOWNHOUSE. A single structure consisting of three or more dwelling units having the first story at or near the ground level, with one dwelling unit connected to the other dwelling unit by a single party wall with no openings.

USE. The purpose for which land or premises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use subordinate to the main use of a lot and used for purposes customarily incidental to those of the main use.

USED FOR. Includes the phrases **ARRANGED FOR, DESIGNATED FOR, INTENDED FOR, MAINTAINED FOR,** and **OCCUPIED FOR.**

USE, PERMITTED. A use which may lawfully be established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of those districts.

VARIANCE. A modification or variation of the provisions of this title, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a **VARIANCE**.

YARD. An open space on the same zoning lot with a building or structure, which **YARD** is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this title.

YARD, FRONT. A yard extending across the front of the lot between the side yard lines and lying between the front street line of the lot and the nearest line of the building.

YARD, REAR. An open space unoccupied except for accessory buildings as regulated herein, on the same lot with a building, between the rear lines of the building and the rear line of the lot, for the full width of the lot.

YARD, SIDE. An open, unoccupied space on the same lot with a building, between the building and the side line of the lot and extending from the front lot line to the rear yard.

ZONING ADMINISTRATOR. The appointed Administrator, Clerk/Treasurer, or his/her designee.

ZONING DISTRICT. Area of the city (as defined on the **ZONING MAP**) set aside for specific uses with specific requirements for use of development.

ZONING MAP. The map or maps incorporated into this title as a part thereof, designating the various zoning districts; the City Zoning Map.

16.08 GENERAL REGULATIONS

16.08.010 Scope Of Regulations

16.08.010 Scope Of Regulations

- A. No application for a building permit or other permit or license, or for a certificate of occupancy, shall be approved by the Zoning Administrator, and no permit or license shall be issued by any other department, which would authorize the use or change in use of any land or building contrary to the provisions of this title, or the erection, moving, alteration, enlargement, or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this title.
- B. No lot area shall be so reduced or diminished that the lot area, yards, or other open spaces shall be smaller than prescribed by this title, nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided.
- C. Every building hereafter erected, relocated, or structurally altered shall be located on a lot as herein defined, and, except in the case of an officially approved planned multiple-dwelling development, there shall be no more than one main building and the customary accessory building on one lot within a residence district.
- D. In any residence district a double frontage lot shall have a front yard, as hereinafter provided for its particular district, along each street lot line, provided further that residential buildings on double frontage lots shall not face or have access onto collector or arterial streets as designated in the Comprehensive Plan.

16.12 ZONING DISTRICTS AND BOUNDARIES

16.12.010 District Classification Established

16.12.020 District Boundaries Adopted

16.12.030 Boundary Lines; Interpretation

16.12.010 District Classification Established

- A. In order to classify, regulate, and restrict the location of trade and industry, and the location of buildings designated for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the areas of yards, recreation, and open space within and surrounding those buildings, the city is hereby divided into ten districts. The use, height, and area regulations are uniform in each district.
- B. Districts shall be known as:
 - 1. *Residence districts.*
 - a. R-1, single-family residence district;
 - b. R-2, medium density residence district; and
 - c. R-3, multiple-family residence district.
 - 2. *Non-residence districts.*
 - a. C-1, shopping center commercial district;
 - b. C-2, neighborhood and service commercial district;

- c. C-3, office commercial district; and
- d. I-1, light industrial district.

16.12.020 District Boundaries Adopted

The location and boundaries of the districts established by this title are set forth on the Official Zoning Map of the city, on file with the City Clerk. All notations, references and other information shown on the Official Zoning Map are incorporated by reference into this title and shall have the same force and effect as if set forth herein.

16.12.030 Boundary Lines; Interpretation

Wherever any uncertainty exists as to the boundary of any use district as shown on the Zoning Map incorporated herein by reference, the following rules shall apply.

- A. Where district boundary lines are indicated as following streets, alleys, or similar rights-of-way, they shall be construed as following the center lines thereof.
- B. Where district boundary lines are indicated as approximately following lot lines or section lines, those lines shall be construed to be the boundaries.
- C. Where a lot held in one ownership, and of record at the effective date of this title, is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than 20%.
- D. Where figures are shown on the Zoning Map between a street or property line and a district boundary line, they indicate that the district boundary line runs parallel to the street line or property line a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

16.16 RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS

16.16.010 Purpose And Intent

16.16.020 Permitted Uses

16.16.030 Lot Area Allowance In R-3

16.16.040 General Use Regulations

16.16.050 Single- And Two-Family Residence Requirements

16.16.060 Medium Density Residence Requirements

16.16.070 Multiple-Family Residence Requirements

16.16.080 Cluster Development

16.16.010 Purpose And Intent

- A. *Purpose.* The residence districts are established to accomplish the general purposes of this title and for the following specific purposes:
 - 1. To preserve existing living qualities of residential neighborhoods;
 - 2. To ensure future high quality amenities including, but not limited to, the provision of adequate light, air, privacy, and convenience of access to property;
 - 3. To increase convenience and comfort by providing usable open space and recreation space on the same lot as the housing units they serve;
 - 4. To prevent additions or alterations of structure which would damage the character or

desirability of existing residential areas;

5. To protect residential areas, to the extent possible and appropriate in each area, against unduly heavy motor vehicle traffic; and
6. To encourage a variety of dwelling types and a wide range of population densities with emphasis on home ownership.

B. *Intent.* The specific intent of each residential district is as follows.

1. *R-1, single-family residence district.* This district is intended to preserve, create, and enhance areas of exclusive single-family development where that development fits the Comprehensive Plan, and where two-family dwellings may be allowed by conditional use permit.
2. *R-2, medium density residence district.* This district is intended to provide for medium density residential use which stresses individually owned dwelling units to provide a transition between lower and higher densities and between incompatible land uses.
3. *R-3, multiple-family residence district.* This district is intended to provide a residence area in which multiple dwellings not exceeding six units per building may be allowed, except by conditional use permit.

16.16.020 Permitted Uses

- A. The uses as set forth in SLPC 16.64.040 App. D are allowed in the various residential districts either as permitted, accessory, or conditional uses.
- B. Pursuant to authority granted by M.S. § 462.3593, Subd. 9, the city opts out of the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.

16.16.030 Lot Area Allowance In R-3

- A. The following lot area allowances are to be applied to the minimum lot area requirements in SLPC 16.64.040 App. D. The maximum lot area allowances shall not exceed 1,000 square feet, based on the following schedule.
 1. For each parking space provided within the building or underground, subtract 300 square feet.
 2. If the site upon which the multiple dwelling is being constructed or the adjacent site is zoned for a commercial use, subtract 300 square feet.
 3. If the adjacent site is zoned an R-1 residence district, add 300 square feet, per unit, for that portion of the multiple-dwelling site within 150 feet of the residence district.
 4. If the total lot coverage is less than 20%, subtract 150 square feet per unit.
 5. In a case where it is necessary to raze an existing principal structure and where the existing structure is in a dilapidated condition, or where the building is economically unfeasible to rehabilitate, there shall be provided an allowance of two dwelling units above any other allowances required within this section.

16.16.040 General Use Regulations

- A. In every dwelling unit hereafter erected, there shall be at least three rooms used for living.

- B. Buildings or parts of buildings used for garages, sheds, and agricultural buildings shall not exceed 1,200 square feet in area or one story in height. No part of a detached accessory building shall exceed 15 feet above grade.
- C. The city authorizes the placement of manufactured housing on residential lots within the city provided that the manufactured housing complies with the following conditions:
 - 1. The manufactured housing shall be built in conformity with M.S. §§ 327.31 - 327.35, as they may be amended from time to time;
 - 2. The manufactured housing shall comply with all other zoning standards and regulations for the district;
 - 3. The manufactured housing shall be placed on the same type of permanent foundation as required of other traditional housing in the district;
 - 4. No manufactured housing shall have a width of less than 20 feet at its narrowest point; and
 - 5. Building permits as required by the city shall be obtained for the placement of manufactured housing.

16.16.050 Single- And Two-Family Residence Requirements

A. Minimum sizes.

- 1. The following minimum floor area, exclusive of porches, attics, basements, cellars, and crawl spaces, shall apply to all dwelling houses constructed:
 - a. One-story houses: 960 square feet;
 - b. Split level or split entry houses: 800 square feet;
 - c. One and one-half story houses: first floor, 700 square feet; and
 - d. Two-story houses: first floor, 600 square feet; and second floor, 600 square feet.
- 2. For purposes of computing the minimum areas set down in Paragraph A,1, only those areas having a ceiling height of seven feet, six inches or more will be considered. The area of split level or split entry houses shall be computed on the basis of the largest horizontal area of the structure; and when one habitable area lies directly above another habitable area, only the larger area may be used to compute areas as prescribed in this section.

B. *Garages.* A single-car garage shall be required which shall have a minimum of 300 square feet of floor area.

C. *Roof pitch.* The minimum roof pitch for single- and two-family residences shall be 3:12. Any alteration of this roof pitch standard must be through the formal variance procedure.

16.16.060 Medium Density Residence Requirements

A. Minimum dwelling unit floor area.

- 1. The minimum floor area for each dwelling unit shall be as follows:
 - a. One-bedroom: 700 square feet;
 - b. Two-bedroom: 800 square feet; and

c. Three-bedroom: 960 square feet.

2. For purposes of measurement, the net floor area of a dwelling unit shall be that area within a building used as an individual dwelling unit, and shall be measured from the outside of exterior walls to the center of interior partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or storage area not within the dwelling unit.

B. *Design requirements.* Construction of medium density dwellings is allowed in certain districts by a conditional use permit approved by the Planning Commission and the City Council after review of the plans specified in SLPC 16.56.030 Paragraphs B,1 and B,2 in the manner prescribed in SLPC 16.56.010, regarding conditional use permits.

16.16.070 Multiple-Family Residence Requirements

A. *Minimum dwelling unit floor area.*

1. The minimum floor area for each dwelling unit shall be as follows:

- a. Efficiency: 600 square feet;
- b. One-bedroom: 700 square feet;
- c. Two-bedroom: 800 square feet; and
- d. Three-bedroom: 900 square feet.

2. For the purposes of measurement, the net floor area of a dwelling unit shall mean that area within a building used as a single dwelling unit, and shall be measured from the inside walls to the center of partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches, separate utility rooms, furnace areas or rooms, storage areas not within the apartment, or garages.

B. *Design and construction requirements.*

1. *Design review.* A conditional use permit for a multiple dwelling must be approved by the Planning Commission and the City Council after review of the plans set forth in SLPC 16.16.080 Paragraph B. The Planning Commission and City Council may designate conditions or guarantees in connection therewith as will secure substantially the provisions of the district.

2. *Building design and construction.* In addition to the requirements of SLPC 16.16.040, building design and construction shall meet the following provisions.

- a. A conditional use permit for a multiple-dwelling building containing four or more dwelling units shall not be issued unless the applicant's building plans, including the site plan, are certified by an architect registered in this state stating that the design of the building and site have been prepared under his or her direct supervision. Any building of Type I or Type II construction as provided in the State Building Code shall have its electrical, mechanical, and structural systems designed by registered engineers. Provisions of this paragraph shall in no way prohibit the preparation of the site plan by a professional site planner.
- b. The design shall make use of all land contained in the site. All of the site shall be related to the multiple-family use, such as parking, circulation, recreation,

landscaping, screening, building, storage, and the like, so that no portion remains unconsidered.

- c. Illuminated pedestrian walkways shall be provided from parking areas, garages, loading zones, and recreation areas to the entrances of the buildings.
 - d. All exterior wall finishes on any principal or accessory buildings shall be any single one or a combination of the following:
 - (1) Face brick;
 - (2) Natural stone;
 - (3) Specially designed precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture;
 - (4) Factory fabricated and finished metal framed panel construction, if the panels consist of any of the materials named above, or glass, prefinished metal (other than unpainted galvanized iron) or plastic; or
 - (5) Other materials as may be approved by the Planning Commission.
 - e. Building facings shall be of similar material and consistent architectural design.
 - f. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of the same materials as the original construction and shall be designed in a manner conforming with the original architectural design and general appearance.
 - g. At least 50% of all units shall be one-bedroom; no unit shall consist of more than three bedrooms.
3. *Plans.* All plans specified in SLPC 16.56.030 Paragraphs B,1 and B,2 shall be required for multiple dwellings.
4. *Type of construction.* Any building more than two and one-half stories in height shall be of Type I or Type II construction as provided in the State Building Code as incorporated by reference by this code.
5. *Closets and bulk storage.* The following minimum amounts of closet and bulk storage shall be provided for each dwelling unit:
- a. One-bedroom unit: ten lineal feet of closet space within the individual dwelling unit plus 50 square feet of bulk storage within the multiple-dwelling building;
 - b. Two-bedroom unit: 24 lineal feet of closet space within the individual dwelling unit plus 50 square feet of bulk storage within the multiple-dwelling building;
 - c. Three-bedroom unit: 38 lineal feet of closet space within the individual dwelling unit plus 50 square feet of bulk storage within the multiple-dwelling unit; and
 - d. Only closet space having a minimum clear finish to finish depth of two feet, zero inches, shall be considered in determining the lineal feet of closet provided.
6. *Sound.* Party and corridor partitions and floor systems shall be of a type rated by a laboratory regularly engaged in sound testing as capable of accomplishing an average sound transmission loss (using a nine frequency test) of not less than 50 decibels. Door systems between corridors and dwelling units shall be of solid core construction and include gaskets and closure plates. Room relationship, hallway designs, door and window

placements, and plumbing and ventilating installations shall be such that they assist in the control of sound transmission from unit to unit.

7. *Projecting air conditioning and heating units.* Air conditioning or heating units projecting through exterior walls or windows shall be so located and designed that they neither unnecessarily generate or transmit sound nor disrupt the architectural amenities of the building. Units projecting more than four inches beyond the exterior finish of a building shall be permitted only with the consent of the Building Inspector, which shall be given when the building structural systems prevent compliance.
8. *Trash receptacles and garbage.* All trash receptacles must be screened on at least three sides and not visible from any public right-of-way.
9. *Accessory buildings.* Accessory buildings shall observe the same setback requirements established for the residence building except that accessory buildings located within the rear yard of the multiple-residence building may be located to within five feet of the rear or interior side property line. The City Council may require common walls that will eliminate unsightly and hazardous areas. Exteriors of accessory buildings shall have the same exterior finish as the main structure.
10. *Parking and loading.* In addition to the requirements of SLPC 16.40.010 App. A, the following regulations shall apply to parking and loading for multiple dwellings:
 - a. Parking areas shall have six-inch concrete curbs defining the perimeter; and
 - b. Parking and loading areas shall be a reasonable distance from building (other than service) entrances to facilitate moving of household furnishings.
11. *Recreation and open space.* Each multiple-family dwelling unit containing four or more units shall include a recreation area. Such a recreation area may consist partially of appropriately landscaped open space and shall include a play area, a portion of which shall contain a paved surface. These recreation areas shall consist of not less than 20% of the gross area of the property and shall consist principally of land within the building setback lines. In addition, the city shall require a fee per or a donation of land, provided the land is acceptable to the Planning Commission and the City Council, consistent with SLPC 14.12.050.

16.16.080 Cluster Development

A. *Purpose.* The purpose of cluster developments is to make provision for residential cluster projects on large tracts of land under single or unified ownership. These residential subdivision unit projects will allow modification of individual lot area and width requirements. Residential clusters shall be developed in accordance with an overall design and integrated development plan in accordance with SLPC 15.08, regulating subdivisions, and the Comprehensive Plan. The project shall be consistent with the intent and purpose of this title and shall not adversely affect the property adjacent to the land area included in the project.

B. *Regulations.*

1. The minimum area of land to be included in a cluster development project shall be five acres.
2. With the exception of individual lot area and setback requirements, the cluster development shall conform to the density requirements of the district in which it is to be located.
3. The cluster development project shall submit a preliminary subdivision plat and site plan,

along with an application for a conditional use permit to the Planning Commission and City Council. The preliminary plat and site plan shall conform to the provisions of this chapter and SLPC 14. The general development plan shall be drawn to scale with topography of a contour interval not greater than two feet. The site plan shall include:

- a. Proposed roadways, type and capacity of paving;
 - b. The proposed site and existing adjacent development;
 - c. The size and location of buildings;
 - d. Landscaping;
 - e. Parking areas and arrangements of stalls;
 - f. Site and lot dimensions;
 - g. The allocation and disposition of park and open space; and
 - h. A relief drawing of the general building design or theme intended for all buildings other than single- and two-family units.
4. Should the special use permit for the preliminary plat and site plan be approved, the preliminary plat and site plan shall be attached to and become part of the special use permit. Any modification of the preliminary plat or site plan shall require a resubmission to and approval by the Planning Commission and City Council.
5. Should the conditional use permit be approved, the final plat shall be submitted to the city in accordance with SLPC 14 and the provisions of this title.

16.20 NON-RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS

[16.20.010 Commercial Districts; Purpose And Intent](#)

[16.20.020 Light Industrial District; Purpose And Intent](#)

[16.20.030 Permitted Uses](#)

[16.20.040 General Requirements](#)

[16.20.050 Development Procedures; Platting](#)

[16.20.060 Site Plan Review](#)

[16.20.070 Accessory Buildings And Uses](#)

[16.20.080 Yard Requirements And Regulations](#)

[16.20.090 Setbacks; Lot Coverage; Impervious Surface Coverage](#)

[16.20.100 Landscaping And Maintenance Requirements](#)

[16.20.110 Drainage](#)

[16.20.120 Storage; Parking](#)

[16.20.130 Areas Under Water](#)

[16.20.140 Height Limitations; Conditional Use Permit](#)

[16.20.150 Land Alteration; Permit, Bond, Restoration](#)

[16.20.160 Street Vacations](#)

16.20.010 Commercial Districts; Purpose And Intent

A. *Purpose.* The commercial districts are established to accomplish the general purpose of this title and the Comprehensive Plan and for the following specific purposes:

1. To group compatible business uses which will tend to draw trade that is naturally interchangeable and so promotes the business prosperity and public convenience;
2. To provide an adequate supply of business and professional services to meet the needs of the residents; and

3. To promote a high quality of total commercial development and design that produces a positive visual image.

B. *Intent.* The specific intent of each commercial district is as follows.

1. *C-1, shopping center commercial district.* This district is intended to provide a district which may be applied to land in single ownership or unified control for the purpose of developing a planned business center with a unified and organized arrangement of buildings and service facilities at key locations which are suitable for the use and which are centrally located within the residential area they are intended to serve.
2. *C-2, neighborhood and service center commercial district.* This district is intended for the convenience of persons residing in nearby residential areas and is limited in its function to accommodating the basic day-to-day shopping needs of the typical family. It is also intended as a business district which may be located in separate areas adjacent to shopping centers and thus help to keep the basic retail areas compact and convenient, and in other separate areas to provide a district which may be located in close proximity to a major thoroughfare or highway in order that highway service types of land use can be provided.
3. *C-3, office commercial district.* This district is intended to provide a district which is related to and may reasonably adjoin high density or other residential districts for the location and development of administrative office buildings, medical uses, and related office uses which are subject to more restrictive controls.

16.20.020 Light Industrial District; Purpose And Intent

A. *Purpose.* The light industrial district is established to accomplish the general purposes of this title and the Comprehensive Plan and the following specific purposes:

1. To provide employment opportunities; and
2. To group industrial and certain uses in locations accessible to highways so that the movement of raw materials, finished products, and employees can be carried on in performance standards in SLPC 16.28.010.

B. *Intent.* It is recognized that, while the city is predominantly residential in character, industrial uses are an important part of the city land use pattern. The regulations for this district are intended to encourage industrial development that is compatible with the surrounding or abutting land uses. To accomplish this compatibility, development in the light industrial district:

1. Is limited to administrative, wholesaling, manufacturing, and related commercial uses that can be carried on in accordance with the performance standards set forth in SLPC 16.28.010;
2. Must provide suitable open spaces, landscaping, and parking areas; and
3. Must establish a high standard of appearance and controls for external effects (such as noise, smoke, and the like).

16.20.030 Permitted Uses

A. *Commercial districts.* Uses in commercial districts shall be allowed as set forth in SLPC 16.04.040 App. D.

B. *Light industrial district.* Within a light industrial district, no building or land shall be used except for

one or more of the uses as set forth in SLPC 16.64.040 App. D, providing they comply with the performance standards set forth in SLPC 16.28.010.

16.20.040 General Requirements

All required yards shall either be open landscaped and green areas or be left in a natural state, except where off-street parking is required as specified in SLPC 16.40.010. If any yards are to be landscaped, they shall be landscaped attractively with lawns, trees, shrubs, and the like. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.

16.20.050 Development Procedures; Platting

- A. If new public streets are proposed or if the development will require more than one lot or tract, the layout of any proposed streets shall show the right-of-way widths and the proposed names of all streets. Proposed street names shall not duplicate the name of any street already in existence in the city or its environs unless the proposed street is an extension of an already existing street. The street layout shall cover the whole ownership tract.
- B. All public rights-of-way with non-residence districts shall be considered collector streets or arterials as defined in the city thoroughfare plan.
- C. Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat will constitute a district of sustained desirability, will be consistent with long range comprehensive plans for the city, and will meet the requirements of the district, the City Council may establish that district on the property included in the preliminary plat. The preliminary plat as approved, together with such covenants, deed restrictions, controls, or conditional use permits as may be attached to it, shall be filed and recorded by the owner or developer in the office of the County Register of Deeds and shall become a part of the ordinance establishing the zoning change. Any substantial change to the plan will require resubmission for approval by the Planning Commission and City Council.
- D. The final platting of the land shall be subject to requirements for approval, recording, and the installation of improvements as required by other city ordinances.
- E. The owner or developer must agree to comply with all the requirements of the city regarding lighting, noise abatement, traffic control and regulation, maintaining order, and keeping the premises free from debris.

16.20.060 Site Plan Review

- A. *Purpose.* It is the policy of the city to encourage excellence in site and building design of commercial and industrial development in zoning districts C-1, C-2, C-3, and The site plan review enables the City Council to insure that the applicant has made adequate provisions for utilities (sewer, water, and storm sewer), traffic (off-street parking, circulation access), safety precautions (lighting, pedestrian walks, traffic-control signs), and amenities (exterior design, landscaping, and screening).
- B. *Required information for site plans.* A building permit application in the above listed zoning districts shall include 11 paper copies and one digital copy of site plans presenting the following information:
 - 1. Complete architectural plans showing the floor plans and elevation of the proposed buildings, and identification of the use of each structure;
 - 2. Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings;

3. Provision for off-street parking, vehicle storage, internal and external circulation, and supplementary traffic data in sufficient detail to calculate traffic generation, parking requirements;
4. The type and placement of signs, other than street name signs;
5. The type and location of firefighting facilities;
6. The nature and extent of cut and fill and degree of soil compaction, along with related engineering data;
7. Plans and specifications for facilities for drainage of the lots, if any, and the sites, streets, highways, and alleys, including provisions of storm drainage, culverts, and appurtenant structures and reference to supplementary data for drainage;
8. Plans and specifications for distribution and service lines for water supply to the building site; wells or other sources of supply;
9. Plans and specifications for sewage and all liquid or solid waste storage and disposal facilities, including main and secondary collection lines and stub-offs from the secondary collection lines to the building site;
10. The type, placement, and number of traffic safety signs and traffic-control devices;
11. The type, placement, and number of lighting devices for parking lot and building lighting, including height, wattage, direction of illumination, and expected light intensity;
12. Barricades and other safety devices;
13. Complete landscaping and screening plans, including species and sizes of trees and shrubs proposed; and
14. Complete plans for proposed sidewalks to service parking, recreation, and service areas.

C. *Procedure for approval of site plans.* Upon receipt of site plans, the Zoning Administrator shall refer copies of the same to the Police Department, the Fire Department, the City Engineer, and other city departments as are appropriate. Each of these departments shall within 15 days advise the Zoning Administrator whether the site plans are in conformance with the provisions of all applicable ordinances and policies of the city insofar as the same fall within the jurisdiction of each particular department. Upon receipt of the comments and advice from the aforementioned departments, the Zoning Administrator shall place the site plan review approval on the agenda of the next regularly scheduled Council meeting for Council action thereon.

D. *Exceptions to site plan review procedure.* An applicant may not have to present information required by Paragraph B in cases where the city staff determines that the application will not affect utilities (sewer, water, and storm sewer), traffic (off-street parking, circulation, access), safety precautions (lighting, pedestrian walks, traffic-control signs), or amenities (exterior design, landscaping, and screening).

1. An applicant will not be required to file a separate site plan review under this section in cases where the site plan review is an integrated part of another independent review made by the city, i.e., conditional use application.
2. Under circumstances to be determined by the city staff, an applicant may be permitted to file a partial site plan for that portion of his or her total project that will impact on any of the above- described subjects of concern to the city.

E. *Building permits.* Following approval of the site plans, the Building Inspector may grant building permits for proposed structures provided that the proposed structure meets the requirements of the city building code and all other applicable city ordinances and regulations.

F. *Site plan review fees.* The person applying for site plan approval shall fill out and submit an application, in the form prescribed by the city, to the Zoning Administrator. The application shall be accompanied by a fee as established by resolution of the City Council to cover administrative expenses relating to the site plan review.

16.20.070 Accessory Buildings And Uses

- A. *Time of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- B. *Air conditioning units.* Air conditioning units shall meet the noise standards as outlined in SLPC 16.40.010 Paragraph B.
- C. *Attached accessory buildings.* In case an accessory building is attached to the main building, it shall be made structurally a part of the principal building and shall comply in all respects with the requirements of this title applicable to the principal building.
- D. *Detached accessory buildings.* A detached accessory building shall not be located in any required front or side yard setback. A detached accessory building shall not be closer than eight feet to the principal building, except as otherwise provided in this title.
- E. *Rear yard requirements for accessory buildings.*
1. No single detached accessory building exceeding either one story or 12 feet in height shall occupy more than 30% of the area of any rear yard. Further, no detached accessory building shall be located within five feet of any rear lot line in an R-1 classification or within 15 feet of any rear lot line in an R-2 or R-3 classification.
 2. The sum total of land occupied by all accessory buildings shall not exceed 40% of the area of the required rear yard, but in no case greater than 1,200 square feet.
- F. *Height requirements.* No accessory building shall exceed 18 feet in height or the height of the principal structure, whichever is less.
- G. *Additional accessory uses.* The following accessory uses, in addition to those specified, shall be permitted in any residence district, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district:
1. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals, and other institutions permitted in the district;
 2. Recreation, refreshment, and service buildings in public parks and playgrounds; and
 3. Fallout shelters.
- H. *Satellite receive-only antennas.* Satellite receive-only antennas (SROA) shall be a permitted accessory use in all districts, subject to the following regulations:
1. *Free-standing SROA.* In all zoning districts within the city, SROA shall be subject to the same front, rear, and side yard setback requirements which would apply to other accessory structures within the district; and
 2. *Roof-mounted SROA.* SROA mounted on roofs shall be subject to the normal height limits of the zoning district in which each is located and shall comply with all applicable requirements of the Uniform Building Code.

16.20.080 Yard Requirements And Regulations

- A. *District requirements.* Yard requirements shall be specified for each district in this title.
- B. *Extent of front yards.* Except for driveways, the front yard shall extend along the entire frontage of the lot and along both streets in the case of a double frontage or corner lot.
- C. *Walls, fences, and hedges.* A wall, fence, or hedge may occupy part of the required front, side, or rear yards.
- D. *Double frontage lots.* On double frontage lots, the required front yard shall be provided on both streets.
- E. *Corner lots.*
1. The required front yard of a corner lot shall contain no wall, fence, or other structure, tree, shrub, or growth which may cause danger to traffic on a street or public road by obscuring the view. The required front yard of a corner lot shall be unobstructed above a height of three feet in a triangular area, two sides of which are the lines running from the corner of the property along the property lines to points 20 feet from the corner of the property.
 2. In all instances, there shall be a minimum of 25 feet side yard setback when abutting a street.
- F. *Rear yards opening onto alleys.* In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half of the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard, subject to the following qualifications:
1. The depth of any rear yard shall not be reduced to less than ten feet by the application of this exception; and
 2. If the door of any building or improvement, except a fence, opens toward an alley, it shall not be erected or established closer to the center line of an alley than a distance of 15 feet.
- G. *Exemptions to yard regulations.* Measurements for yards required in each district shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:
1. Cornices, canopies, or eaves may be extended into the required front yard a distance not exceeding four feet, six inches;
 2. Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches;
- H. A landing place or uncovered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing may be placed around the place;
1. A covered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building and is not enclosed with windows, screens or the like. The covered area shall not exceed 60 square feet and shall be architecturally compatible (siding, roof material, roof pitch, and the like) with the principal structure. An open railing may be placed around the porch.
 2. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace, or outside stairway shall project into the required side yard distance.

16.20.090 Setbacks; Lot Coverage; Impervious Surface Coverage

- A. *Setbacks and existing buildings.* When more than 25% of the frontage of the side of the street between intersections is occupied by structures having setbacks from street rights-of-way of a greater or lesser amount than hereinafter required, the majority setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. In the event a building is to be built where there is such an established setback different from that required hereinafter and there are existing buildings on both sides of the new building, the front setback shall not be required to be greater than the average setback of the first adjacent building on each side.
- B. *Maximum lot coverage.* Principal and accessory structures shall not cover more than 35% of any zoning lot located in the R-1 and R-2 Districts. Principal and accessory structures shall not cover more than 50% of any zoning lot located in the R3 District.
- C. *Impervious surface coverage.* Impervious surfaces shall not cover more than 50% of any zoning lot located in the R-1 and R-2 Districts, and not more than 60% in the R-3 District. Impervious surfaces shall not cover more than 75 % of any zoning lot located in the commercial or industrial districts. The remainder of the zoning lot shall be covered with turf grass, native grasses, perennial flowering plants, shrubs, trees or similar landscape material sufficient to prevent soil erosion, minimize off-site stormwater runoff, and encourage natural filtration function.

16.20.100 Landscaping And Maintenance Requirements

- A. All open areas of any lot shall either be open landscaped with trees, shrubs, and planted ground cover or left in a natural state, except as provided in SLPC 14.16.080.
- B. A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the site plan.
- C. All new landscape trees and shrubs must meet the American Standard for Nursery Stock and American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball. Landscape trees must be balled and burlapped or moved from the growing site by tree spade. Deciduous trees will be not less than one and one quarter inches but not more than three inches caliper for balled and burlapped trees, and not less than three inches but not more than six inches caliper for spade-moved trees. Coniferous trees will not be less than six feet in height but no more than eight feet for balled and burlapped trees, and not less than eight feet in height but not more than 14 feet for spade-moved coniferous trees. The city may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee.
- D. All site areas not covered by buildings, sidewalks, parking lots, driveways, patios or similar hard surface materials shall be covered with sod or an equivalent ground cover approved by the city. This requirement shall not apply to site areas retained in a natural state.
- E. In order to provide for adequate maintenance of landscaped areas, an underground sprinkler system shall be provided as part of each new development, except one- and two-family dwellings and additions to existing structures which do not at least equal the floor area of the existing structure. A sprinkler system shall be provided for all landscaped areas except areas to be preserved in a natural state.
- F. Not more than 25% of the required number of trees shall be composed of one species unless approved by the city. No required tree shall be any of the following:
 - 1. A species of the genus *ulmus* (elm), except those elms bred to be immune to dutch elm disease;

2. Box elder;
3. Eastern cottonwood;
4. Lombardy poplar;
5. Ash;
6. Black locust; or
7. Female ginkgo.

G. Boulevard areas shall be landscaped in accordance with SLPC 14.16.080.

H. *Landscape plan*. Landscape plans shall be prepared by a landscape architect or other qualified person acceptable to the Zoning Administrator, drawn to a scale of not less than one inch equals 50 feet and shall show the following:

1. Boundary lines of the property with accurate dimensions;
2. Locations of existing and proposed buildings, parking lots, roads and other improvements;
3. Proposed grading plan with two foot contour intervals;
4. Location, approximate size and common name of existing trees and shrubs;
5. A planting schedule containing symbols, quantities, common and botanical names, size of plant materials, root condition and special planting instructions;
6. Planting details illustrating proposed locations of all new plant material;
7. Locations and details of other landscape features including berms, fences and planter boxes;
8. Details of restoration of disturbed areas including areas to be sodded or seeded;
9. Location and details of irrigation systems; and
10. Details and cross sections of all required screening.

I. *General requirements*. General requirements that shall apply in all multiple-family residential, business, and industrial districts include the following:

1. *Plant diversity*. The landscape plan design shall, at a minimum, provide at least three of the following required numbers of trees and shrubs in addition to any trees and shrubs as required by this title for screening:
 - a. One overstory tree per 3,000 square feet of open area.
 - b. One ornamental tree per 1,500 square feet of open space.
 - c. One evergreen tree per 3,000 square feet of open area.
 - d. One deciduous or evergreen shrub per 100 square feet of open area.
2. *Building perimeter landscaping*. At least 50% of the total building perimeter shall be sodded or landscaped with approved ground cover, shrubbery and trees in an area of no less than six feet in width.
3. *Heat island reduction*. To minimize impact on microclimate, human and wildlife habitat, shading of parking lots is required. At least one overstory tree shall be planted for every ten parking stalls on site. To satisfy this requirement trees must be located at least four feet and within ten feet of a curb adjacent to any internal parking or drive area. Said trees

shall count toward meeting the overall site green space and landscaping requirements identified by this title for the underlying zoning district.

4. *Buffer yards.*

- a. *Buffer yard location.* Where any business or industrial use (i.e., structure, parking or storage) abuts a residential zone or use, such business or industry shall provide a buffer yard and screening along the boundary of the residential property. The buffer area and screening shall also be provided where a business or industry is across the street from a residential zone or use, but not on that side of a business or industry considered to be the front as defined by the city.
- b. *Buffer yard design.* Except in areas of steep slopes or where natural vegetation is acceptable, as approved by the city, buffer yards shall contain a combination of earth berms, plantings, or privacy fencing of a sufficient density to provide a minimum visual screen and a reasonable buffer to the following heights:
- c. *Plantings.* All designated buffer yards must be seeded or sodded except in areas of steep slopes where natural vegetation is acceptable as approved by the city. All plantings within designated buffer yards shall adhere to the following:
 - (1) Planting screens shall be fully irrigated, consist of healthy, hardy plants, a minimum of six feet in height and designed to provide year round visual obstruction of the item(s) to be screened pursuant to requirements of this title;
 - (2) Plant material centers shall not be located closer than five feet from the fence line and property line, and shall not conflict with public plantings, sidewalks, trails, etc.;
 - (3) Landscape screen plant material shall be in two or more rows. Plantings shall be staggered in rows unless otherwise approved by the city;
 - (4) Shrubs shall be arranged to lessen the visual gaps between trees. Along arterial streets, all plantings of deciduous trees shall be supplemented with shrubs such that the buffer yard contains a continuous band of plants;
 - (5) Deciduous shrubs shall not be planted more than four feet on center, and/or evergreen shrubs shall not be planted more than three feet on center; and
 - (6) Deciduous trees intended for screening shall be planted not more than 40 feet apart. Evergreen trees intended for screening shall be planted not more than 15 feet apart.
- d. *Walls and fences.* All walls and fences erected within designated buffer yards shall meet the following conditions:
 - (1) A screening fence or wall shall be constructed of attractive, permanent finished materials compatible with those used in construction of the permanent structure. Such screens shall be at least six feet in height and 100% visual obstruction of the item(s) to be screened pursuant to requirements of this title.
 - (2) Fences may be exposed no more than a maximum length of 20 feet between landscaping areas or clusters.
 - (3) For interior lots, a gate constructed of the same material as the fence shall be provided in the wall or fence to allow for maintenance of the street side boulevard.

- (4) Fences and landscaping shall not be located within the traffic sight visibility triangle.

e. *Earth berms.* Earth berms shall adhere to the following:

- (1) Except in areas of steep slopes or where other topographic features or physical characteristics will not permit, as determined by the City Engineer, an earth berm shall be installed in all designated buffer yards in accordance with the following requirements:
 - (A) Berms shall be a minimum of four feet in height.
 - (B) The slope of the earth berm shall not exceed a three to one (3:1) slope unless approved by the City Engineer.
 - (C) The earth berm shall contain no less than four inches of topsoil.

J. *Parking lot landscaping requirements.* The following shall apply to all new development and redevelopment of parking lots for expansions creating 5,000 square feet or more of impervious surface or disturbance of one-half acre or more of land.

1. *Parking lot screening.* Parking lot screening shall be designed to reduce the visual impact of surface parking lots; mitigate glare from headlights; improve the aesthetic quality of the area for users of the site, adjacent sites, roadways, and sidewalks; and define the perimeter of the parking lot as follows:

a. *Off-street parking containing six or more parking spaces.* Between those portions of an off street parking area containing six more parking spaces and a different zoning district or a public street.

b. *Waiver.* Parking lot screening requirements may be waived in circumstances where perimeter screening is provided or where the elevation of the parking area relative to the elevation of the street and sidewalk would make the screening ineffectual as determined by the Zoning Administrator.

c. *Parking lot screening standards.*

- (1) Parking lot screening must be provided within ten feet of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bioretenion systems, other landscape features, or where the traffic sight visibility triangle may be impacted.
- (2) Parking lot screening shall be a minimum of three feet and a maximum of four feet in height as measured from the adjacent finished surface of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet tall at planting and anticipated to grow to at least three feet tall at maturity.
- (3) No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.
- (4) Screening for a parking lot may be comprised of 100% evergreen planting materials.

d. *Content.* Parking lot screening must consist of at least two of the following:

- (1) A compact hedge of evergreen or densely twigged deciduous shrubs

spaced to ensure closure into a solid hedge at maturity;

- (2) A berm with plantings described above;
- (3) Transit shelters, benches, bicycle racks and similar features may be integrated as a part of the screen;
- (4) Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product.

2. *Parking island design.* Off-street parking areas with at least 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch (wood, bark, or decorative rock) or turf grass to retain soil moisture. This provision shall not apply to parking structures. The standards for landscape islands are as follows:

- a. Landscape parking lot islands shall be required at the beginning and end of each parking row and shall contain a minimum of 180 square feet and a minimum width of nine feet.
- b. A minimum of one overstory tree shall be provided for each island. This provision may be waived for islands utilized for stormwater management or other utility or safety issues as determined by the City Engineer.
- c. Shrubs, perennials or ornamental grass shall be incorporated in each landscaped island.
- d. Islands shall be prepared with topsoil to a depth of two feet and improved to ensure adequate drainage, nutrient and moisture retention levels for the establishment of plantings.
- e. All perimeter and interior landscaped areas in parking lots shall be equipped with a permanent irrigation system, unless drought tolerant plant materials are used exclusively. Where drought tolerant plant materials are used, irrigation shall be required only for the two-year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.

16.20.110 Drainage

- A. No lot shall be developed and no use permitted that results in water run-off causing flooding or erosion on adjacent properties. Driveways shall drain to the street.
- B. The finished grade at the perimeter of principal buildings on lots shall average a height above center of street of one-half inch per foot of required setback, with a minimum of 24 inches, to assure adequate drainage of rain water from roofs away from the building.

16.20.120 Storage; Parking

- A. *Materials, supplies, and merchandise.* All materials, supplies, merchandise, or other similar matter not on display for direct sale, rental, or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the commercial and industrial districts or within the confines of an opaque wall or fence not less than six feet high. Merchandise which is offered for sale as described above may be displayed beyond the confines of a building in the commercial and industrial districts, but the area occupied by the outdoor display shall not constitute a greater number of square feet than 10% of the ground floor area of the building housing the principal use, unless the merchandise is of a type customarily displayed outdoors

such as garden supplies. No storage of any type shall be permitted within the required front or side street setback.

B. *Motor and recreational vehicles.*

1. *Motor vehicles.*

a. Off-street parking of commercial vehicles is prohibited in any residential district, with the following exceptions:

- (1) Commercial trucks with up to one ton carrying capacity;
- (2) Tractors used for pulling trailers; and
- (3) Commercial buses, but only if parked as part of an ongoing trip for hire

b. One commercial vehicle of this type per residence is permitted under this section. Temporary parking for delivery or unloading is excepted from this section.

2. *Recreational vehicles.* No recreational vehicle, trailer or boat shall be parked or stored for more than 30 days in any residential district except as follows:

a. A trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located during the time construction or development is actively under way.

b. The following recreational vehicles, trailers and boats may be parked or stored on a lot in the R-1 district and may be parked or stored by a tenant only in the R-2 and R-3 districts, provided they are not used or occupied for living, sleeping, housekeeping, or business purposes, and provided they are parked or stored so as to meet the following criteria:

- (1) One recreational vehicle may be parked within the front yard setback provided that the vehicle may not be parked closer than five feet to the side yard property line except by variance granted pursuant to this code, and then only upon an approved driveway;
- (2) Travel trailers, pickup coaches, motorized homes, and camping trailers, constructed as temporary dwellings for travel purposes, not exceeding 300 square feet; and
- (3) Boats and trailers not exceeding 30 feet in length.

c. Any recreational vehicle, trailer or boat may be parked anywhere on the premises for temporary loading or unloading purposes.

C. *General parking regulations for single- and two-family residential districts.* No owner or tenant of a single- or two-family residential property shall allow any motor vehicle or trailer to be parked on the property, outside of a garage, except on an approved driveway, with the exception of those motor and recreational vehicles covered under Paragraph B. Every motor vehicle or trailer which is parked outside of the garage shall display license plates with current registration tags. No motor vehicle or trailer shall be permitted to park in the sight triangle which is required under SLPC 16.28.030 Paragraph F.

16.20.130 Areas Under Water

All areas within the corporate limits of the city which are under water and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water

area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district at a halfway point.

16.20.140 Height Limitations; Conditional Use Permit

Height limitations set forth elsewhere in this title may be increased by 100% by conditional use permit when applied to the following: chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouse sheds, water towers, stacks, stage towers or scenery lofts, tanks, ornamental towers and spires, wireless towers, or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy. Application for this permit shall be subject to regulations of SLPC 16.56.010, regarding conditional use permits.

16.20.150 Land Alteration; Permit, Bond, Restoration

- A. *Conditional use permit required.* A conditional use permit shall be required in all cases where excavation, grading, and filling of any land within the city would result in a substantial alteration of existing ground contour or would change existing drainage or would cause flooding or erosion or would deprive an adjoining property owner of lateral support and would remove or destroy the present cover resulting in less beneficial cover for present and proposed development, uses, and enjoyment of any property in the city. Substantial alteration shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of 25 cubic yards. Land within the city that is substantially altered by excavation, grading, or filling, which work is performed pursuant to the issuance of a building permit, is excepted from the conditional use requirements of this section.
- B. *Application.* Application for a land alteration conditional use permit shall be subject to the regulations of SLPC 16.56.010 and shall contain the following additional information:
1. The legal description of the land to be altered;
 2. The nature of the proposed alteration and future use of the property;
 3. The starting date and approximate completion date of the operation;
 4. The names of all owners of the land to be altered; and
 5. The names and addresses of all owners and occupants of the adjoining land that may be affected by the land alteration.
- C. *Bond.* The City Council may require from the person securing a land alteration conditional use permit, adequate proof of bonding in the form of a performance bond, sufficient in value to cover the expense of the completion of the development plan or to bring such portion of the completed project to a safe grade and elevation so as to be healthful and safe to the general public and to provide safe and adequate drainage to the site.
- D. *Safety precautions.* If, during the land alteration work, it becomes necessary for the person altering the land to create a condition of grade or drainage not in the interest of health or safety, it shall become that person's duty to correct, immediately, the dangerous situation created, as well as fence that area from the general public during the period of danger.
- E. *Replacement of landscaping.* The person responsible for the proposed land alteration shall agree to replace cover that has been removed, by seeding or sodding the cover to be replaced within 30 days after completion of grading. Where construction of dwellings or buildings is being done over an extended period of time, the Zoning Administrator or City Council may require replacement of ground cover on a portion of the area before the entire project is completed.
- F. *Declaration as public nuisance.* The City Council may, in addition to any or all other remedies available for violation of this title, declare the premises a public nuisance and after a public

hearing held upon ten days' notice by registered mail to the last known address of the owner or owners of the property, proceed to have the necessary work done to bring the land to reasonable standards of health and safety and assess all of the costs and expenses thereof against the property.

16.20.160 Street Vacations

Whenever any street, alley, or other public way is vacated by official action of the city, the zoning district adjoining each side of the street, alley, or public road shall be automatically extended to the center of the vacation, and all area included in the vacation shall then and henceforth be subjected to all appropriate regulations of the extended districts.

16.24 SIGNS AND BILLBOARDS

[16.24.010 Definitions - Signs And Billboards](#)

[16.24.020 Permit Required](#)

[16.24.030 Permit Issuance; Suspension Or Revocation](#)

[16.24.040 Construction And Maintenance; Standards](#)

[16.24.050 Prohibited Signs](#)

[16.24.060 Exemptions](#)

[16.24.070 Temporary Signs; Special Permit](#)

[16.24.080 Dynamic Signs](#)

[16.24.090 Non-Conforming Signs; Grandfather Clause; Restrictions](#)

[16.24.100 Violations](#)

16.24.010 Definitions - Signs And Billboards

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

BILLBOARD. See definition of **SIGN, OFF-PREMISE**.

BUILDING. Any structure erected for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind.

DYNAMIC DISPLAY. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

SIGN. Any publicly displayed, message-bearing device for visual communication or any attention-attracting device that is used primarily for the purpose of bringing the subject thereto to the attention of the public.

SIGN APPARATUS. The structure upon which any sign is actually placed or erected.

SIGN, DIRECTIONAL. A sign, the primary function of which is to provide locational directions.

SIGN, FLASHING. Any illuminated or luminous sign on which the artificial light or color is not maintained at a constant intensity or color when the sign is in use except for that portion of a sign providing public

service information such as time, weather, date, temperature, or similar information. A **FLASHING SIGN** is one that is programmed to flash in either text or graphic more frequently than every three seconds.

SIGN, FREE-STANDING. A sign which is not attached to any part of a building and which is rather supported by upright braces or posts placed in the ground.

SIGN, ILLUMINATED. Any sign upon which artificial light is directed.

SIGN, LUMINOUS. Any sign which has its own self-generated light.

SIGN, NON-COMMERCIAL. A sign which does not advertise products, goods, businesses, or services and which expresses an opinion or other point of view.

SIGN, OFF-PREMISE. A sign located off the premises where the advertised product, service, merchandise, or message is located, manufactured, sold, offered, distributed, or made available to the public.

SIGN, PORTABLE. A sign so designed as to be moveable from one location to another and not permanently attached to the ground or any immobile structure. A **PORTABLE SIGN** may consist of a mobile structure such as a semi-truck trailer or other device whose primary function during a specific time period is to serve as a sign structure.

SIGN, PROJECTING. A sign which is affixed to the wall of a building and extends outward from the building.

SIGN, TEMPORARY. A sign which is erected or displayed for a limited period of time. This includes items such as banners, pennants, flags of other than a political jurisdiction, beacons, sandwich or curb signs, balloons or other air or gas filled figures.

SIGN, WINDOW. A sign which is painted upon the glass portions of doors and windows of a business or is a sign placed within the door or window of a business.

16.24.020 Permit Required

A. No sign which may lawfully be erected in the city shall be erected, re-erected, maintained, posted, displayed, or altered unless a permit for each sign has been obtained. Applications for a sign permit shall be made in writing upon forms provided by the City Administrator, Clerk/Treasurer. In addition to the information required by the application, applicants may be required to provide plans, specifications, and drawings to scale showing the sign itself, projections, setbacks, sign area, sign type, sign structure, a description of the building or premises to which the sign is to be attached or located, and any other relevant information required by the Administrator, Clerk/Treasurer. Permits shall be valid for the calendar year or part thereof for which they have been issued. Permits are non-transferable.

1. The original construction fee, per sign facing, shall be determined as follows, with amounts set from time to time by Council resolution:

a. Forty square feet or less in area; or

b. Greater than 40 square feet in area.

2. In addition, the annual fee for each permit for an off-premises sign shall be as set from time to time by Council resolution.

B. If a sign has been erected before the effective date of this title and it conforms nonetheless to the terms of this title, a permit is required for all such signs according to the terms of this section. If a

sign has been erected before the effective date of this title and does not conform to the terms of this title, the owner or lessee of the sign or the premises upon which it is located must apply for a permit declaring the sign to be a legal non-conforming sign which shall permit the temporary existence of the sign according to the terms of this title. The fee for a legal non-conforming sign permit is set from time to time by Council resolution, and the permit shall be valid for the calendar year or part thereof for which it has been issued. Non-conforming sign permits are non-transferable.

16.24.030 Permit Issuance; Suspension Or Revocation

- A. The City Council may grant a permit for the erection, re-erection, maintenance, display, or posting of a permanent sign which meets the terms and conditions of this title and is in harmony with the requirements of other city ordinances.
- B. The City Administrator, Clerk/Treasurer and Building Official may grant a permit for the erection, re-erection, maintenance, display, or posting of a temporary sign which meets the terms and conditions of this title and is in harmony with the requirements of other city ordinances.
- C. The City Council may suspend or revoke a sign permit because of, but not limited to, a violation of the terms of this title, failure to observe the terms of this title, violation of or failure to observe the terms of other applicable and relevant city ordinances, any fraud obtained in the acquisition of a permit, and other grounds which the Council may, from time to time, determine.

16.24.040 Construction And Maintenance; Standards

In order for an applicant to receive and retain a permit for a sign, the following conditions must be met and maintained.

- A. When a sign is illuminated or luminous, any illumination therefrom, or a beam of light directed thereon, shall not shine directly upon any residence or onto any public streets.
- B. No sign structure shall contain more than four exposed beams.
- C. No projecting sign shall extend more than 16 inches from any building wall nor more than six feet above the roof line.
- D. No sign or sign structure may remain erected unless it is erected, maintained, and repaired in accordance with the Uniform Building Code, State Electrical Code, and the general construction requirements of the city. All signs must remain in good repair and in safe condition.
- E. No part of any sign shall project over or beyond the property line of the property upon which it is located.
- F. The following setback, distance, and other requirements shall be observed:
 - 1. Any sign displayed on the premises where the advertised message, service, merchandise, or product is made, sold, distributed, or offered shall not be closer to a public right-of-way than three feet nor closer than five feet from any other property line;
 - 2. Any sign displayed off the premises where the advertised message, service, merchandise, or product is made, sold, distributed, or offered shall not be closer than 30 feet to a front yard property line or public right-of-way. In addition, the sign shall not be closer than five feet to the side property lines and back property lines of the property;
 - 3. Off-premises directional signs may be erected without conforming with the requirements of Paragraphs F,2 and H as long as the directional signs do not exceed 32 square feet in size and as long as the sign does not violate any of the terms contained in SLPC 16.24.060;

4. The minimum setback from any intersection for off-premises signs shall be 500 feet;
 5. No off-premises sign or structure shall be located within 500 feet of a residential district, park, playground, school, governmental building, or building used for religious purposes;
 6. An off-premises sign or structure shall be considered the principal use of a site. If another use or structure is added to the site, the off-premises sign must be removed; and
 7. Off-premises signs or structures shall be permitted only on property which is zoned commercial or light industrial.
- G. On-premises signs shall not exceed 30% of the square footage of the front of the building. No off-premises sign shall exceed 750 square feet. If a stand alone building has less than 400 square foot frontage, up to 400 square feet frontage may be used for purposes of determining the maximum sign size.
- H. There shall be at least 1,000 feet distance between the location of off-premises signs on the same side of the highway.
- I. No free-standing sign shall be higher than 25 feet from the ground level of the land upon which the sign has been erected. An applicant may apply for a variance in a case where an extreme hardship is caused by the particular physical characteristics of the land. The variance shall be applied for in the manner outlined in SLPC 16.60.040.

16.24.050 Prohibited Signs

- A. The following signs are prohibited:
1. Any sign which, by reason of location, position, shape, color, design, or otherwise would interfere with traffic signs or signals or other officially posted signs;
 2. Any sign within a public right-of-way or easement except for government-installed signs and except for political signs, provided they are located no closer to the curb than six feet where there is no sidewalk and provided they are located on the home side of the sidewalk in areas where there is a sidewalk;
 3. Signs which resemble any official sign or marker erected by a governmental agency or which display such warning words as "stop" or "danger" or the like;
 4. Any flashing sign including indoor signs which are visible from public areas except for the temporary location of seasonal, holiday, or religious decorations. This section shall not prohibit animated signs as defined in this title;
 5. Any sign, poster, or the like affixed to or posted upon trees, fences, telephone or utility poles, or similar structures;
 6. Portable signs or search light signs, unless a temporary permit has been issued;
 7. Signs or sign structures obstructing windows, doors, fire escapes, stairways, or which otherwise impair means of egress or ingress are prohibited. Window signs shall be allowed, provided that such signage shall not exceed 30% of the window area, whether attached to the window or not, and shall not block views into and out of the building in the area between four and seven feet above the adjacent grade.
 8. Any sign painted upon the wall of a building.
 9. Off-premise signs.
- B. No sign shall be erected in a residential district except as strictly provided herein and including

only:

1. Flags displayed on the premises;
2. Seasonal decorations displayed temporarily on the premises;
3. Signs displayed on the premises advertising the sale or lease of the property which are not greater than six square feet in surface area;
4. Traffic signs and signs posted by official governmental agencies;
5. In a state general election year, portable and free-standing political signs may be erected from August 1 until ten days following the state general election. No sign may be erected or placed in an unsafe manner. In non-state general election years, portable and freestanding political signs may be erected not more than 30 days before and two days after an election. When there is a primary election, all losers must remove their signs two days after the primary election;
6. One non-commercial opinion sign not greater than six square feet in surface area; and
7. One monument sign identifying a multiple subdivision or development not greater than 40 square feet in total surface area.

16.24.060 Exemptions

The following signs may be erected or maintained without requiring a permit in commercial/industrial zoning districts:

- A. A flag displayed on the premises;
- B. Seasonal decorations displayed temporarily on the premises;
- C. Signs displayed on the premises advertising the sale or lease of the premises which are not greater than 32 square feet in surface area for commercial/industrial zoned property;
- D. Traffic signs and signs posted by official government agencies, legal notices, and the like;
- E. In a state general election year, portable and free-standing political signs of any size may be erected from August 1 until ten days following the state general election. No sign may be erected or placed in an unsafe manner. In non-state general election years, portable and free-standing political signs may be erected not more than 30 days before and five days after an election provided that no one sign is greater than 32 square feet. When there is a primary election, all losers must remove their signs two days after the primary election;
- F. Flags, badges, or insignia of any governmental agency or any civic, religious, fraternal, or professional organization; and
- G. Memorial plaques, monuments, and historical or civic markers or tributes.

16.24.070 Temporary Signs; Special Permit

- A. *No special permit required.* The following signs may be erected without issuance of a special temporary sign permit.
 1. Temporary displays which are erected to celebrate, commemorate or observe a civil or religious holiday, provided such displays are removed within 30 days after the event or holiday, do not require a permit.
 2. Temporary signs for the purpose of selling or leasing individual lots or buildings provided that such signs are less than ten square feet for residential property and 32 square feet

for other property, have a maximum height of ten feet, unless located on the building, and provided that only one sign is permitted for each property. The signs must be removed within ten days following the lease or sale.

- B. *Special permit required.* The City Council may grant a special permit for the limited, temporary use of a sign and sign apparatus. The temporary sign may be used for two weeks at a time and for a maximum of six weeks per year. The fee for the special permit shall be in the amount per sign as set by the Council from time to time by resolution, for each two-week period that a sign is in place. A special permit shall be issued only upon a showing of the applicant's need for the temporary and limited use of a sign for a limited period of time and limited purpose, such as the announcement of a grand opening, the announcement of a sale, signs pertaining to businesses of temporary or seasonal character, or the like. Both the sign and sign apparatus must be removed following the time period above.

16.24.080 Dynamic Signs

A. *Regulations.* Dynamic displays on signs are allowed subject to the following conditions:

1. Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35% of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;
2. A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;
3. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
4. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;
5. Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under Paragraph A,1, then no dynamic display is allowed;
6. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this title;
7. No animated sign shall be located or maintained within 50 feet of an intersection at which traffic semaphores are located;
8. Dynamic displays must comply with the brightness standards listed in Paragraph C;
9. Dynamic displays existing on December 7, 2015 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural

requirements in clause 1 may continue as a non-conforming sign subject to SLPC 16.24.100. An existing dynamic display that cannot meet the minimum size requirement in Paragraph A,5 must use the largest size possible for one line of copy to fit in the available space.

B. *Incentives.* Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This paragraph is intended to provide incentives for the voluntary and uncompensated removal of outdoor off-premise advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1. A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

- a. The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of Paragraphs B,1,b through B,1,d. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the City Attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.
- b. The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.
- c. Each removed sign has a copy and graphic area of at least 288 square feet.
- d. If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.
- e. The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

2. If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100% of the potential copy and graphic area and to change no more frequently than once every 45 seconds. The designated sign must meet all other requirements of this title.

C. *Brightness standards.* All signs must meet the following brightness standards:

1. No sign may be brighter than is necessary for clear and adequate visibility.
2. No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
3. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
4. No sign shall be located in such close proximity to residences or residential property as to constitute a nuisance to persons residing on the property by reason of the lighting in the sign.

16.24.090 Non-Conforming Signs; Grandfather Clause; Restrictions

- A. Any sign erected prior to the effective date of this title which meets the terms of this title must have a permit as described herein. Any sign erected prior to the effective date of this title which does not conform to the terms of this title may be eligible for designation as a legal, non-conforming sign and must apply for and receive a permit for a legal non-conforming sign as described herein.
- B. Any sign designated as a legal non-conforming sign shall immediately lose its character and be completely subject to the terms of this title upon any of the following:
 1. The sign being enlarged or altered in a way which increases its nonconformity;
 2. Relocation of any distance whatsoever; or
 3. Any substantial damage to the sign in an amount of 50% or more of its valuation in relation to the cost of materials and labor to repair the same and no building permit has been applied for within 180 days of when the sign was damaged.
- C. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which it is located.
- D. When a structure loses its nonconforming status, all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

16.24.100 Violations

It shall be unlawful for any person, joint venture, firm, or corporation to erect, alter, repair, move, equip, or maintain any sign or sign structure or cause or permit the same to be done in violation of any of the provisions of this title. The terms and conditions of this title apply to, and compliance is strictly required by, all persons including but not limited to the owners or lessees of land, their agents or employees, including building contractors and subcontractors. Whoever does any act or omits to do any act which thereby constitutes a breach of any section of this chapter shall also, upon conviction thereof by lawful authority, be guilty of a misdemeanor.

16.28 PERFORMANCE STANDARDS

[16.28.010 Performance Standards](#)

[16.28.020 Swimming Pools](#)

[16.28.030 Fences](#)

[16.28.040 Screening](#)

[16.28.050 Relocated Structures](#)

16.28.010 Performance Standards

A. *Intent.* It is the intent of this section to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties, and to provide that each permitted use of this type shall be a good neighbor to adjoining properties by the control of the following.

B. *Standards.*

1. *Noise.*

a. At the points of measurement, the sound pressure level of noise radiated from a facility at nighttime, during the hours of 10:00 p.m. to 7:00 a.m., shall not exceed 50 decibels (sound pressure level decibels re 0.0002 dynes/cm²) or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above 300 cycles per second. The sound pressure level shall be measured with a sound level meter (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944) and an octave band analyzer (American Standard Specification for an Octave-Bank Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953) that conforms to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, beat, frequency, impulsive character (hammering and the like), periodic character (humming, screech, and the like) or shrillness.

b. For facilities which radiate noise only during a normal daytime working shift, the allowance decibel level given above shall be increased 20 decibels, or ten decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is higher. Sirens, whistles, bells, and the like, which are maintained and utilized solely to serve a public purpose (such as fire and air raid warning sirens) are excluded from the above regulations. Reasonable use of equipment used to maintain property, such as lawn mowers or snow blowers, shall be excluded from the provisions of this section.

2. *Odor.* No activity or operation shall cause at any time the discharge of toxic, noxious, or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to or endanger the public health, welfare, comfort, or safety or cause injury to property or business. Standards concerning odors referred to in Paragraph B,8 shall be adhered to.

3. *Exterior lighting.* All sources of artificial light situated on non-residential sites shall be so fixed, directed, designed, or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than 0.1 foot candle in or within 25 feet of a dwelling nor more than 0.5 foot candle on any other part of the property.

4. *Glare.* Glare, whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.

5. *Vibration.* Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (0.1) gravity or shall not result in any combination of amplitudes or frequencies beyond the "safe" range of Table VII, U.S. Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any structure. The methods and equations of Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.

6. *Smoke*. As regulated by the State Pollution Control Agency.
 7. *Dust*. As regulated by the State Pollution Control Agency.
 8. *Fumes or gases*. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards -- Maximum Allowable Concentration for eight hour day, five days per week), Table II (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Ch. 5, Physiological Effects, that contains these tables, in the Air Pollution Abatement Manual, by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentrations or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.
 9. *Hazard*. Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
 10. *Visual*. It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen are subject to the provisions of this title. All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state. On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal. The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein.
- C. *Testing*. In order to assure compliance with the performance standards set forth above, the city may require the owner or operator of any permitted use to have made those investigations and tests as may be required to show adherence to the performance standards. Investigation and tests as are required to be made shall be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organizations as may be selected by the city after 30 days' notice. The costs incurred in having the investigations or tests conducted shall be shared equally by the owner or operator and the city, unless the investigation and tests disclose non-compliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above stated shall not preclude the city from making any tests and investigations it finds appropriate, to determine compliance with these performance standards.

16.28.020 Swimming Pools

- A. A permit shall be required for any swimming pool with a capacity of more than 500 gallons or more than two feet in depth.
- B. An application for a building permit shall show:
 1. The type and size of the pool;
 2. The site plan;
 3. The location of the pool;

4. The location of the house, garage, fencing, and other features on the lot;
5. The location of structures on all adjacent lots;
6. The location of the filter unit, pump, and wiring (involving type);
7. The location of the back-flush and drainage outlet;
8. The grading plan, finished elevations, and final treatment (decking, landscaping, and the like) around the pool for in-ground pools only; and
9. The location of existing overhead or underground wiring, utility easements, trees, and similar features.

C. In single-family districts:

1. Pools for which a permit is required shall not be located within ten feet of any side or rear lot line nor within six feet of any principal structure or frost footing. Pools shall not be located within any required front yard;
2. Pools shall not be located beneath overhead utility lines or over underground utility lines of any type;
3. Pools shall not be located within any private or public utility, walkway, drainage, or other easement;
4. In the case of in-ground pools, due precautions shall be taken during the construction period to:
 - a. Avoid damage, hazards, or inconvenience to adjacent or nearby property; and
 - b. Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringement onto adjacent property.
5. To the extent feasible, back-flush water or water from pool drainage shall be on the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land;
6. The filter unit, pump, heating unit, and any other noise-making mechanical equipment shall be located at least 30 feet from any adjacent or nearby residential structure and not closer than ten feet to any lot line, or enclosed in sound-resistive enclosure in lieu of 30 feet. In all cases, noise shall not exceed minimum standards as set forth in SLPC 16.28.010 Paragraph B;
7. Lighting for the pool shall be directed into or onto the pool and not onto adjacent property;
8. A safety fence of at least four feet in height shall completely enclose the pool. All openings or points of entry into the pool area shall be equipped with gates or doors. All gates in the fence shall have a lockable latch that is no less than three and one-half feet from the ground, and shall be placed in a manner so as to be inaccessible to small children. All gates shall be locked when the pool is not in use or is unattended. Any opening between the fence bottom and the ground or the surface shall not exceed two inches. All fences shall be constructed of either vertical board, alternating board (board on board), or chain link. The materials used in the construction of the fence shall be of sufficient strength to withstand normal use and weather conditions. Vertical board fences shall have no more than a one-inch space between boards on the same side. Alternating board fences shall have no more than a four-inch space between the front and back board. Cross member boards for both vertical board and alternating board fences shall be no less than three and one-half feet apart on a horizontal plane. Chain link fences shall be of a minimum nine-gauge metal wire with a mesh no greater than two inches. The

Building Inspector shall approve all plans for the construction of fences around swimming pools required by this title prior to the construction. All above-ground outdoor swimming pools that have a minimum four-foot high vertical side wall shall be excepted from this provision, provided that the access to that above-ground swimming pool is enclosed by a four-foot safety fence meeting the requirements of this title;

9. Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Water shall be subject to periodic inspection by the Health Officer;
10. All wiring, lighting, installation of heating unit, grading, installation of pipes, and all other installation and construction shall be subject to inspection by public inspectors; and
11. Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

D. Pools in medium density and multiple-family areas (residential structure containing two or more dwelling units) shall conform to the standards set for single-family districts with the following restrictions:

1. No part of the water surface of the swimming pool shall be less than 50 feet from any lot line;
2. No pump, filter, heating units, or other apparatus used in connection with or to service a swimming pool shall be located less than 50 feet from any lot line. In all cases, the noise shall not exceed minimum standards as set forth in SLPC 16.28.010 Paragraph B; and
3. All deck areas, adjacent patios, or other similar areas so used in conjunction with the swimming pool shall be located not closer than 30 feet to any adjacent single-family lot line. Adequate screening including both fencing and landscape treatment shall be placed between these areas and adjacent single-family lot lines.

E. In all areas:

1. Required safety fencing shall be completely installed within three weeks following installation of the pool and prior to the pool being filled;
2. Nuisances such as undue noise, lighting onto adjacent property, health and safety hazards, damage to nearby vegetation, and the like shall not be permitted;
3. Filling of pools via fire hydrants or other public means shall require approval of the City Public Works Department; and
4. Drainage of pools onto public streets or other public drainage ways shall require approval of the City Public Works Department.

F. The purpose of this section is to provide a reasonable degree of safety for the owners, users, and others who may have occasion to be on the premises where swimming pools are located; and further to provide reasonable regulations so that the use and enjoyment of nearby properties will not be subject to undue noise, lighting, or other nuisances that may result from swimming pool use and activities.

G. For the reason stated in Paragraph F, the following provisions of this code shall be applicable to swimming pools in existence on the date of its passage: Paragraphs C,2, C,3, C,5 through C,11, and E,1 through E,4. All existing pools shall be in compliance with the provisions referred to herein on or before the passage of this title.

16.28.030 Fences

- A. *Purpose.* The purpose of this section is to promote a pleasant physical environment and to protect the public and private property within the city by regulating the location, height, type of construction, and maintenance of all fences.
- B. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOUNDARY FENCE. Any fence parallel to the property line.

FENCE. Any partition, structure, wall, or gate erected as a divider marker, barrier, or enclosure and located along the boundary, or within the required yard. A **FENCE** shall not include naturally growing shrubs, trees, other foliage, or trellis.

PRIVACY FENCE. Any fence used for screening of outdoor living areas and for enclosures where restricted visibility or protection is desired. **PRIVACY FENCES** shall not require a permit as stipulated in the following paragraph.

- C. *Permit required.* No fence shall be erected or substantially altered in the city without securing a permit from the Building Inspector. All permits of this type shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height, and exact location of the fence. A fee as set from time to time by Council resolution shall be paid with each application.
- D. *Location of fences.*

1. Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner, but not on the property line, except by mutual consent of both property owners prior to construction. Posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as wire, lumber, pickets, and the like, shall be placed on the side of the fence which faces the street or the adjacent property.
2. No fences shall be allowed or constructed on street rights-of-way. Fences may, by permit, be placed on public utility easements so long as the structures do not interfere in any way with existing underground or overground utilities. Further, the city or any utility company having authority to use those easements shall not be liable for repair or replacement of these fences in the event they are damaged or destroyed by virtue of lawful use of the easement.

- E. *Construction and maintenance.*

1. All fences shall be constructed in conformity with the wind, stress, foundation, structural, and other requirements of the State Building Code and every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition. If a fence is allowed to become and remain in such a condition, the Building Inspector is authorized to notify the owner or owners of the fence of the condition and allow the owner or owners ten days in which to repair or demolish the fence.
2. Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.
3. No barbed wire or barbed wire fences shall be allowed on private property in residential districts.

- F. *Residential district fences.* In single- and multiple-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this title. In these districts, fences along the side lines to the rear of the front line of the residential structure and along the rear line, including rear lines abutting street or highway right-of-way zones, may not exceed six feet in height above the ground level. The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, no fence shall be permitted within the intersection sight distance triangle as shown in SLPC 16.64.030 App. C.
- G. *Commercial and industrial fences.* In business and industrial districts, fences may not exceed eight feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one foot of any fence in these districts may be constructed of barbed wire.
- H. *Special purpose fences.*
1. Fences for special purpose and fences differing in construction, heights, or location, may be permitted in any commercial or industrial district in the city, only by issuance of a conditional use permit approved by the City Council after a recommendation by the Planning Commission, and upon evidence that the special purpose fence is necessary to protect, buffer, or improve the premises for which the fence is intended.
 2. The approval of these buffer fences may include stipulations as to the material, height, or location of the special purpose fence.
- I. *Non-conforming fences.* All existing fences at the time of the adoption of this section, which are not in violation of this section and are not located within a public right-of-way or easement, but which violate other sections of this chapter, may be continued to be maintained and to exist but may not be replaced, if destroyed or removed, to the extent that the violations be continued.

16.28.040 Screening

- A. *Screening.* Required screens shall consist of a wall or fence or earth berm with plantings.
- B. *Walls and fences.* Walls or fences used as screens shall be of not less than 90% opacity, as viewed from the perpendicular, and not less than six nor more than seven feet in height above the level of the residential district property at the district boundary. These height regulations shall not apply to screens of loading areas which are regulated in SLPC 16.40.090 Paragraph B.
- C. *Exceptions.* Walls or fences of lesser heights may be permitted by the City Council if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district or there is a finding that a screening of the type required by this title would interfere with the provisions of adequate amounts of light and air to same properties.
- D. *Earth berms.* Earth berms at least six feet in height together with compact evergreen or deciduous hedge with other trees and plantings on a strip at least ten feet in width may be used as screening. At planting, hedge materials must be at least two feet in height and coniferous trees must be at least four feet in height. All deciduous trees shall be a minimum of two and one-half inches in diameter with a height of at least five feet.
- E. *Installation and maintenance.* Required screening shall be installed at the time of construction. All required screening devices shall be installed and properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

16.28.050 Relocated Structures

Structures to be relocated into any district within the city shall be considered as new construction and regulated accordingly, and subject to any existing city ordinance.

16.32 ALCOHOL LICENSES

16.32.010 Brewer Taprooms And Cocktail Rooms

16.32.010 Brewer Taprooms And Cocktail Rooms

A. *Brewer taprooms.* A brewer licensed under M.S. § 340A.301, Subd. 6(c), (i), or (j) may be issued an on-sale liquor license for the "on sale" of malt liquor subject to the following conditions:

1. The on-sale of malt liquor may only be made during the days and hours that "on-sale" of liquor may be made.
2. A brewer may only hold one brewer taproom license under this title.
3. The only beverage alcohol that may be sold or consumed on the premises of a brewery taproom will be the malt liquor produced by the brewer.
4. The annual license fee shall be as established in the license fee schedule for on sale beer licenses.
5. Licensed brewer taprooms may operate a restaurant on the premises without additional licensure.

B. *Cocktail rooms.* A micro distillery licensed under M.S. § 340A.301(6)(c) may be issued an on-sale liquor license for the "on sale" of distilled spirits produced on the licensed premises subject to the requirements and rules contained in M.S. Chapter 340A and Minnesota Rules, Chapter 7515 and the following conditions:

1. All other provisions of this title, and M.S. Chapters 259, 360 and 364 shall be applicable to such licenses and license holders unless inconsistent with the provisions of this section.
2. The annual license fee shall be as established in the license fee schedule for on-sale beer licenses.
3. Licensed cocktail rooms may operate a restaurant on the premises without additional licensure.
4. Soft drinks and water may be provided without an additional license requirement.

16.36 DEVELOPMENT STANDARDS

16.36.010 Specific Development Standards

16.36.010 Specific Development Standards

The purpose of this section is to establish specific development standards to provide supplemental regulations to address the unique characteristics of specific uses.

A. *Auto and marine; sales, leasing and rental.*

1. The use shall be served by a major collector or higher classification of roadway.
2. An open-aired used auto and marine sales or rental lot as a stand-alone business is prohibited.
3. Used automobiles may be sold or rented as a stand-alone business if the used vehicles

and associated business are contained within a building.

4. Used automobiles may not be sold accessory to businesses other than new car dealerships. Outdoor vehicle display for used vehicles shall be limited to 30% of the total outdoor display area for a new car dealership. The display area shall be defined as the total number of parking spaces devoted to the sale of new vehicles only, not including the required off-street parking spaces needed for the public and employees.
5. Outdoor vehicle display areas within the public right-of-way are prohibited.
6. All areas on which motor vehicles are stored or displayed must be paved with concrete or a bituminous surface. No display, sale or storage of automobiles or other vehicles are permitted on landscaped areas.
7. Outdoor vehicle display shall be in an orderly fashion, with access aisles provided as needed. Outdoor vehicle display shall not reduce the amount of off-street parking provided on-site, below the level required for the principal use. The outdoor storage of inoperable, junk vehicles and vehicles with expired tabs is prohibited.
8. Music or amplified sounds shall not be audible from adjacent residential properties.
9. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
10. Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use included dispensing of fuel for automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

B. Auto and marine; service and repair.

1. All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.
2. All work shall be performed within a completely enclosed building.
3. All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited.
4. The sale of vehicles shall be prohibited, unless permitted by this title or allowed by conditional use.
5. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors.
6. Any automobile service station activities shall be subject to the applicable standards for automobile convenience facilities.

C. Car wash.

1. Water from the car wash shall not drain across any sidewalk or into any public right-of-way.
2. Vacuum facilities shall be located in an enclosed structure or located at least 50 feet from any residential property line to avoid noise impacts.

3. The premises, all adjacent streets, sidewalks and alleys and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

D. Daycare center.

1. The building and any exterior fenced areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.
2. The play area shall be located away from the main entrance to the daycare facility and shall be contained with a fence at least five feet in height.
3. For child daycare centers, at least 50 square feet of outside play area shall be provided for each child under care. For adult daycare facilities, at least 150 square feet of outdoor area for seating or exercise shall be provided for each adult under care.
4. The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading of children under care. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
5. The facility shall meet all applicable building and fire codes and be licensed as required by the State of Minnesota.

E. Drive-in restaurants.

1. The site shall accommodate vehicle stacking in accordance with the provisions of this title.
2. Any speaker system shall not be audible from any residentially zoned property or any residential use.

F. Home occupations.

1. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
2. Conduct of the home occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood.
3. The home occupation is not of a scale requiring the use of a commercial vehicle for the delivery of materials to or from the premises.
4. The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of a home occupation shall be met off the street, other than in a required front yard.
5. No outdoor display of goods or outside storage of equipment or materials shall be permitted.
6. Home occupations shall not include employment of persons not residing on the premises.
7. The area used for the home occupation may not exceed 25% of the total floor area of the dwelling.
8. Home occupations may have one wall sign per dwelling not exceeding one square foot in area.

G. Pawnshop.

1. The use shall be located at least 3,000 feet from all existing pawnshops, currency exchanges, consignment/secondhand stores and precious metal dealerships.
2. The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into and out of the building at eye level.
3. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
4. All receipt, sorting and processing of goods shall occur within a completely enclosed building.
5. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

H. Sexually-oriented businesses.

1. Conditions outlined in SLPC 11.44.040, Conditional Use Permit Required; Conditions, in SLPC 11.44, Sexually Oriented Businesses, as may be amended from time to time, are adopted by reference.
2. The use shall be located at least 1,000 feet from any other adult entertainment use.
3. Activities classified as obscene as defined by M.S. § 617.241, or successor statute, are prohibited.
4. No more than one adult entertainment use shall be located on the property.
5. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted. Signs shall not contain material classified as advertising.

I. Boarding school.

1. Dormitory must be supervised by adult staff members whenever students are present.
2. Dormitory must have sufficient personal space for students to sleep in and store their belongings, with suitable furniture of sufficient size for the number of students, as well as appropriate separation between gender and age groups.
3. In addition to sleeping rooms, dormitory must include provision of support spaces (e.g. living room, activity room, study rooms, storage, laundry, kitchen/dining area, bathrooms, etc.).
4. Dormitory must have bathroom and washing facilities that ensure maximum privacy of students, as well as personal hygiene. Bathrooms, showers and toilets must be designed in such a way that staff is able to open them from the outside in case of an emergency.
5. Dormitory must provide a space for health care, such as sick rooms/bays with an appropriate first aid kit.

J. Liquor establishments; churches, schools.

1. No on-sale or off-sale liquor establishment shall be located within 500 feet of a school or church, consistent with SLPC 11.08.010 Paragraph Q, as amended from time to time.
2. No church or school shall be located within 500 feet of an on-sale or off-sale liquor establishment licensed by the city. A church or school located within 500 feet of an on-

sale or off-sale liquor establishment prior to the effective date of this section shall be considered a legal, non-conforming use.

16.40 OFF-STREET PARKING AND LOADING

[16.40.010 Existing Space; Use](#)

[16.40.020 Computation](#)

[16.40.030 Yards; Setbacks](#)

[16.40.040 Access](#)

[16.40.050 Construction And Maintenance Standards](#)

[16.40.060 Lighting](#)

[16.40.070 Site Plan](#)

[16.40.080 Application Of Regulations](#)

[16.40.090 Off-Street Parking; Design Standards](#)

[16.40.100 Joint Facilities](#)

[16.40.110 Loading Areas; Design Standards](#)

[16.40.120 Minimum Parking And Loading Space Requirements](#)

16.40.010 Existing Space; Use

- A. *Existing space.* Off-street parking or loading facilities existing at the effective date of this title shall not subsequently be reduced to an amount less than that required under this title for a similar new building or use. Off-street parking or loading facilities provided to comply with the provisions of this title shall not subsequently be reduced below the requirements of this title.
- B. *Use of parking facilities.* The required parking or loading space in any district shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

16.40.020 Computation

In computing the number of parking or loading spaces required, the following rules shall govern.

- A. Floor space shall mean the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- C. For uses not specifically listed in this title, uses for which a specific number of spaces have not been defined, or for joint parking facilities serving two or more different uses, the Planning Commission shall determine the number of spaces to be required by utilizing the requirements of the most similar use listed in SLPC 16.64.010 App. A. Issuance of building permit for the above situations shall be subject to approval by the Planning Commission of all site plans.

16.40.030 Yards; Setbacks

Off-street parking and loading facilities shall be subject to the front yard, side yard, and rear yard regulations for the use district in which the parking is located, with the following exceptions.

In any of the residence districts, no parking or loading space shall be located within 15 feet of any property line. Driveways, garages, and carports in conjunction with any single- or two-family residence shall be exempted from this requirement; however, they shall not be located less than five feet from the property line, except by variance obtained in the manner provided in this code. Variances in the case of driveways may be allowed down to zero feet setback from the property line. Recreational vehicles parked in conformance with SLPC 16.20.120 Paragraph B,2 are also exempted from the above yard setback regulations.

16.40.040 Access

- A. Parking and loading space shall have proper access from a public road.
- B. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.
- C. In all commercial districts or industrial districts, direct access shall be provided to a collector as shown on the adopted city street plan or to a related service road.
- D. All parking and loading areas shall be designed in such a manner that no vehicle entering or leaving a parking space shall be required to back onto or from any thoroughfare except from single- and two-family residences on local streets.

16.40.050 Construction And Maintenance Standards

- A. All parking areas and access drives shall be surfaced with a durable and dustless material capable of carrying a wheel load of five tons (or 10,000 pounds) per axle and approved by the City Engineer or Building Inspector. Parking areas and access drives in commercial and industrial districts shall be constructed utilizing an approved bituminous mixture, concrete, or other water sealed surface.
- B. All parking areas shall be so graded and drained as to dispose of all surface water accumulation. Parking areas in the R-3, R-4, R-5, commercial, and industrial districts shall have surface drainage as approved by the City Engineer.
- C. The operator of the principal building or use shall maintain parking and loading areas, access drives, and yard areas in a neat and adequate manner.

16.40.060 Lighting

- A. *In general.* No lighting shall create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- B. *Specific standards.* Lighting shall comply with the following standards except as otherwise provided in this section:
 - 1. Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half footcandle measured at the closest property line of any permitted or conditional residential use, and five footcandles measured at the street curb line or nonresidential property line nearest the light source.
 - 2. Lighting fixtures shall not exceed 2,000 lumens (equivalent to a 150-watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
 - 3. Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
 - 4. Lighting shall not create a hazard for vehicular or pedestrian traffic.

16.40.070 Site Plan

Any application for a building permit or for a certificate of occupancy shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this title.

16.40.080 Application Of Regulations

Off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this title.

16.40.090 Off-Street Parking; Design Standards

In addition to the general regulations of SLPC 16.40.010 through 16.40.080, the following specific regulations shall apply to off-street parking.

A. Size.

1. Each off-street parking space shall contain a minimum area of not less than 400 square feet, to include parking, maneuvering, and access. Actual stall size shall conform to the table in SLPC 16.64.020 App. B, depending upon the stall pattern selected.
2. Provision shall be made in the parking area for adequate snow storage or removal to ensure that the required number of spaces are available at all times during the year.
3. Striping shall be provided and maintained.

B. Screening. Off-street parking areas abutting residence districts shall be screened by a buffer of adequate design. Plans of the screening shall be submitted for approval as part of the required site plan, and this screening shall be installed as part of the initial construction. All screening shall conform to the standards established by SLPC 16.28.040. Where any business or industrial use (structure, parking, or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property in conformance with the standards established in SLPC 16.28.040. Screening shall also be provided where those uses are across the street from a residential district.

C. Location. Required off-street parking space shall be provided either on the same lot or adjacent lots as the principal building or use is located.

16.40.100 Joint Facilities

A. Required parking facilities serving two or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces furnished shall be not less than the sum of the separate requirements for each use.

B. Joint use of parking facilities by the following uses or activities under the following conditions may be approved.

1.
 - a. For the purpose of this section, the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale, and similar uses.
 - b. The following are to be considered as primarily nighttime or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars, or restaurants.

a. Up to 50% of the parking facilities required for a theater, bowling alley, dance hall,

or bar or restaurant, may be supplied by the off-street parking facilities provided by primarily daytime uses.

- b. Up to 50% of the off-street parking facilities required for any use specified as primary daytime uses may be supplied by the parking facilities provided by primarily nighttime or Sunday uses.
- c. Up to 50% of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by primarily daytime uses.

2. Conditions required for joint use.

- a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of the parking facilities;
- b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed; and
- c. A properly drawn legal instrument, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the Zoning Administrator within 60 days after approval of the joint parking use by the city.

16.40.110 Loading Areas; Design Standards

In addition to the general regulations of SLPC 16.40.010 through SLPC 16.40.080, the following specific regulations shall apply to loading areas.

- A. *Size.* Fifty percent of the required number of truck berths shall be 50 feet in length, 12 feet in width, and 15 feet in height. All loading areas shall consist of a maneuvering area in addition to the berth and shall not use any of that portion of the site containing parking stalls. Maneuvering areas shall be of a size so as to permit the backing of truck tractors and coupled trailers into a berth, without blocking the use of other berths or drive or maneuvering areas.
- B. *Screening.* All berths shall be screened from view from the property street frontage or from the zoning district boundary when the adjacent property or property across the street frontage or side street frontage is zoned or used for residential purposes. The screening shall be accomplished by a buffer fence not less than seven feet in height.
- C. *Location.* All required loading or unloading into or out of trucks in excess of one ton capacity shall be conducted at facilities specifically designed or designated for that purpose. These facilities shall be located upon the zoning lot of the principal use requiring them. All berths beyond one shall be separate from areas used for off-street parking.

16.40.120 Minimum Parking And Loading Space Requirements

Off-street parking and loading areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees shall be provided on the premises of each use. SLPC 16.64.010 App. A designates the minimum number of parking and loading spaces that are required to be provided and maintained at the time any new use or structure is occupied, or any existing use or structure is enlarged or increased in capacity. Uses not specifically listed must provide the number of spaces as required by SLPC 16.40.020 Paragraph C.

16.44 PLANNED UNIT DEVELOPMENTS

[16.44.010 Purpose And Applicability](#)

[16.44.020 Permitted Uses](#)

16.44.010 Purpose And Applicability

- A. *Purpose.* The purpose of the planned unit development (PUD) zoning district is to provide a district that grants flexibility from certain subdivision and zoning regulations in order to realize public benefits that may not otherwise be achieved through non-PUD development.
- B. *Applicability.* PUD zoning within any district may be considered by the Planning Commission and the City Council when it would result in one of the following public benefits:
1. Flexibility in land development to benefit from new technology in building design and construction and land development;
 2. Variety in the organization of site elements, building densities, land use and housing types;
 3. Higher standards of site and building design through the use of trained and experienced land planners, registered architects, or landscape architects to prepare plans for all planned unit developments;
 4. Preservation and enhancement of desirable site characteristics, natural resources and open space;
 5. More efficient and effective use of land, open space, and public facilities; and
 6. Other public benefits as recognized by the city.

16.44.020 Permitted Uses

Within a planned unit development (P.U.D.), no land or buildings shall be used except for one or more of the following uses:

- A. The uses listed as permitted or conditional uses in the district(s) in which the development is proposed;
- B. Educational, religious, cultural, recreational, or commercial facilities that are designed and intended to serve the residents of the planned unit development. The burden of proof shall rest upon the applicant to show that these non-residential uses, when located in a residence district, are designed and intended for the primary use of the residents in the P.U.D., provided further that no such commercial uses shall be constructed until 75% of the total dwelling units contained in the entire project are completed. Completed shall mean qualifying for a certificate of occupancy.
- C. Use(s) normally more appropriate in other zoning districts shall not occupy more than 15% of the land area within the district(s) in which the development is proposed.

16.48 REGULATIONS

[16.48.010 General Regulations And Requirements](#)

[16.48.020 General Development Plan](#)

[16.48.030 Compliance Required](#)

[16.48.040 Permit Expiration And Renewal](#)

[16.48.050 Amendments](#)

16.48.010 General Regulations And Requirements

- A. *Development.* Planned unit development projects shall be developed in accordance with an overall design and an integrated general development plan, be consistent with the intent and purposes of this title, and not adversely affect the property adjacent to the land included in the project.
- B. *Intensity of development.*
1. *Overall site coverage.* Permitted maximum site coverage in the planned development district shall not exceed the maximum permitted site coverage in the original district; however, site coverage may be calculated on the total land involved in the planned development.
 2. *Individual lots.* Deviation from the applicable requirements for lot area, lot dimensions, yards, setbacks, location of parking areas, and public street frontage may be allowed, but only if the deviation is consistent with the total design of the planned development.
- C. *Roadways.* Private roadways within the project shall be installed to city specifications for public roadways.
- D. *Public benefit.*
1. The PUD results in at least one of the public benefits as outlined in SLPC 16.44.010.
 2. The PUD is consistent with and advances the community-wide goals of the Comprehensive Plan.

16.48.020 General Development Plan

A. *Rezoning and master development plan review.*

1. As with any rezoning, the decision to rezone a property to PUD is a policy decision that the City Council may make in its legislative capacity. In evaluating a proposal to rezone a property to PUD, the Council will consider its compliance with the standards outlined in Paragraphs A,4 and A,5.
2. The process to rezone a property to PUD is generally subject to the procedures outlined in SLPC 16.60.050 for a zoning amendment, except that:
 - a. Prior to concept plan review or introduction of the rezoning ordinance, city staff will establish a public hearing notification area. This area will include all properties located wholly or partially within 400 feet of the property proposed to be rezoned PUD and further extended to existing natural or manmade boundaries such as wetlands, creeks, lakes, roadways, intersections, railroads or different land use classifications.
 - b. At the time of concept plan review or ordinance introduction, the Council will determine whether the notification area is appropriate. The Council may require that the area be enlarged or retracted prior to the public hearing before the Planning Commission. In no case will the notification area be less than 400 feet.
 - c. At least ten days prior to the public hearing before the Planning Commission, notice regarding the rezoning will be published in the official newspaper and sent by mail to the notification area as approved by the Council.
3. *Plans.* The proponents of a planned unit development project shall submit a general development plan along with the application for a rezoning and secure the approval of the Planning Commission and City Council. The general development plan shall be drawn to scale with topography of a contour interval not greater than two feet. The plan shall show:

- a. The proposed site and existing developments on adjacent properties;
 - b. The proposed size, location, and arrangement of buildings;
 - c. Parking areas and stall arrangement;
 - d. Entrance and exit drives;
 - e. Landscaping;
 - f. Structural and yard dimensions;
 - g. Proposed sewer and water systems; and
 - h. Recreation areas.
4. Approval of the master development plan constitutes approval of the items outlined above.
 5. An approved master development plan is the legal control governing development of property within a PUD.
 6. The City Council may attach conditions to a master development plan approval as it determines necessary or convenient to accomplish the purposes of the PUD.

B. Site and building plan review process.

1. Site and building plan review and approval of final site and building plans is subject to the procedures outlined in SLPC 16.20.060.
2. Final site and building plans must be in substantial compliance with the approved master development plan.

C. Applicants may combine master development plan review and site and building plan review. In such cases, all information required for both processes must be submitted simultaneously.

D. The City Council may attach conditions to a final site and building plan approval as it determines necessary or convenient to accomplish the purposes of the PUD.

E. *Changes to approved plans.* If the rezoning is approved, the general development plan is attached to and is a part of the rezoning. Any substantial change to the plan will require a resubmission for review and approval by the Planning Commission and City Council.

16.48.030 Compliance Required

The owner or developer must comply with all the requirements of the city and this title regarding lighting, noise abatement, traffic control and regulations, maintaining order, and keeping the premises free from debris, and any other conditions as may be attached to the conditional use permit by the Planning Commission or City Council.

16.48.040 Permit Expiration And Renewal

If construction on the planned unit development has not begun within one year of the issuance date of the permit, or other date as specified in the permit, the permit shall expire and become null and void. The permit may be renewed for an additional period as the City Council, upon submission of an application by the owner or developer, may determine. In reviewing extension requests, the city will consider the following:

- A. Whether there have been changes to city code or policy that would affect the previous approval;

and

B. Whether an extension would adversely affect the neighboring property owners.

16.48.050 Amendments

A. A major amendment to an approved master development plan may be approved by the City Council after review by the Planning Commission. The process to review and approve a major amendment is subject to the procedures outlined in SLPC 16.60.050 for a zoning amendment. A major amendment is any amendment that:

1. Substantially alters the location of buildings, parking areas or roads;
2. Increases or decreases the number of residential dwelling units by more than 5%;
3. Increases the gross floor area of non-residential buildings by more than 5% or increases the gross floor area of any individual building by more than 10%;
4. Increases the number of stories of any building;
5. Increases the square-footage of grading on any individual lot by more than 1,000 square feet;
6. Decreases the amount of open space by more than 5% or alters it in such a way as to change its original design or intended use; or
7. Creates non-compliance with any special condition attached to the master development plan.

B. Any other amendment may be made through review and approval by a majority vote of the Planning Commission.

16.52 NON-CONFORMING STRUCTURES, LOTS AND USES

[16.52.010 Existing Non-Conforming Buildings And Uses](#)

[16.52.020 Non-Conforming Lots Of Record](#)

[16.52.030 Alteration Of Non-Conforming Uses](#)

16.52.010 Existing Non-Conforming Buildings And Uses

The lawful use of buildings or land existing at the effective date of this title which does not conform to the provisions of this title shall be allowed to continue indefinitely.

16.52.020 Non-Conforming Lots Of Record

Any lot which was held in a single ownership of record at the time of the adoption of this title, and which does not meet the requirements of this title as to area, width, or other open space, may nevertheless be utilized for single-family detached dwelling purposes provided the measurements of that area, width, or open space are within 70% of the requirements for them under the terms of this title. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this title, and if all or part of the lots do not meet the requirements for lot width and area as established by this title, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this title.

16.52.030 Alteration Of Non-Conforming Uses

A. A legal non-conforming use may not be expanded.

- B. A legal non-conforming use may be continued, through repair, replacement, restoration, maintenance, or improvement, unless:
1. The non-conformity or occupancy is discontinued for a period of more than one year; or
 2. Any non-conforming use is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged.
- C. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

16.56 CONDITIONAL USE PERMITS

16.56.010 Purpose

16.56.020 Conditional Uses

16.56.030 Application Procedure

16.56.010 Purpose

The principal objective of this zoning title is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required in the social and economic welfare of the city. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this title. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These conditional uses require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community.

16.56.020 Conditional Uses

Conditional use permits may be issued for any of the following:

- A. Any of the uses or purposes for which these permits are required or permitted by the provisions of this title;
- B. Public utility or public service uses or public building in any district when found to be necessary for the public health, safety, convenience, or welfare; or
- C. Commercial excavating of natural materials used for building or construction purposes, in any district.

16.56.030 Application Procedure

- A. *Initiation.* An application for a conditional use shall be in triplicate and may be made by any governmental unit, department, board, or commission or by any person or persons having a freehold interest, or a contractual interest which may become a freehold interest, applicable to the parcel described in the application.
- B. *Application content.* An application shall be by written petition in the form prescribed by the Zoning Administrator, signed by the applicant, and shall be filed with the Zoning Administrator. A fee as established by an ordinance of the City Council shall be required for the filing of the petition.
 1. In addition to the written petition, the following shall be required with an application for a conditional use:

- a. Complete details of the proposed site development, including location of buildings, driveways, parking spaces, garages, refuse disposal areas, loading areas, dimensions of the lot, lot area, and yard dimensions. The plans shall identify all adjoining properties; and
- b. An elevation of at least one building in detail and any sides facing onto all classes of residence districts, if different from the single elevation required.

2. The following additional information may be required by the Zoning Administrator, Planning Commission, or City Council:

- a. Complete landscaping plans, including species and size of trees and shrubs, proposed and required screening;
- b. A site plan indicating final contours at two-foot vertical intervals;
- c. Proposed sewer and water connections;
- d. Complete plans for storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area;
- e. Complete plans for proposed sidewalks to service parking, recreation, and service areas within the proposed development;
- f. Complete structural, electrical, and mechanical plans for the proposed buildings; and
- g. Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.

3. Twelve copies of all required plans shall be submitted at the time of application. Applicant shall also provide all application materials in an electronic format as prescribed by the Zoning Administrator.

C. *Hearing notice.* Notice of the time and place of the public hearing shall be given not more than 30 nor less than ten days in advance by publishing a notice in the official newspaper of the city and by like notification, at least ten days prior to the date of public hearing, to the owner or owners of property within 350 feet of the subject property. This notice shall describe the particular conditional use and shall contain a brief description thereof. City Assessor tax records shall be deemed sufficient for the location or certification of ownership of the adjacent properties.

D. *Public hearing.* The public hearing shall be held.

E. *Findings and recommendations.* The Planning Commission shall then make its findings and recommendations to the City Council within 30 days following the end of the public hearing.

1. The City Council may then authorize the conditional use permit, provided the applicant has provided evidence establishing the following:

- a. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
- b. The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;
- c. The proposed use will comply with the regulations specified in this title for the district in which the proposed use is to be located;

- d. The use is one of the conditional uses specifically listed for the district in which it is to be located;
- e. The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;
- f. The use will not lower property values or impact scenic views in the surrounding area;
- g. Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;
- h. Sufficient off-street parking and loading space will be provided to serve the proposed use;
- i. The use includes adequate protection for the natural drainage system and natural topography;
- j. The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and
- k. The proposed use will not stimulate growth incompatible with prevailing density standards.

2. If no recommendation is transmitted by the Planning Commission within 60 days after the date of the hearing, the City Council may take action without awaiting the recommendations.

F. *Conditions.* The City Council may impose conditions and safeguards upon the premises benefitted by a conditional use as may be necessary to prevent injurious effects therefrom upon other property in the neighborhood.

G. *Term.* No conditional use permitting the erection or alteration of a building shall be valid for a period longer than one year unless the building is erected or altered within that period, unless a longer time is specified when permit is issued. An extension may be applied for, in writing, before the City Council.

H. *Violations; suspension and revocation.*

1. Violation of the conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this title. If within ten days of written notice from the Zoning Administrator the violation has not been corrected, the City Council may pursue the following procedure to suspend or revoke the permit.

- a. Written notice of suspension or revocation shall be provided to the permittee, as provided in Paragraph H,1,b, at least ten business days prior to the permit being suspended or revoked.
- b. Notice to the permittee and owner of record shall be served personally or sent by first class mail. Such written notice of suspension or revocation shall contain the effective date of the suspension or revocation, the nature of the violation constituting the basis of the suspension or revocation, the facts which support the conclusion that a violation has occurred and a statement that if the owner desires to appeal, the owner must, within ten business days, exclusive of the day of service, file a request for a hearing.
- c. The hearing request shall be in writing, stating the grounds for appeal and served personally or received by first class mail by the Administrator, Clerk/Treasurer at

City Hall not later than 4:30 p.m. on the tenth business day following notice of suspension or revocation.

- d. Following the receipt of a request for hearing, the City Council shall set a time and place for the hearing. The Administrator, Clerk/Treasurer shall notify the permittee of the time and place of the hearing in the same manner as prescribed in Paragraph H,1,b.
- e. The hearing shall be conducted pursuant to the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time. The City Council may act as the hearing body under that act, or it may contract with the Office of Administrative Hearings for a hearing officer.

2. In addition to the potential suspension or revocation of the conditional use permit, violations are punishable under SLPC 16.60.070. The city's enforcement rights are cumulative and no action taken by the city shall prohibit the city from seeking any other remedy under this section or at law.

16.60 ADMINISTRATION AND ENFORCEMENT

[16.60.010 Planning Commission](#)

[16.60.010 Zoning Administrator](#)

[16.60.020 Building Permits](#)

[16.60.030 Certificate Of Occupancy](#)

[16.60.040 Variances](#)

[16.60.050 Amendment](#)

[16.60.060 Enforcement](#)

[16.60.070 Violations](#)

16.60.010 Planning Commission

A Planning Commission is hereby created which shall carry out duties as specified in this title and as authorized by M.S. § 462.354, Subd. 1, as it may be amended from time to time. The Planning Commission shall consist of not less than five and not more than seven members. A chairperson and a vice chairperson shall be elected by the Commissioners at the first meeting of the year or at the first meeting following the resignation of the chairperson or vice chairperson. The term of office of each Commissioner shall be for a period of three years, but members shall serve at the pleasure of the Council. The City Council shall have the authority and power to fill vacancies that may from time to time exist and shall have the authority to fill vacancies resulting from the expiration of members' terms. The terms of office of the Planning Commissioners now holding office, pursuant to a prior ordinance, are hereby confirmed.

16.60.010 Zoning Administrator

- A. The Zoning Administrator is hereby established, and the City Administrator, Clerk/Treasurer shall occupy that position.
- B. It shall be the duty of the Zoning Administrator to enforce the title through the proper legal channels. In addition, the Zoning Administrator shall:
 1. Examine all applications pertaining to use of land, buildings, or structures, and approve same when the application conforms with the provisions of this title;
 2. Keep a record of all non-conforming uses;
 3. Keep a record of all conditional uses;

4. Periodically inspect buildings and uses of land to determine compliance with the terms of this title. In regard to performance standards, the Zoning Administrator may require the services of a testing laboratory to determine compliance. The cost of employing the laboratory shall be paid for by the owner if a violation of this title is established, otherwise by the city;
5. Notify, in writing, any person responsible for violating a provision of this title, indicating the nature of the violation and ordering the action necessary to correct it;
6. Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions, or alterations; order discontinuance of illegal work being done; or take any other action authorized by this title to insure compliance with or to prevent violation of its provisions;
7. Maintain permanent and current records of this zoning title, including all maps, amendments, conditional uses, and variations;
8. Maintain a current file of all permits, all certificates, and all copies of notices of violation, discontinuance, or removal for such time as necessary to insure a continuous compliance with the provisions of this title, and, on request, provide information to any person having a proprietary or tenancy interest in any specific property; and
9. Review all applications made for variance and approve or disapprove in writing on the application before sending the application to the Planning Commission, and provide clerical and technical assistance to the Planning Commission.

16.60.020 Building Permits

- A. From and after the effective date of this title, it shall be unlawful to proceed with the construction, alteration, repair, enlargement, demolition, or removal of any building, provided however the valuation exceeds an amount set forth in the insurance limits schedule, without first obtaining a building permit. Repairs or remodeling less than an amount set forth in the insurance limits schedule shall not require a building permit, provided neither the size or occupancy of the structure, nor the structural framework, is altered.
- B. No building permit shall be issued unless the building is designed and arranged to conform to the provisions of this title.

16.60.030 Certificate Of Occupancy

- A. No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever until a certificate of occupancy shall have been issued by the Zoning Administrator stating that the building and use appears to comply with all of the provisions of this title applicable to the building or premises or the use in the district in which it is to be located.
- B. No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a certificate of occupancy having been issued by the Zoning Administrator, and no permit shall be issued to make the change unless it is in conformity with the provisions of this title.
- C. Application for a certificate of occupancy shall be made coincidentally with the application for a building permit and shall be issued within ten days after the lawful erection, reconstruction, or structural alteration is completed.
- D. The Zoning Administrator may, where necessary, require the services of a qualified testing laboratory to determine anticipated compliance with performance standards prior to issuance of a

certificate of occupancy. The cost of employing the laboratory shall be paid by the developer of the property.

16.60.040 Variances

- A. *Purpose.* The City Council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the Comprehensive Plan. "Practical difficulties" as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes, but is not limited to, direct sunlight for solar energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved.
- B. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- C. *Application.* An application for a variance shall be filed with the Zoning Administrator and shall state the unique circumstances claimed as a basis for the variance. The application shall contain at least the following information:
1. The signature of each owner of affected property or his agent.
 2. The legal description of the property and the common address.
 3. A description of the variance requested and a statement demonstrating that the variance would conform to the requirements necessary for approval.
 4. The present use.
 5. Any maps, drawings and plans that the Zoning Administrator considers to be of value in considering the application.
- D. *Referral to Planning Commission.* The application shall be referred to the Planning Commission for study concerning the effect of the proposed variance upon the Comprehensive Plan, and upon the character and development of the surrounding neighborhood. The Planning Commission shall make a recommendation to the City Council to grant or deny the variance, and may recommend imposing conditions in the granting of the variance. The conditions may include considerations such as location, character and other features of the proposed building.
- E. *Approval; denial.* Variances require the approval of a majority vote of the City Council. Variances may be denied by motion of the City Council and such motion shall constitute a determination that the findings required for approval do not exist. No application for a variance which has been denied in whole or in part shall be resubmitted within six months of the date of the order of denial, except upon grounds of new evidence or upon proof of change of conditions. The City Council may impose conditions upon the granting of a variance. The conditions may include considerations such as location, aesthetics and other features of the proposed buildings. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- F. *Decision period.* All applications shall be reviewed consistent with M.S. § 15.99.
- G. *Revocation.* A violation of any condition attached to the approval of a variance shall constitute a

violation of this title and shall constitute sufficient cause for the termination of the variance by the City Council.

H. *Expiration.* If the development does not proceed within one year of the date on which the variance was granted, such variance shall become void, except that, on application, the City Council may extend the variance for such additional period as it deems appropriate.

16.60.050 Amendment

A. *Procedure.* This title may be amended whenever the public necessity and convenience and the general welfare require amendment by following the procedure specified as follows.

1. Proceedings for amendment of this title shall be initiated by:
 - a. A petition of the owner or owners of the actual property, the zoning of which is proposed to be changed;
 - b. A recommendation of the Planning Commission; or
 - c. Action of the City Council.
2. To defray administrative costs of processing of requests for an amendment to this title, a fee as established by resolution of the City Council shall be paid by the petitioner.
3. Before any amendment is adopted, the Planning Commission shall hold at least one public hearing. A notice of the time, place, and purpose of the hearing shall be published at least ten days and at most 30 days prior to the day of the hearing. In addition, when an amendment involves changes in district boundaries, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of the affected property and property situated wholly or partially within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this paragraph has been made. If no recommendation is transmitted by the Planning Commission within 60 days after the hearing, the City Council may take action without awaiting the recommendation.
4. The City Council, upon receiving reports of the Planning Commission, may hold public hearings on the amendments as it deems advisable. After those hearings, if any, and within 60 days of its receipt, the Council may vote upon the adoption of any proposed amendment or it may refer it back to the Planning Commission and staff for further consideration. In considering the recommendations, due allowance shall be made for existing conditions, for the conservation of property values, for the direction of building development to the best advantage of the entire city, and for the uses to which the property affected is being devoted at the time. The amendment shall be effective only if four-fifths of all members of the Council concur in its passage.

B. *Changing district boundaries; petition content.* Any petition presented to the Planning Commission requesting a change in district boundaries shall contain the following information:

1. The name or names and addresses of the petitioner or petitioners, and their signatures to the petition;
2. A specific legal description of the area proposed to be rezoned, and the names and addresses of all owners of property lying within the area, and a legal description of the

- property owned by each;
3. The present district classification of the area and the proposed district classification;
 4. The present use of each separately owned tract within the area and the intended use of any tract of land therein, if the petitioners or the owners have particular uses presently in mind;
 5. An explanation of how the rezoning will conform with the general zoning pattern of the neighborhood and the zoning plan of the entire city; and
 6. Accompanying the petition shall be three copies of a map showing the property to be rezoned, the present zoning of the surrounding area for at least a distance of 350 feet, including the street pattern of that area, and the names and addresses of the owners of the lands in each area as the same appear on the records of the County Auditor; all of which shall be provided by the petitioner.

C. Lapse of variance by non-use.

1. Whenever within one year after the granting in whole or in part of a petition for the transfer of land from one district to another, or for a variance, if the owner or occupant shall not have substantially completed the erection or alteration of a building, structure, or other use, as described in the petition, then the variance shall become null and void unless a petition for extension of time in which to complete the proposed construction, alteration, or other use has been granted as provided herein.
2. The petition to extend time shall be in writing and filed with the City Administrator, Clerk/Treasurer more than 20 days before the expiration of one year from the date the original petition was approved, shall state facts showing a good faith attempt to use the variance, and shall state the additional time requested to complete the construction, alteration, or other use. The petition shall be presented to the Planning Commission for hearing and decision in the same manner as the original request for variance.
3. In determining under Paragraph C whether the petitioner has made a good faith attempt to use the variance, the Planning Commission or City Council may consider such factors as the design, size, expense, and type of the proposed construction, alteration, or other use.
4. It shall be within the power of the Planning Commission or City Council, at the time of granting the original request for a variance, to grant also a two-year period for substantial construction of the building, structure, or other use utilizing the same.

16.60.060 Enforcement

In addition to the enforcement responsibilities of the Zoning Administrator pursuant to SLPC 16.60.010, this zoning title shall be administered and enforced by the Building Inspector and Police Department.

16.60.070 Violations

Violation of this title is a misdemeanor offense.

16.64 APPENDIX

[16.64.010 Appendix A: Schedule Of Off-Street Parking And Loading Requirements](#)

[16.64.020 Appendix B: Off-Street Parking Stall Dimensions](#)

[16.64.030 Appendix C: Intersection Sight Distance Triangle](#)

[16.64.040 Appendix D: Schedule Of Permitted Uses By District](#)

[16.64.050 Appendix E: Schedule Of Dimensional Requirements By District](#)

16.64.010 Appendix A: Schedule Of Off-Street Parking And Loading Requirements

A. *Parking requirements.*

Category	Use	Parking Requirements
Commercial	Bank, business, or professional office	4 spaces per each 1,000 square feet of gross floor area
Commercial	Beauty or barber shop	2 spaces per chair plus 1 space per 3 employees
Commercial	Bowling alley	5 spaces per lane
Commercial	Car wash, machine	10 spaces per lane
Commercial	Day care center	1 space per employee plus 5 additional spaces per building
Commercial	Laundromat	1 space per each 2 washing machines
Commercial	Liquor store	4 spaces per each 1,000 square feet of gross floor area
Commercial	Medical or dental clinic	6 spaces per 1,000 square feet of gross floor area
Commercial	Mortuary	1 space per each 4 seats
Commercial	Motel	1 space per unit plus 1 space per employee
Commercial	Restaurant, drive-in	35 spaces per each 1,000 square feet of gross floor area
Commercial	Restaurant, carry-out	10 spaces per each 1,000 square feet of gross floor area
Commercial	Restaurant, sit-down	15 spaces per each 1,000 square feet of gross floor area
Commercial	Retail store, department store	10 spaces per each 1,000 square feet of gross floor area
Commercial	Roller rink	5 spaces per each 1,000 square feet of gross floor area
Commercial	Service station	3 spaces per each service bay plus 1 per each employee on major shift
Commercial	Shopping center	5.5 spaces per each 1,000 square feet of gross floor area
Commercial	Supermarket	5 spaces per each 1,000 square feet of gross floor area
Educational, cultural, and institutional	Church, theater, or auditorium, with permanent seats	1 space per each 3 seats or 5 feet of pew space
Educational, cultural, and institutional	Church, theater, or auditorium, without permanent seats	1 space per 100 square feet gross floor area
Educational,	Elementary school	2 spaces per classroom

cultural, and institutional		
Educational, cultural, and institutional	Hospital, nursing or convalescent home	1 space per each 4 beds plus 1 space per each 2 employees on the major shift
Educational, cultural, and institutional	Junior high school	2 spaces per classroom
Educational, cultural, and institutional	Senior high school	1.5 spaces per classroom plus 1 space per 5 students, based on design capacity
Industrial	Related to personnel; or related to floor area	Either 1 space per 1.5 plant employees, 1 space per managerial employee, and 1 space per 10 managerial employees for visitors; or 1 space per 1,000 square feet of gross floor area used for warehousing and distribution, 2 spaces per 1,000 square feet of gross floor area used for manufacturing, and 2.5 spaces per 1,000 square feet of office floor area
Residential	Elderly housing	1 space per 2 units
Residential	Medium density dwelling	2.5 spaces per unit, 1 enclosed per unit
Residential	Mobile home park	2 spaces per unit
Residential	Multiple-family dwelling	2.5 spaces per unit, 1 enclosed per unit
Residential	Single-family residence	2 spaces per unit, 1 enclosed
Residential	Two-family residence	2 spaces per unit, 1 enclosed per unit

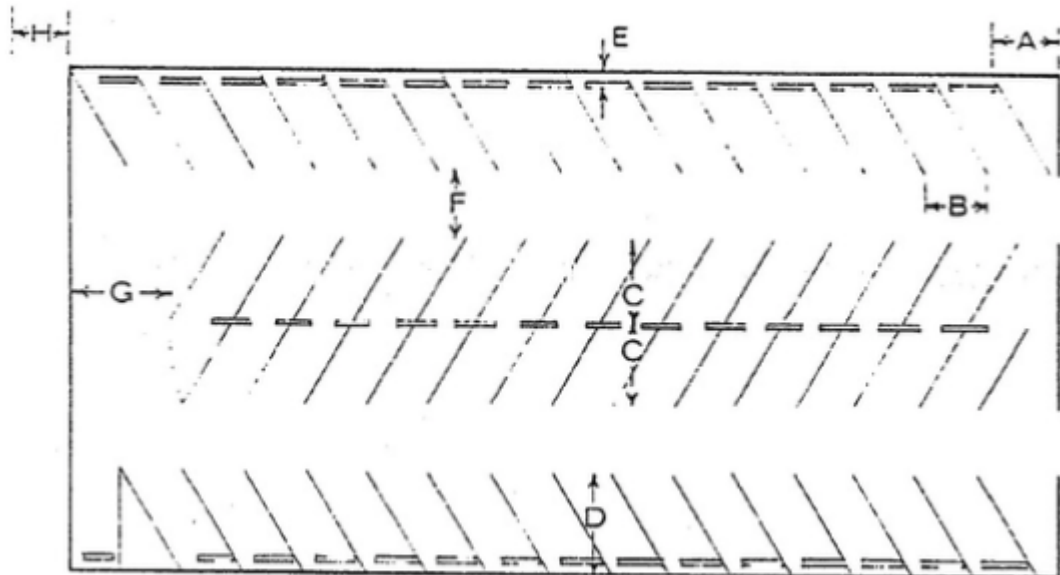
B. Loading requirements.

Category	Use	Loading Requirements by Structure Size	
		Size in Square Feet	Spaces
Commercial	All	Less than 5,000	1
Commercial	All	5,000 to 10,000	2
Commercial	All	10,000 to 20,000	3
Commercial	All	20,000 to 40,000	4
Commercial	All	Each part of 50,000 over 40,000	1 additional
Educational, cultural, and institutional	Church, theater, or auditorium	Under 100,000	1
Educational, cultural, and institutional	Church, theater, or auditorium	Over 100,000	2
Educational, cultural, and institutional	Elementary school	-	1

institutional			
Educational, cultural, and institutional	Hospital, nursing or convalescent home	Under 10,000	1
Educational, cultural, and institutional	Hospital, nursing or convalescent home	10,000 to 50,000	2
Educational, cultural, and institutional	Hospital, nursing or convalescent home	Each part of 50,000 over 50,000	1 additional
Educational, cultural, and institutional	Junior high school	-	1
Educational, cultural, and institutional	Senior high school	-	1
Industrial	All	Less than 10,000	1
Industrial	All	10,000 to 20,000	2
Industrial	All	20,000 to 40,000	3
Industrial	All	40,000 to 70,000	4
Industrial	All	70,000 to 110,000	5
Industrial	All	Each part of 50,000 over 110,000	1 additional
Residential	Elderly housing	-	1
Residential	Medium density dwelling	-	None
Residential	Mobile home park	-	None
Residential	Multiple-family dwelling	-	1
Residential	Single-family residence	-	None
Residential	Two-family residence	-	None

16.64.020 Appendix B: Off-Street Parking Stall Dimensions

- A. *Stall pattern.* Each off-street parking space shall contain a minimum area of not less than 400 square feet, to include parking, maneuvering, and access. Actual stall size shall conform to the table in Paragraph B depending upon the stall pattern selected.

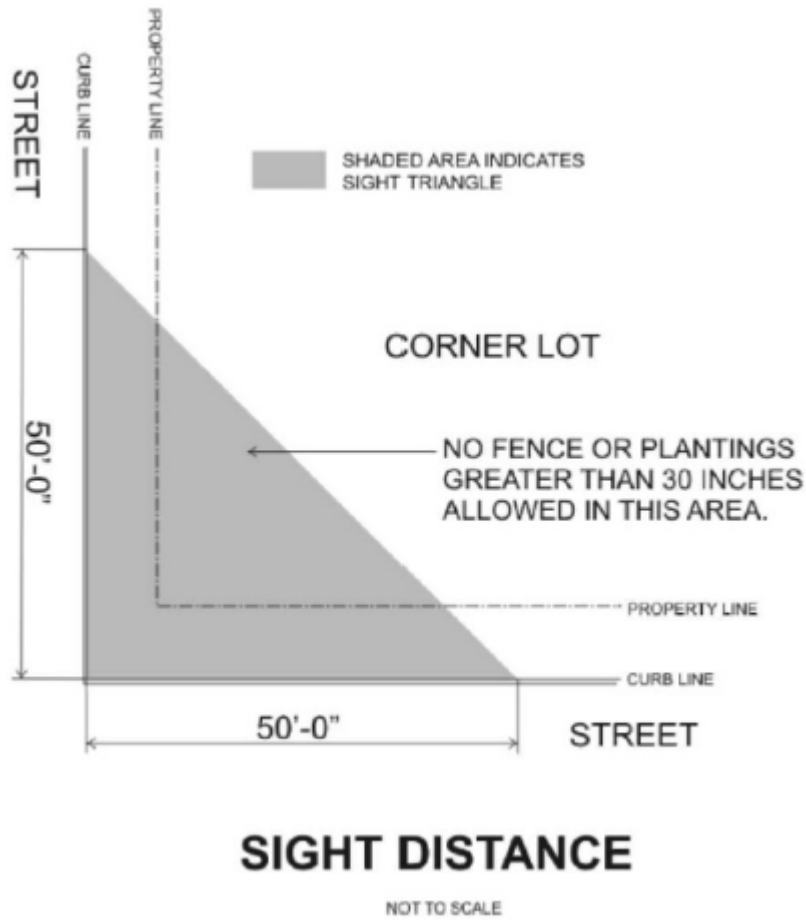


SOURCE: Community Builders Handbook

B. Dimension table

Parking Stall Dimensions by Stall Angle					
Dimension, as in Paragraph A	45 Degrees	50 Degrees	55 Degrees	60 Degrees	90 Degrees
A, offset	18 feet	15 feet, 8 inches	13 feet, 4 inches	11 feet	1 foot, 6 inches
B, car space	12 feet	11 feet, 4 inches	10 feet, 8 inches	10 feet	9 feet
C, stall depth	16 feet	16 feet, 8 inches	17 feet, 4 inches	18 feet	20 feet
D, stall depth	18 feet	18 feet, 4 inches	18 feet, 8 inches	19 feet	19 feet
E, overhang	2 feet	2 feet, 1 inch	2 feet, 2 inches	2 feet, 3 inches	2 feet, 9 inches
F, driveway	13 feet	14 feet, 6 inches	16 feet	17 feet, 6 inches	24 feet
G, turnaround	17 feet	16 feet	15 feet	14 feet	14 feet
H, extra	6 feet	5 feet	4 feet	3 feet	0 feet

16.64.030 Appendix C: Intersection Sight Distance Triangle



16.64.040 Appendix D: Schedule Of Permitted Uses By District

A. *Residential districts.* The following uses are allowed in the various residential districts either as permitted, accessory, or conditional uses.

Use	Details	District		
		R-1	R-2	R-3
Boarding or rental of rooms	Note: family members, as defined in this title, may enter into rental agreements	C	C	C
Cemetery		C	C	C
Churches, chapels, temples		C	C	C
Dwellings	Cluster developments	-	-	C
Dwellings	Medium density dwellings	-	P	P
Dwellings	Mobile homes	-	-	C
Dwellings	Multiple-family dwellings over six units per building	-		C
Dwellings	Single-family detached dwellings	P	P	P
Dwellings	Two-family dwellings	C	P	P
Essential public service and utility structures or uses		P	P	P

Fallout shelter		A	A	A
Family daycare	Within the residence of the daycare provider	P	P	P
Living quarters of persons employed on the premises		-	-	A
Off-street parking lots or garages				A
Parks and recreation	Private owned or operated areas	C	C	C
Parks and recreation	Private recreation facilities for the enjoyment of residents and guests only	A	A	A
Parks and recreation	Public owned or operated areas	P	P	P
Private garage		C	C	C
Professional offices and studios		C	C	C
Schools	Day schools or nurseries	C	C	C
Schools	Public or private	C	C	C
Small wireless facility in right-of-way, as regulated in SLPC 12.48		C	P	P
Swimming pool		A	A	A
Tool house, shed, and similar storage		A	A	A
Uses customarily incident to the permitted or conditional uses allowed in the district		A	A	A
Other public or semi- public facilities		C	C	C
Key: A = accessory uses; P = permitted uses; C = conditional uses				

B. *Commercial districts.*

<i>Use</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
Accessory uses customarily incident to the permitted or conditional uses allowed in the district	A	A	A
Assembly uses, including auditoriums, religious and philanthropic uses	C	C	-
Auto and marine; sales, leasing and rental (See SLPC 11.20.040 Paragraph F,4 re: licensing)	-	C	-
Auto and marine; service, parts, repair and wash	C	C	-
Boarding and lodging houses	C	-	-
Boarding school	C	-	-

Brewer taprooms and cocktail rooms	P	P	C
Bus stations or terminal	P	P	P
Business, commercial, or trade schools	P	P	P
Clinics, medical offices	P	P	P
Commercial recreation such as bowling alleys, billiard halls, miniature golf, and the like	C	C	-
Convalescent and nursing homes	-	-	C
Daycare facilities as regulated in SLPC 16.36.010	C	C	C
Drive-in restaurants, or similar uses providing goods and services to patrons in autos	C	C	-
Dry cleaning and laundry establishments with no more than four employees for cleaning or pressing	P	P	-
Dry cleaning and laundry collection stations, and self- service	P	P	-
Equipment rental	-	P	-
Financial institutions	P	P	C
Greenhouses, nurseries	-	P	-
Hospitals	-	C	-
Laboratories; medical, dental	P	P	P
Medical equipment rental	-	P	C
Mortuaries, funeral homes, monument sales	C	P	-
Motels, hotels, or apartment hotels	C	C	-
Non-alcoholic beverage bottling establishment not larger than 3,000 square feet accompanied by a retail shop or store not less than 50% of the size of the bottling establishment, where bottled product is sold	P	P	C
Off-sale liquor stores	P	P	-
Off-street parking and loading as regulated in SLPC 16.40.010	A	A	A
Offices (administrative, executive, professional, governmental, medical, research); without merchandising services	P	P	P
Offices (as above); with merchandising services	C	P	C
Pawnshops, secondhand goods stores (excluding motor vehicles) as regulated SLPC 16.36.010 (see. SLPC 11.16, Pawnshops or SLPC 11.20, Secondhand Goods Dealers, for licensing	C	C	-
Personal services and repair establishments such as barber and beauty shops, shoe repair, and the like	P	P	P
Pet and animal shops, clinics, taxidermists	P	P	-
Plumbing and heating showrooms and shops	-	P	-
Printing, publishing, and related distribution agencies	C	C	-
Private clubs and lodges	C	C	-
Restaurants, night clubs, and the like	P	P	-
Retail shops and stores (excluding autos, boats, and the like) such as apparel, appliances, beverage, book, carpet, drugs, furniture,	P	P	C

grocer, hardware, jewelry, paint, tobacco, sporting goods			
Schools and studios: artistic, music, photo, decorating, dancing, health, and the like	C	C	-
Sexually oriented businesses as defined in SLPC 11.48 and regulated in SLPC 16.36.010 Paragraph H	C	-	-
Signs as regulated by SLPC 16	A	A	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P	P	P
Theaters (indoor only)	P	P	-
Vending machines for ice, milk, and the like	P	P	-
Key: A= accessory uses; P = permitted uses; C = conditional uses			

C. *Light industrial district.* Conditional uses in this paragraph shall be governed by the criteria enumerated in SLPC 16.56.030 Paragraph E, relating to conditional uses.

Uses in I-1	Category
Automobile repair	C
Bottling establishments	C
Brewing taprooms and cocktail rooms	P
Building material sales and storage	P
Camera and photographic supplies manufacturing	P
Cartage, express, freight terminals	C
Cartography and book binding	P
Dry cleaning and laundry establishments	P
Electrical service shops	P
Engraving, printing, and publishing	P
Governmental and public utility buildings and structures	P
Jewelry manufacture	P
Light manufacturing	P
Medical, dental, and optical laboratories	P
Off-street parking and loading as regulated by SLPC 16.40.010	A
Offices, office buildings	P
Printing, publishing	P
Retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of persons employed in the district	C
Signs as regulated by this title	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P
Storage, warehousing, or wholesaling business	P

Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to the permitted uses (P) listed above which conform with the performance standards	C
All uses customarily incident to the permitted (P) or special (S) uses above	A
Key: A= accessory uses; P = permitted uses; c = conditional uses	

16.64.050 Appendix E: Schedule Of Dimensional Requirements By District

A. Minimum residence district dimensional requirements.

1. Lot area.

Minimum Lot Area by Residence District (Square Feet)				
Use	Details	R-1	R-2	R-3
Dwelling, medium density*	One-bedroom	-	3,400 per unit	4,300 per unit
Dwelling, medium density*	Two-bedroom	-	3,600 per unit	4,500 per unit
Dwelling, medium density*	Three-bedroom	-	4,000 per unit	4,800 per unit
Dwelling, multiple-family*	One-bedroom	-	-	1,650 per unit
Dwelling, multiple-family*	Two-bedroom	-	-	1,750 per unit
Dwelling, multiple-family*	Three-bedroom	-	-	1,950 per unit
Dwelling, single-family		10,000 per unit	10,000 per unit	10,000 per unit
Dwelling, two-family		7,500 per unit	7,500 per unit	7,500 per unit
Dwelling with more than two units per structure		-	20,000 total	20,000 total
Notes: * See SLPC 16.16.030 for lot area allowances in R-3 district				

2. Lot depth and width.

Minimum Lot Depth and Width by Residence District (Feet)				
Use	Dimension	R-1	R-2	R-3
Dwelling, medium density	Depth	-	130	130
Dwelling, medium density	Width	-	130	130
Dwelling, multiple-family	Depth	-	130	130

Dwelling, multiple-family	Width	-	130	130
Dwelling, single-family	Depth	120	120	120
Dwelling, single-family	Width	75	75	75
Dwelling, two-family	Depth	120	120	120
Dwelling, two-family	Width	75	75	75

3. *Maximum lot coverage.*

Maximum Percentage of Lot Coverage of All Structures in Residence Districts			
Use	R-1	R-2	R-3
Any	35%	35%	50%

4. *Front yard.*

Minimum Front Yard in Residence Districts (Feet)			
Use	R-1	R-2	R-3
Dwelling	35	35	35
Other uses	50	50	50

5. *Side and rear yards.*

Minimum Side and Rear Yards in Residence Districts (Feet)				
Use	Dimension	R-1	R-2	R-3
Accessory uses	Rear yard	5	15	15
Accessory uses	Side yard	5	5	10
Dwelling, medium density	Rear yard	-	30	30
Dwelling, medium density	Side yard	-	15	15
Dwelling, multiple-family	Rear yard	-	-	35
Dwelling, multiple-family	Side yard	-	-	20
Dwelling, single-family	Rear yard	40	40	30
Dwelling, single-family	Side yard	10	10	10
Dwelling, two-family	Rear yard	40	40	40
Dwelling, two-family	Side yard	10	10	10

6. *Maximum building height.*

Maximum Building Height in Residence Districts (Feet)

Use	R-1	R-2	R-3
Accessory structure	15	15	15
Principal structure	35 feet or three stories, whichever is greater		

7. *Distance between structures on a lot.*

Minimum Distance Between Buildings on Same Lot in a Residence District (Feet)			
Use	R-1	R-2	R-3
Principal buildings	-	35	35

B. *Minimum non-residence district dimensional requirements.*

Dimension	District			
	C-1	C-2	C-3	I-1
Building height; maximum	4 stories, or 45 feet	2 stories, or 35 feet	2 stories, or 35 feet	50 feet
Lot coverage by all buildings; maximum	35%	35%	35%	35 %
Impervious surface coverage; maximum	75%	75%	75%	75 %
Lot depth; minimum	200 feet	105 feet	150 feet	200 feet
Lot width; minimum	100 feet	100 feet	100 feet	150 feet
Parking or loading facilities setback: front yard/corner side yard; minimum	25 feet	25 feet	25 feet	25 feet
Parking or loading facilities setback: rear yard; minimum	10 feet	10 feet	10 feet	10 feet
Parking or loading facilities setback: rear yard, if adjacent to any residence district; minimum	20 feet	20 feet	20 feet	20 feet
Parking or loading facilities setback: side yard; minimum	10 feet	10 feet	10 feet	10 feet
Parking or loading facilities setback: side yard, if adjacent to any residence district; minimum	20 feet	20 feet	20 feet	20 feet
Setback, front yard; minimum	40 feet	40 feet	40 feet	40 feet
Setback, rear yard; minimum	30 feet	30 feet	30 feet	35 feet
Setback, rear yard, if adjacent to any residence district; minimum	30 feet	30 feet	30 feet	50 feet
Setback, side yard; minimum	15 feet	15 feet	15 feet	25 feet

Setback, side yard, if adjacent to any residence district; minimum	40 feet	40 feet	40 feet	50 feet
--	---------	---------	---------	---------

(This page intentionally left blank)

PREFACE

The Municipal Code of the City of Spring Lake Park, Minnesota began in-house in 2020 with the assistance of Municipal Code Corporation. This Municipal Code shall be cited as Spring Lake Park Code or “SLPC” as an acronym.

This Municipal Code maintains a structure by subject matter using a hyphenated numbering system identifying the Title, Chapter, and Section (for example: **1.01.010**).

- The first number in the sequence (**1.01.010**) designates the **TITLE** level, as written in the table of contents
- The second series of numbers (**1.01.010**) designates the **CHAPTER** level, as written in the table of contents
- The last series (**1.01.010**) designates the **Section** level, and is expressed using three numerical values
- If a fourth series exists comprising letters or numbers beyond the section level, it designates a **Subsection** level

To outline, give structure, and more granularly reference the legislation herein, the following list order or pattern of ascending alphanumeric characters is used: **A, 1, a, (1), (A), (a)**. Drafting future legislation with this list order reconciles it with the online code’s list order. To forego the naming of each list item and to more granularly reference legislation that employs alphanumeric characters, use “Paragraph” (always capitalized) followed by the desired alphanumeric reference(s), comma separated. For example, “Paragraph B,7,d”, specifically references item “d”, of item “7”, of item “B”—whereas “Paragraph B” refers more generally to any or all of Paragraph B’s descendants.

References herein revealing "M.S." implies a reference to "[Minnesota Statutes](#)".

Vacant titles, chapters, or sections may be designed for future use and may be marked “Reserved” to ease internal expansion. The legislative history identifies the specific legal sources of a section as may be provided in footnotes

The Municipal Code is supplemented from time to time with amendments and additions made by the City of Spring Lake Park. The specific legal sources that comprise this Municipal Code have been adapted during the codification process from the original formatting of the official hard copy. In the event of discrepancies between the online Municipal Code and the official hard copy, the official hard copy governs. Municipal Code Corporation provides a searchable database of the Municipal Code for easy reference and convenience.

NOTICE: THE MUNICIPAL CODE MAY NOT REFLECT ALL OR THE MOST CURRENT VERSION OF LEGISLATION ADOPTED BY THE CITY COUNCIL THAT HAS YET TO BE UPDATED ONLINE. IN THE EVENT OF CONFLICT BETWEEN THE MUNICIPAL CODE AND A WRITTEN ORDINANCE, THE ORDINANCE TYPICALLY GOVERNS. ALSO, THE MUNICIPAL CODE MAY NOT REFLECT RULES OR OTHER REGULATIONS PROMULGATED UNDER THE AUTHORITY OF THE CODE, INCLUDING TECHNICAL SPECIFICATIONS. FOR MORE INFORMATION CONTACT THE CITY CITY AT [763-784-6491](tel:763-784-6491) OR info@slpmn.org.

(This page intentionally left blank)

Self-Publishing Software

STANDARDS

Make it accessible,
uniform, editable, and simple
—in that order.

municode



Self-Publishing Software: The Preface and 5 Standards

Updated September 4, 2019 by Kimball Clark kimball@municode.com

For more guidance on these standards, visit <https://selfpubsupport.municode.com> and/or contact Kimball at 801-458-0282

- Preface
- ▶ 1 General Provisions
- ▶ 2 Administrative Code
- ▶ 3 Municipal Procedures
- ▶ 4 General Revenue
- ▶ 5 Business Licenses And Regulations
- ▶ 6 Criminal Code

The Helpful Preface

A Preface *you control* should be added to the top of *all* publications. It should describe 5 standards:

1. Acronym
2. Code Numbering
3. Alphanumeric Numbering
4. References
 - a) "Internal" References
 - b) "Self" References
 - c) State Statute References
5. Definitions

What is a publication's acronym?

Shortening the name of a publication into an Acronym makes it easier to speak and write. For example, "Acme Municipal Code" is more easily verbalized and written as "AMC".

What is the difference between an "Internal Reference" and a "Self Reference"?

The Internal Reference below (in blue) includes a publication's Acronym and a Code Number. In the example, there is also an explicit reference to an Alphanumeric Number combination, with a unique key word before it, such as "Paragraph", "Subparagraph", "Part" or "Clause".

A Self Reference below (in purple) is when language within a section refers to itself. A Self Reference is less formal than an Internal Reference.

Because references may change, standardizing how they're written throughout the entire publication makes them easy to recognize, easy to search, and easy to update.

8.20.005 General Provisions

As mentioned in **AMC 8.20.010 Paragraph 1.a**, at vero eos et accusamus et iusto odio dignissimos ducimus qui blanditiis praesentium voluptatum deleniti atque corrupti. Quidem rerum facilis est

8.20.010 Terms of Impoundment

Ducimus qui blanditiis praesentium voluptatum. Et harum quidem rerum facilis est distinctio:

1. Est eligendi optio cumque nihil impedit quo:
 - a. **Exact paragraph being self referenced.**
 - b. Omnis voluptas assumenda est:
2. Except for in **Paragraph 1**, the following applies:
 - a. Voluptatum deleniti atque
 - b. Et accusamus et iusto odio
 - c. Facilis qui et harum praesentium

Self-Publishing Software: Code Numbering Standard

Published June 20, 2018 by Kimball Clark kimball@municode.com

For an example Table of Contents that conforms to these recommendations, visit <https://model.municipalcodeonline.com> and/or contact Kimball at 801-458-0282

Example of **INFLEXIBLE NUMBERING**:

└ 8 Animal Control

▸ 8.1 Licensing

└ 8.2 Impoundment

8.2.? **General Provisions**

8.2.1 Terms of Impoundment

8.2.2 Destruction And Disposal Of Animals

8.2.3 Disposal Of Vicious Animals

Although consecutive, this numbering **disallows** placement of a new adoption between the code's existing numbers, forcing all new adoptions to be added to the *bottom* of the level.

Because single variables exist between periods or hyphens, users who adopt new codes often forget to add numerical "padding". Adding zeros reminds users to be flexible when new codes are added!

Example of **FLEXIBLE NUMBERING**:

└ 8 Animal Control

▸ 8.10 Licensing

└ 8.20 Impoundment

8.20.005 General Provisions

8.20.010 Terms of Impoundment

8.20.020 Destruction And Disposal Of Animals

8.20.030 Disposal Of Vicious Animals

Consecutive numbering that "skips" numbers by 2s, 5s, or 10s (or more) allows for future adoptions. It also eliminates the frequency of a code-wide renumber, and is especially beneficial when a code reveals a hierarchal organization.

Self-Publishing Software: Alphanumeric Numbering Standard

Updated September 4, 2018 by Kimball Clark kimball@municode.com

For more guidance on these standards, visit <https://selfpubsupport.municode.com> and/or contact Kimball at 801-458-0282

1, a, i, (1), (A), (a)
A, 1, a, (1), (A), (a)
a, i, 1, (a), (i), (1)
i, a, 1, (i), (a), (1)
(a), (1), a, 1, i
(a), (1), (A), (i), (1)
(a), (1), A, i, 1

ORDERED LIST TYPES

Users may select 1 of 7 different ordered list types available in Municode's Self-Publishing Software. Pick your list type and stick with it!

Ordered Lists

An "ordered list" is a listing of text items with ascending alphanumeric character to the *left* of each item. These alphanumeric characters (letters/numbers/roman numerals) establish each item's **rank, hierarchy** or **grouping** within the list. These characters also double as **sources**—a means to definitively reference each item among the list. **List types should be consistent throughout a publication.**

Example of an "Ordered List":

Permits must be obtained from the Arborist to remove the following tree varieties:

1. Oak
 - a. White
 - b. Gambel
 - c. Scrub
2. Willow
3. Manzanita

Example of **INCONSISTENT ALPHANUMERIC NUMBERING** in the *same* publication:

8.20.005 General Provisions
At vero eos et accusamus et iusto odio dignissimos:
A. Voluptatum deleniti atque corrupti.
B. Justo odio ducimus
C. Ducimus qui blanditiis praesentium:
1. Vero eos et
2. Accusamus ducimus voluptatum

8.20.010 Terms of Impoundment
Ducimus qui blanditiis praesentium voluptatum. Et harum quidem rerum facilis est distinctio:
1. Est eligendi optio cumque nihil impedit quo:
a. qui blanditiis praesentium
b. Omnis voluptas assumenda est
2. Et iusto odio dignissimos ducimus.

A, 1, a, (1), (A), (a) ≠ 1, a, i, (1), (A), (a)

Unordered Lists

Unlike an ordered list, an "unordered" or "bulleted" list establishes a listing of items with a bullet to the left of each item. Bulleted lists establish no rank or hierarchy, and provide no means to definitively reference each item. For this reason, bulleted lists are often considered inferior to ordered lists in coded publications.

Self-Publishing Software: Definition Styles

Updated September 6, 2019 by Kimball Clark kimball@municode.com

For more guidance on these standards, visit <https://selfpubsupport.municode.com> and/or contact Kimball at 801-458-0282

Alphabetized terms *already* behave like code numbers

Just as adding code numbers to volumes of text permits ease of reference, alphabetization of terms does the same. The addition of numbers to alphabetized terms complicates future code management.

Create FLEXIBLE, FINDABLE, UNIFORM DEFINITIONS

1. **Alphabetize terms** (remove explicit numbering—both code and alphanumeric);
2. Make **A–Z Definitions nodes**, or make each term become a **unique node/URL**;
3. **Lessen the quantity of “Definitions” nodes**, and be **more descriptive** than just “Definitions”;
4. **Unify Definitions formats**—consider **one** of the following:

ANIMAL: Any living being with the power of voluntary movement, except human beings.

Animal: Any living being with the power of voluntary movement, except human beings.

Animal: Any living being with the power of voluntary movement, except human beings.

“Animal” means any living being with the power of voluntary movement, except human beings.

Examples of INFLEXIBLE DEFINITIONS

▲ 8 Animal Control

▶ 8.10 Generally

▲ 8.20 Definitions

8.20.002 Animal

8.20.003 Animal Boarding Facility

8.20.??? Animal Grooming Parlor

8.20.004 At Large

8.20.006 Attack

8.20.008 Bite

Even when numerical “padding” is provided (at left), attempts to predict a proper number of available nodes for future expansion ends in disappointment, forcing a renumber. When terms are numerically ordered (below), readers mistakenly reference a changing number instead of a fixed term that will stand the test of time.

1. ANIMAL: Any living being which:
 - a) has the power of voluntary movement;
 - b) is not a human being.
2. AT LARGE: Refers to an animal which is on or off the premises of its owner not under the control of the owner or his agent by leash, cord, chain or other means of physical restraint

(This page intentionally left blank)