



## City Council Agenda

Monday, October 20, 2025

6:00 PM

City Council Chambers

*(Any times listed are approximate – please note that items may be earlier or later than listed on the agenda)*

- 6:00 p.m.    **1. Roll Call**  
Voting and Seating Order: Groff, Bauer, Strahan, Schroeder, and Roe
- 6:01 p.m.    **2. Pledge of Allegiance**
- 6:02 p.m.    **3. Approve Agenda**
- 6:03 p.m.    **4. Public Comment**
- 6:08 p.m.    **5. Recognitions and Donations**
- 6:13 p.m.    **6. Items Removed from Consent Agenda**
- 7. Business Items**
- 6:15 p.m.    a. Discuss an ordinance imposing regulations on excavations within ten feet of existing foundations
- 6:45 p.m.    b. Consider updates to Appointment and Reappointment Policy for Advisory Commissions
- 6:55 p.m.    c. Consider an Ordinance Adopting and Enacting a New City Code
- 7:15 p.m.    d. Approve updates to the City Council and Advisory Commission Rules of Procedure for Remote Participation
- 8. Council Direction on Councilmember Initiated Agenda Items**
- 9. Approval of City Council Minutes**
- 7:30 p.m.    **10. Approve Consent Agenda**
- a. Approval of Payments
- b. Approve General Purchases Exceeding \$10,000 or Sale of Surplus Items
- c. Approve Acceptance of Grant Funding through the Department of Justice COPS Hiring Grant
- d. Approve Application for U.S. Department of Justice Community Policing Program Grant
- 7:35 p.m.    **11. Future Agenda Review, Communications, Reports, and Announcements - Council and City Manager**
- a. Future Agenda
- 7:45 p.m.    **12. Adjourn**

**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 10/20/2025

Item No.: 7.a.

Department Approval

*Janice Gundlach*

City Manager Approval

*Sam F. Truog*

**Item Description:** Discuss an ordinance imposing regulations on excavations within ten feet of existing foundations

**Background**

On September 8, 2025 the City Council discussed whether to impose an ordinance that would allow the City to require mitigations to protect existing foundations that occur within ten feet of excavations for projects constructed under the residential building code. Staff provided three draft ordinance language options, but also outlined areas that needed further clarification to ensure the ordinance could be fairly and uniformly applied throughout the City. Those packet materials are provided in Attachment 1. Because staff lacked expertise to draft an ordinance that provided regulations that would address real impacts, and thus limit its overall scope, Council requested that staff seek input from a Registered Design Professional before moving forward with an ordinance. Meeting minutes are provided in Attachment 2.

At the Council's direction, City staff sought input from a Registered Design Professional regarding adoption of a local ordinance regulating close-proximity excavations. After speaking with building inspections staff in the City of Minneapolis, staff was put in contact with an engineer at American Engineering Testing, Inc. (AET). AET provided technical expertise in drafting the Minneapolis ordinance and has practical experience implementing mitigations on various projects in Minneapolis. City staff provided AET with the City Council meeting materials from the September 8, 2025 meeting, namely the presentation slides that outlined the background information and specific issues that needed further input or clarification and that could aid in limiting the scope of the ordinance.

Following review of those materials, staff and AET conducted a Teams meeting to discuss practical regulations for close-proximity excavations. In summary, AET indicated that, in their expertise, mitigation to provide vertical and/or lateral support for an adjacent foundation is only necessary when excavations occur below a foundation's footing that exceed one foot of depth for every one foot of horizontal separation (a standard provided in the commercial building code). Meaning, in situations where there is a 10' structure setback (like at The Enclave), excavations would need to exceed ten feet of depth *below the footing*. Based on the finished grade and basement depths at The Enclave, and assuming the entire 10' setback area is excavated, in order to exceed the industry-accepted 1:1 ratio, a vertical excavation of 20 feet from finished grade would need to occur. Any other excavation not exceeding 1:1 is generally not seen to be detrimental to an adjacent foundation and, therefore, would not require mitigation such as underpinning or

sheeting. AET acknowledged that every situation is unique, so they were not comfortable formally consulting with the City beyond this input.

This input reveals the following:

- Construction of new homes at The Enclave will not exceed the 1:1 standard recommended by AET to justify additional mitigations.
- Horizontal excavations alone do not pose a threat to the structural integrity of an existing foundation and wouldn't unless a vertical excavation equal to approximately 10' *below the footing* were to occur. To date, while excavations at The Enclave have occurred within the entire 10' horizontal setback, vertical excavations are limited to the depth of the basement and footing, which is approximately 10', equating to a ratio of 1:0.5, not 1:1.
- It's unlikely any of the other 200-600 properties depicted on the map previously shared with Council as having the potential to be impacted by a proposed ordinance would exceed the 1:1 standard.
- The industry accepted 1:1 standard likely explains why the City has not experienced known issues to-date, even though there are hundreds of instances where residential construction is occurring within 10' of existing foundations.
- The City of Minneapolis ordinance is not relevant to Roseville based on the context in which it was adopted. This context includes instances where residential projects occur at 0-2' setbacks with very deep excavations adjacent to existing, shallower foundations that are 100+ years old (and therefore weaker and not built to current residential building code standards).

Based on this input, staff would not recommend moving forward with an ordinance as the draft ordinance language previously shared remains too vague to ensure it can be implemented reasonably across the entire City. Further, the technical expertise obtained, if incorporated into an ordinance, would not apply to The Enclave or most other instances of close-proximity residential construction in the City. The State continues to pursue language for adoption into the next residential building code and, if adopted, would likely include guidance on how the new standard should be interpreted and applied. Rather than pursue a local ordinance that creates overly burdensome standards that would not result in meaningful protections, and which would have to be repealed upon the State's adoption of the updated residential building code next year, staff would recommend waiting for the State.

Understanding the homeowner's association (HOA) at The Enclave remains concerned, staff could require the HOA and/or the underlying property owner to provide consent for excavations that occur on the zero-foot setback side of a home. This would allow the association and/or affected property owner to use their authority to ensure concerns about excavations between homes are addressed. Requiring the underlying property owner's consent to grade beyond a property line is something our engineering staff has required elsewhere, so adding this requirement to new homes at The Enclave would be consistent with past practice. It hadn't been required for the existing homes because easements already exist to allow for construction, however, should the HOA or affected property owner wish for greater protections, gathering written consent before releasing the building permit would provide the opportunity for those expectations to be communicated. At the very minimum, staff will not issue permits that include egress windows on the zero-foot setback

side of the home because the window well will be within the 10' setback area.

Lastly, beyond outreach to AET, staff attempted to seek input from another source through contacting the Builders Association (or Housing First) for a recommendation. After being directed to the appropriate staff person, emails and phone calls were not returned, so staff was unable to get input from a second party.

Example code language, a map of residential homes at or within 10' of one another, the completed Equity & Inclusion Toolkit, and the September 8th presentation slides are provided in Attachment 1.

## **Policy Objectives**

Regulations governing the construction of structures are to ensure the public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.

## **Equity Impact Summary**

The proposed ordinance is the product of a request from residents who reside in a 20-unit detached town home development that is under construction and results in homes having 10' setbacks. These residents have concerns their homes will not be adequately protected from excavation activities of future homes in the development. The ordinance would impose close-proximity building regulations to ensure vertical and/or lateral support for existing foundations is provided during excavation activities that occur within 10' of another structure/building, as the existing Residential Building Code does not require such protections when on-site threats are not obvious or apparent. The impact of the ordinance has the possibility to be widespread given the interior side yard setback requirement in the LDR, LMDR and MDR zoning districts is 5', however the actual impacts would be dependent on the conditions under which the ordinance would be applied, the specific characteristics of individual projects, the surrounding landscape, and legal property boundary considerations. Given the specificity of the ordinance, its purpose or impact cannot be directly connected to a Community Aspiration but could be loosely tied to the aspiration that speaks to a community with quality housing.

## **Budget Implications**

Cost implications of this ordinance would be the responsibility of the party seeking a building permit to excavate in close proximity of an existing foundation.

## **Staff Recommendations**

Forgo adoption of this ordinance and wait for the State of Minnesota to adopt a new residential building code.

## **Requested Council Action**

Review the information provided by staff and give direction on next steps.

**Prepared by:** Janice Gundlach, Community Development Director  
David Englund, Building Official

**Attachments:** 1. September 8 Packet Materials  
2. September 8 Meeting Minutes





**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 9/8/2025

Item No.: 7.a.

Department Approval

*Janice Gundlach*

City Manager Approval

*Samuel Trueman*

**Item Description:** Discuss an ordinance imposing regulations on excavations within ten feet of existing foundations

## Background

A request has been made by the homeowner's association of The Enclave at McCarrons Lake to enact regulations on excavations that occur within ten feet of existing foundations. The City Council discussed this topic on July 14, 2025 (meeting minutes attached). At that meeting, the City Council was instructed by City staff that such regulations could not be adopted as they would constitute a regulation more restrictive than the Residential Building Code, which is prohibited under State law. Such a determination was made after staff consulted with the State Building Official. However, staff informed the Council that the State has forwarded regulations on this issue to their Technical Advisory Committee for inclusion in the residential building code update slated for adoption in March of 2026.

Following the discussion on July 14, 2025, the Council directed staff to re-engage with the State to determine whether Roseville could enact regulations aimed at protecting existing foundations from excavations occurring within ten feet, noting a desire not to wait for the updated residential building code. On July 23, 2025, the Building Official contacted the State Building Official to inquire about whether Roseville could enact regulations now instead of waiting for the State. In an email (see Attachment 2), the State Building Official adjusted his previous position and will now allow Roseville to enact regulations before the State, but noted if the State's preferred language is incorporated into the residential building code update, Roseville would have to repeal any regulations because now the issue would be a part of the residential building code.

Attachment 3 offers three versions of ordinance language aimed at protecting existing foundations from excavations. The proposed regulations could be incorporated into Title 9, Building Regulations, Chapter 906, Building Maintenance and Preservation Code of the City Code. These versions reference the protection of adjoining property or adjoining public or private property, but no distance is noted. The residents of The Enclave HOA have requested ten feet given the homes in this development have ten feet of separation. Before incorporating any regulations into ordinance form, staff would seek direction from the City Council on when additional regulations on excavations within close proximity to existing foundations should be imposed. Given the existing side yard structure setback in Roseville's LDR, LMDR and MDR zoning districts is five feet, these new regulations have the potential to impact many projects, including new homes and additions

to existing homes. Staff have provided a map illustrating how many properties are potentially impacted by such regulations (Attachment 4), which range from 200-600.

Lastly, as is customary with any new policy, program or initiative, the Equity & Inclusion Toolkit was completed to help guide decision-making. The completed toolkit is provided as Attachment 5, which includes greater details on desired outcomes, benefits and burdens, unintended consequences, and engagement efforts surrounding the new regulations.

Staff will provide a presentation (Attachment 6) outlining the issue, options for ordinance language, and other issues related to the scope of the issue/ordinance. Staff seeks feedback from the Council on the proposed ordinance language (Attachment 3) and/or whether the Council desires to further limit the scope of the ordinance, and if so, how. If the Council is interested in proceeding further, staff would prepare an ordinance for consideration at a future City Council meeting.

## **Policy Objectives**

Regulations governing the construction of structures are to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.

## **Equity Impact Summary**

The proposed ordinance is the product of a request from residents who reside in a 20-unit detached town home development that is under construction and results in homes having 10' setbacks. These residents have concerns their homes will not be adequately protected from excavation activities for the future homes in the development. The ordinance would impose close-proximity building regulations to ensure vertical and/or lateral support for existing foundations is provided during excavation activities that occur within 10' of another structure/building, as the existing Residential Building Code does not require such protections when on-site threats are not obvious or apparent. The impact of the ordinance has the possibility to be widespread given the interior side yard setback requirement in the LDR, LMDR and MDR zoning districts is 5', however the actual impacts will be dependent on the conditions under which the ordinance would be applied, the specific characteristics of individual projects, the surrounding landscape, and legal property boundary considerations. Given the specificity of the ordinance, its purpose or impact cannot be directly connected to a Community Aspiration but could be loosely tied to the aspiration that speaks to a community with quality housing.

## **Budget Implications**

Cost implications of this ordinance would be the responsibility of the party seeking a building permit to excavate in close proximity of an existing foundation.

## **Staff Recommendations**

Review the information provided by staff and provide direction on next steps.

## **Requested Council Action**

Review the information provided by staff and provide direction on next steps.

**Prepared by:** Janice Gundlach, Community Development Director  
David Englund, Building Official

**Attachments:**

1. July 14, 2025 CC Meeting Minutes
2. State Building Official email thread\_7-23-2025
3. Example Code Language
4. Map
5. Equity & Inclusion Toolkit
6. Presentation Slides

Mayor Roe and other councilmembers voiced their support and confidence in the commission's progress.

The Commission members thanked the council and staff for their support and guidance.

**b. Discuss Close Proximity Building Regulations**

Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request For Council Action and related attachments dated July 14, 2025.

Ms. Gundlach explained the issue of close-proximity building regulations in the Enclave development. She discussed the state building code and the challenges of implementing more restrictive regulations.

Councilmember Bauer questioned the timeline and the potential for regulations specific to Roseville.

**Public Comment**

Mayor Roe offered an opportunity for public comment.

**Ms. Katlyn Barstad, Enclave resident, McCarrons Place West**

Ms. Barstad expressed concerns about the timing, since it would not be adopted until March 2026, and about how close proximity regulations could affect current residents. She mentioned she was not at the meeting to delay the development process in Roseville. However, she asked that development be carried out in a way that best safeguards the safety of existing residents. She also noted a geological study done by an engineering firm, which she plans to submit to the council and staff for review, that could help justify the applicability of this specific clause.

**Ms. Susan Follett, Enclave resident, McCarrons Place West**

Ms. Follett also expressed her concern about the close proximity regulations and agreed with Ms. Barstad's comments. She explained that at the bottom of Attachment One is an excerpt from the city council minutes, which includes the resolution. Item B states, "The homeowner association shall prohibit new structures and additions to the principal structures that reduce such a side yard setback to less than 10 feet." She noted that she would like to raise the impracticality and feasibility of the homeowner's association and architectural control committee enforcing this, since they currently cannot regulate builders, which is why they rely on the permit process for enforcement.

**Mr. John Barstad, 217 McCarrons Place West**

Mr. Barstad, a civil engineer, stressed the importance of accurate soil classification and stable foundations. He pointed out the absence of insurance for soil movement and the possible financial risks.

The public comments emphasized the need to protect existing structures better and the importance of implementing timely code updates.

**Council Discussion**

Mr. Trudgeon talked about the city's response to the main water break and the need for improved documentation and standards.

The Councilmembers discussed potential solutions, including expediting state regulations and adding procedural requirements to the building permit process.

**c. Discuss Street Light Policy**

Public Works Director Jesse Freihammer briefly highlighted this item as detailed in the Request For Council Action and related attachments dated July 14, 2025.

Mr. Freihammer explained the proposed updates to the city's streetlight policy, including the addition of a petition process for removing streetlights. He reviewed the current policy and the reasons for the proposed changes.

The council discussed the implications of the proposed changes and emphasized the need for consistent and fair street lighting, as well as the requirement for a petition process to request the removal of streetlights.

Mr. Freihammer shared examples of policies and procedures from other cities regarding street light removal.

Council members consider residents' feedback, the potential impact of proposed changes on public safety and community satisfaction, the feasibility of adopting a petition process, and how this might affect public safety.

Councilmember Strahan asked about how to reinstall street lights in areas where residents later request them.

Mr. Freihammer explained that most cities have standard lighting policies, and their policies are aimed at ensuring a fair distribution of lighting.

Councilmember Groff explained that most cities follow standard lighting policies, and previous policies required petitions for the removal of lights. He mentioned receiving more requests to remove lights than to install them and proposed a process

**From:** [David Englund](#)  
**To:** [Janice Gundlach](#)  
**Subject:** FW: Draft response to State  
**Date:** Wednesday, July 23, 2025 2:35:22 PM  
**Attachments:** [image001.png](#)

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**From:** Metz, Greg (DLI) <[greg.metz@state.mn.us](mailto:greg.metz@state.mn.us)>  
**Sent:** Wednesday, July 23, 2025 2:33 PM  
**To:** David Englund <[David.Englund@cityofroseville.com](mailto:David.Englund@cityofroseville.com)>  
**Subject:** RE: Draft response to State

**Caution:** This email originated outside our organization; please use caution.

Hi Dave,

Sometimes it is good to have some space to consider and reconsider an issue. So, I'm adjusting my position. The Minnesota Residential Code does NOT address excavations and protection of adjacent property today because the appendix is deleted from the code. Therefore, because the code specifically excludes the issue, a city may adopt an ordinance to address it.

Please note that we are proceeding with including the code change proposal into the next residential code and at that time your city council will need to repeal their amendment.

Best regards,

Greg

**Greg Metz**

Assistant Director | State Building Official



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**From:** David Englund <[David.Englund@cityofroseville.com](mailto:David.Englund@cityofroseville.com)>  
**Sent:** Wednesday, July 23, 2025 9:58 AM  
**To:** Metz, Greg (DLI) <[greg.metz@state.mn.us](mailto:greg.metz@state.mn.us)>  
**Subject:** FW: Draft response to State

Greg,

Thanks for following up on this. This information was brought to our Council on July 14. While they appreciated the inclusion of this section into the MRC in 2026, they wanted to know if the City has any option to adopting this language sooner. Specifically, they were wondering about the process



Minneapolis went through to adopt similar language into ordinance (MPLS 83.10 subp.10). If this earlier adoption is not allowed, is there an appeal process? Can you also address how long it would take on your end to get through a process to allow earlier adoption or to undergo an appeal? If it is easier to discuss by phone, my supervisor Janice Gundlach and I are available at your convenience. While Janice and I do not see the “geological condition” allowed for as an exception, we would like to have as much information as possible to bring back to the Council.

I really appreciate the time you have taken with this,

Dave

**Dave Englund | Building Official**

Community Development Department

Phone: 651.792.7087

[david.englund@cityofroseville.com](mailto:david.englund@cityofroseville.com)



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**From:** Metz, Greg (DLI) <[greg.metz@state.mn.us](mailto:greg.metz@state.mn.us)>  
**Sent:** Tuesday, June 17, 2025 11:26 AM  
**To:** David Englund <[david.englund@cityofroseville.com](mailto:david.englund@cityofroseville.com)>  
**Subject:** FW: City adoption of deleted Residential Code Sections

**Caution:** This email originated outside our organization; please use caution.

Good morning Dave,

Just as a follow up, the Residential Building Code Technical Advisory Group heard and approved to move forward with a code change proposal adding section R401.5 to the Minnesota Residential Code in 2026.

**R401.5 Excavation near foundations.** Where excavation will reduce support from any adjoining public or private property foundation, a registered design professional shall prepare an assessment of the structure as determined from examination of the structure, the review of available design documents and, if necessary, excavation of test pits. The registered design professional shall



determine the requirements for underpinning and protection and prepare site-specific plans, details, and sequence of work for submission. Such support shall be provided by underpinning, sheeting and bracing, or by other means acceptable to the building official.

I thought your city council may want to know. Many thanks for bringing this to my attention.

Best regards,

Greg

**Greg Metz**

Assistant Director | State Building Official



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**From:** David Englund <[David.Englund@cityofroseville.com](mailto:David.Englund@cityofroseville.com)>

**Sent:** Wednesday, May 28, 2025 8:24 AM

**To:** Metz, Greg (DLI) <[greg.metz@state.mn.us](mailto:greg.metz@state.mn.us)>

**Subject:** RE: City adoption of deleted Residential Code Sections

You don't often get email from [david.englund@cityofroseville.com](mailto:david.englund@cityofroseville.com). [Learn why this is important](#)

Thanks Greg,

I really appreciate the quick reply and detailed answer. I will inform our council of the process and the proposed incorporation into State Code.

Happy Wednesday!

Dave

**Dave Englund | Building Official**

Community Development Department

Phone: 651.792.7087

[david.englund@cityofroseville.com](mailto:david.englund@cityofroseville.com)



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**From:** Metz, Greg (DLI) <[greg.metz@state.mn.us](mailto:greg.metz@state.mn.us)>

**Sent:** Wednesday, May 28, 2025 7:24 AM

**To:** David Englund <[David.Englund@cityofroseville.com](mailto:David.Englund@cityofroseville.com)>

**Subject:** RE: City adoption of deleted Residential Code Sections

**Caution:** This email originated outside our organization; please use caution.

Good morning Dave,

Thank you for your inquiry. Minnesota Statute 326B.121, Subd. 2 (c) states that “A municipality must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the State Building Code.” <https://www.revisor.mn.gov/statutes/cite/326b.121> This portion of the statute does allow for a property maintenance code. It also allows a local municipality to modify foundation requirements due to specific geological formations, like Woodbury having deeper foundation requirements because of their clay deposits.

I have read through the section that your city council is interested in adopting and believe it merits incorporation into the State Building Code. Although technically your city council can’t adopt an ordinance for something specifically addressed by the State Building Code (even through deletion) due to statutory prohibition, I will submit a Code Change Proposal to the Residential Building Code Technical Advisory Group and we can very likely get the language incorporated into the next generation of Minnesota Residential Code. It will likely not be published and enforceable until the third quarter of next year.

Many thanks for bringing this to my attention Dave.

Best regards,

Greg

**Greg Metz**

Assistant Director | State Building Official



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**From:** David Englund <[David.Englund@cityofroseville.com](mailto:David.Englund@cityofroseville.com)>

**Sent:** Tuesday, May 27, 2025 3:35 PM

**To:** Metz, Greg (DLI) <[greg.metz@state.mn.us](mailto:greg.metz@state.mn.us)>

**Subject:** City adoption of deleted Residential Code Sections

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Hi Greg,

I have been asked to get a formal response related to our phone conversation last week (or maybe the week before?).

An HOA within the City of Roseville (Enclave Development – McCarrons Place near Lake McCarrons) has made a request to the City Council to adopt two sections of State Code that specifically deleted from the State Residential Code. Specifically, MSBC 1803.5.7, 3307.1 and Minneapolis Ordinance 89.30 (10)

“(10) *Protection of adjoining property.* Adjoining property shall be protected from damage during any construction work on the permit site. Excavations for any purpose shall not remove lateral support from any footing or foundation without first protecting the footing or foundation against settlement or lateral translation. The city may require the submission of a soils investigation report and/or shoring plan.”

From our conversation, Chapter 1 of the State Building Code is very clear that the State Code supersedes any City building regulation. In addition, should the City wish to move forward with regulations that are more strict (E.g. Minneapolis Code 89.30), the City would have to petition and receive approval from DLI for such a regulation or requirement.

I apologize for bringing this back to you, but this is going to be presented at a Council meeting in June and I wanted to be able to articulate clearly the position of the State.

Thanks again for all your help and time on this,

Dave

**Dave Englund | Building Official**

Community Development Department

Phone: 651.792.7087

[david.englund@cityofroseville.com](mailto:david.englund@cityofroseville.com)



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**2020 Minnesota State Building Code (Commercial)**

**Section 1804**

**EXCAVATION, GRADING AND FILL**

**1804.1. Excavation near foundations.** Excavation for any purpose shall not reduce vertical or lateral support for any foundation or adjacent foundation without first underpinning or protecting the foundation against detrimental lateral or vertical movement, or both.

**Minneapolis Code of Ordinances**

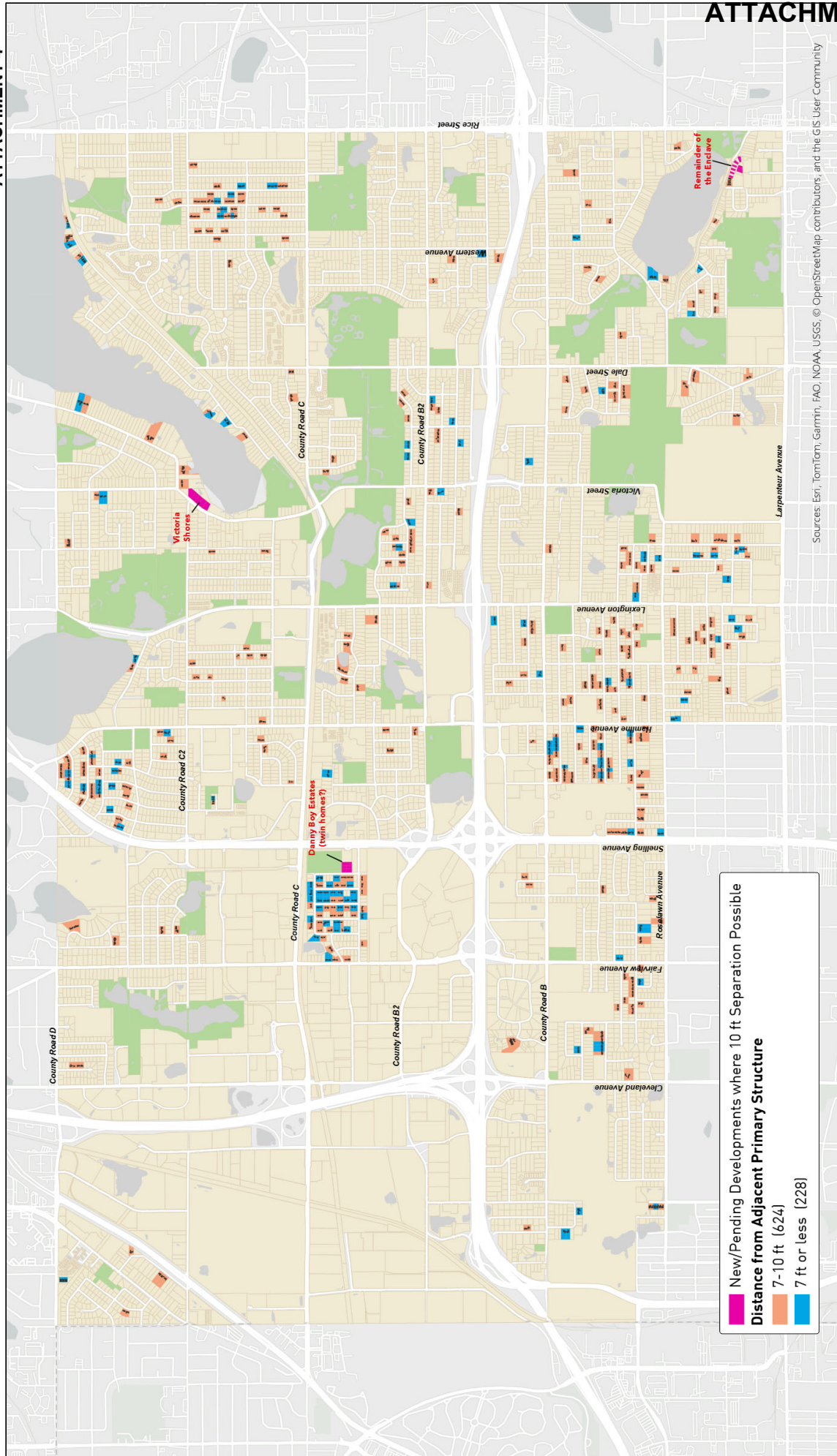
**89.30. - Requirements and standards.**

(10) *Protection of adjoining property.* Adjoining property shall be protected from damage during any construction work on the permit site. Excavations for any purpose shall not remove lateral support from any footing or foundation without first protecting the footing or foundation against settlement or lateral translation. The City may require the submission of a soils investigation report and/or shoring plan.

**Proposed code language for 2026 Minnesota Residential Code**

**R401.5. Excavation near foundations.** Where excavation will reduce support from any adjoining public or private property foundation, a registered design professional shall prepare an assessment of the structure as determined from examination of the structure, the review of available design documents and, if necessary, excavation of test pits. The registered design professional shall determine the requirements for underpinning and protection and prepare site-specific plans, details, and sequence of work for submission. Such support shall be provided by underpinning, sheeting and bracing, or by other means acceptable to the building official.





## Properties with Houses 10 feet or less from an Adjacent House

# EQUITY & INCLUSION TOOLKIT



**To Guide Decision Making on Policies, Programs, Initiatives, and Budget Proposals to Help Build an Equitable and Inclusive Community**

## Things to know about the toolkit

1. The Equity & Inclusion Toolkit (EIT) is a reflective tool to assist decision makers in evaluating ideas and proposed solutions with a perspective inclusive of equity.
2. The EIT is NOT a test of competence in equity and inclusion, but a tool to help make decisions that are advancing our community aspirations in an equitable and inclusive way.
3. This is a public document. The public should know city leaders are diligent in considering community voices and potential adverse outcomes of decisions.

### Equity & Inclusion Toolkit Instructions

This toolkit serves as a guide to developing an equity impact analysis. Through the process of answering questions focused on community and stakeholder impact. Through the process of understanding the outcomes of decisions on the community, you will end with an Equity Impact Analysis or summary of your findings to be included on the Request for Council Action (RCA). The completed toolkit should be attached as supporting documentation for council RCA's. Please forward a copy of the completed toolkit to the city's Equity and Inclusion Manager for review and storing.

Agenda Item Title:

Consideration of an ordinance imposing regulations on excavations within 10' of existing foundations.

Brief Description:

The residents of The Enclave @ McCarrons Lake have requested that the City enact regulations that place additional restrictions on excavation activities when occurring within close proximity of another existing structure. For the purpose of the request made by The Enclave, close proximity is considered ten feet or less. The proposed regulations would be to provide vertical and/or lateral support for foundations, either through underpinning, sheeting and bracing, or by other means as deemed necessary by a registered design professional, with the purpose and intent to prevent harm to existing foundations.

Meeting Date(s):

07/14/2025  
09/08/2025

Prepared by:

Janice Gundlach

Reviewed by:

Antonio Montez

Which of the community aspirations does this request for council action most align with?

- ☐ Foster a strong sense of community through effective and inclusive communication, effective engagement, and collaborative decision-making.
- ☐ A community that is welcoming and inclusive of all people regardless of country of origin, race, ethnicity, gender, sexual preferences, age, physical ability, or socioeconomic standing.
- ☐ A city where all people feel safe and secure and where mutual trust and respect are fostered between the community and their police, fire, and all emergency responders.
- ☐ A community of thriving and diverse neighborhoods with quality housing and businesses that meet the needs of, and provide opportunities for, all people.
- ☐ A community that embraces diversity through multicultural public programming, public gathering spaces, and parks in ways that are suitable for all people regardless of age, ability, or access to information.
- ☐ A community that treasures and preserves natural areas and open space and prioritizes environmental conservation and sustainability.
- ☐ A community that is economically prosperous with a stable and broad tax base, vibrant small businesses, high quality employment opportunities, and a range of retail and entertainment options.
- ☐ A community with a safe, inclusive, and well-connected transportation and infrastructure system that supports the health and well-being of residents, visitors, customers, businesses, and employees regardless of ability, access, cultural background, or socioeconomic standing.



**What are the desired outcomes and impacts in the community?**

The desired outcome would be that building inspections staff have authority to request additional regulations during excavation activities when those excavation activities occur within 10' of another existing structure and/or building. That authority does not currently exist in the Residential Building Code absent an obvious threat.

The proposed regulations could impact most residential construction that falls under the Residential Building Code (as opposed to the International Building Code) given the City has a 5' side yard setback as the minimum in the LDR, LMDR and MDR zoning districts.

More direct impacts would be felt by two parties: 1) the party doing the excavation, and 2) the party within 10' of the excavation. The impacts are not entirely understood given every implementation could be different given specific characteristics of the project, the surrounding landscape, and legal property boundaries. Generally speaking, the party doing the excavation will incur additional cost and effort to implement the regulation and the party within 10' of the excavation may have a greater level of assurance that a close proximity excavation will not negatively impact them. If the regulations were refined beyond a distance of 10', impacts could lessen community-wide.

**Who will benefit from or be burdened by this decision?**

The most affected parties, the party doing the excavation and the party within 10' of the excavation, will both benefit and be burdened by these regulations as implementation of the regulations are dependent on the specific characteristics of the project, the surrounding landscape, and legal property boundary issues. Because of this, it is impossible to fully understand the benefit and burden of these regulations. In the interest of making a good faith effort to explore benefits and burdens, the following examples are provided:

**Benefit:** an owner of a structure/building within 10' of a new structure/building may benefit from additional construction measures that may prevent harm to their existing building/structure.

**Burden:** a party and/or property owner will be required to implement additional measures, with added cost and time, not otherwise required under the Residential Building Code when they opt to build at the minimum allowed side yard setback if the neighbor has already built a structure/building at the minimum side yard setback.

**Benefit:** the party implementing the new regulations has additional assurance that their excavation activities will not harm a neighboring structure/building.

**Burden:** the party with a structure/building within 10' of a new excavation may experience a greater level of excavation nearer to their property and/or structure/building by implementation of the ordinance. This party may also be burdened by having to provide legal consent to allow certain activities to occur on their property, or opt not to provide legal consent, which may prohibit the new excavation/project entirely.

**What are potential unintended consequences and are there strategies to mitigate any negative consequences?**

The most obvious unintended consequence would be that structures/buildings would be built 10'1" setback from another structure/building so as to prevent the close proximity regulation to be applied. However, one might not find this consequence a negative. If this were determined to be a negative, additional factors could be defined to limit the scope of ordinance, such as applying in situations where the close structure/building is a principal structure (as opposed to a deck or accessory building), the principal structure is of a certain age, and/or when proposed excavation activities go beyond the depth of a standard basement.

Another potential unintended consequence is that it's likely more expensive to hire a registered design professional than it is to implement underpinning, bracing and/or sheeting, and, in most cases, a registered design professional will conclude underpinning, bracing, and/or sheeting isn't necessary. This could be mitigated by allowing one to elect to underpin, brace or sheet without hiring a registered design professional. Or, forego the ordinance and rely on the existing Residential Building Code that allows building inspections staff to require a registered design professional if there is an obvious threat.

How have we incorporated and/or engaged community perspective into this recommendation?

Given this request came from a detached town home development in the community, that community's perspectives have formulated the proposed ordinance. Given the highly technical nature of this ordinance, it may be difficult to meaningfully engage with the broader community.

Beyond individual community members, there are other stakeholders that may be worth engaging given the proposed ordinance will add cost and time to many residential constructions that are not otherwise required under the Residential Building Code or in neighboring communities. These stakeholders include the Builders Association, residential home builders that have worked in Roseville, and registered design professionals. Staff would seek direction from Council on whether engagement efforts to these stakeholders should be initiated. If there is interest in refining the scope of the ordinance beyond excavations within 10', staff could benefit from the expertise of a registered design professional to ensure the ordinance is not misguided, unnecessary, or incomplete.

## Equity Impact Analysis (Summary)

In 1-3 paragraphs, how would you summarize the consideration of equity on this recommendation? How does this help us achieve our Community Aspirations? This summary should be included under the Equity Impact Summary of the RCA.

The proposed ordinance is the product of a request from residents who reside in a 20-unit detached town home development that is under construction and results in homes having 10' setbacks. These residents have concerns their homes will not be adequately protected from excavation activities for the future homes in the development. The ordinance would impose close proximity building regulations to ensure vertical and/or lateral support for existing foundations is provided during excavation activities that occur within 10' of another structure/building, as the existing Residential Building Code does not require such protections when on-site threats are not obvious or apparent. The impact of the ordinance has the possibility to be widespread given the interior side yard setback requirement in the LDR, LMDR and MDR zoning districts is 5', however the actual impacts will be dependent on the conditions under which the ordinance would be applied, the specific characteristics of individual projects, the surrounding landscape, and legal property boundary considerations. Given the specificity of the ordinance, its purpose or impact cannot be directly connected to a Community Aspiration but could be loosely tied to the aspiration that speaks to a community with quality housing.

## **Resources**

[Census 2020](#) – Publicly available data gathered every 10 years intended to be the leading source of quality data on people and economy.

[American Community Survey](#) – A survey by the U.S. Census Bureau updated annually.

[Google Scholar](#) – Publicly available scholarly literature which may contain relevant data.

Community Feedback – All ways in which the community provides feedback to the city can be used to aide in decision making.

Previous Completed Equity & Inclusion Toolkits

# Excavations in Close Proximity Ordinance

Community Development



## Excavations in Close Proximity

### Background

#### Attachment 6

- Residents of The Enclave HOA have requested an ordinance be adopted to protect existing foundations w/in close proximity of new excavations.
- Concerned about protecting the foundations of newly constructed homes from construction activities at remaining undeveloped lots.
- 10' setbacks between homes.
- Status of The Enclave build-out:
  - 20 total lots
  - 11 constructed (2 in foreclosure)
  - 1 under construction
  - 3 vacant – in foreclosure
  - 5 vacant – bank/investor owned



## Excavations in Close Proximity

### Background

- Proposed ordinance would require a registered design professional to decide if mitigations need to be made when an excavation occurs within close proximity of an existing foundation.
- Examples of mitigations include underpinning, sheeting and bracing.
- Residential Building Code only addresses if there are readily evident reasons (such as bad soils).
- City ordinance needs to provide enough clarity to be enforced city-wide.

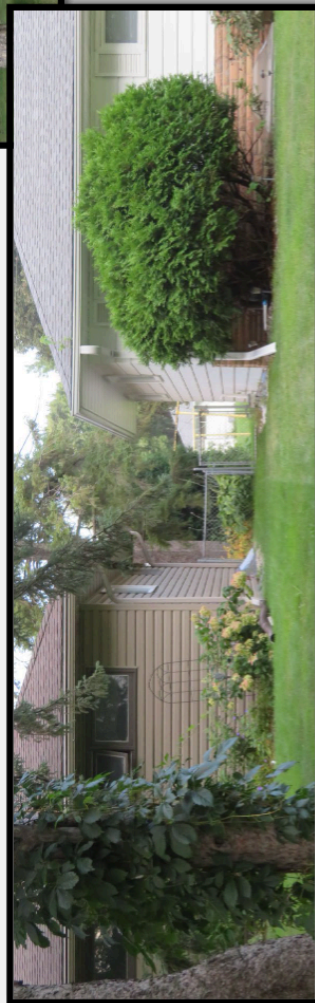
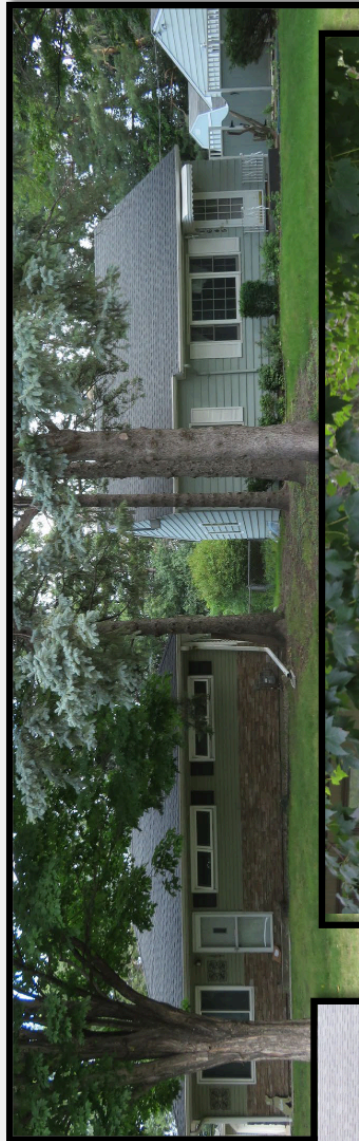


# Excavations in Close Proximity

Background



Attachment 6



ATTACHMENT 1

# Excavations in Close Proximity

Status at State

Attachment 6

- Cities cannot enact regulations more restrictive than the Building Code.
- State DOLI initially ruled the City could not adopt its own ordinance – but has since adjusted their position (see email exchange provided).
- State has presented a related provision for adoption into the next Residential Building Code.
- If State’s language is adopted, City will have to rescind our ordinance.
- Updated residential building code slated for adoption in March 2026 – new regulations given 6-month grace period for implementation.

## **Proposed code language for 2026 Minnesota Residential Code**

**R401.5. Excavation near foundations.** Where excavation will reduce support from any adjoining public or private property foundation, a registered design professional shall prepare an assessment of the structure as determined from examination of the structure, the review of available design documents and, if necessary, excavation of test pits. The registered design professional shall determine the requirements for underpinning and protection and prepare site-specific plans, details, and sequence of work for submission. Such support shall be provided by underpinning, sheeting and bracing, or by other means acceptable to the building official.

ATTACHMENT 1



## **Excavations in Close Proximity**

### Ordinance Options

Attachment 6

- City ordinance could be included in Title 9 of the City Code, Chapter 906, Building Maintenance and Preservation.
- Options for ordinance language provided in packet materials:
  - Language from IBC (commercial building code): 1804.1
  - Language from City of Minneapolis: 89.30(10)
  - State's proposed language: R401.5
- Desire to define close proximity?
  - Ordinance language options silent
  - The Enclave HOA has requested 10'
  - Staff supports clarity of close proximity for implementation purposes

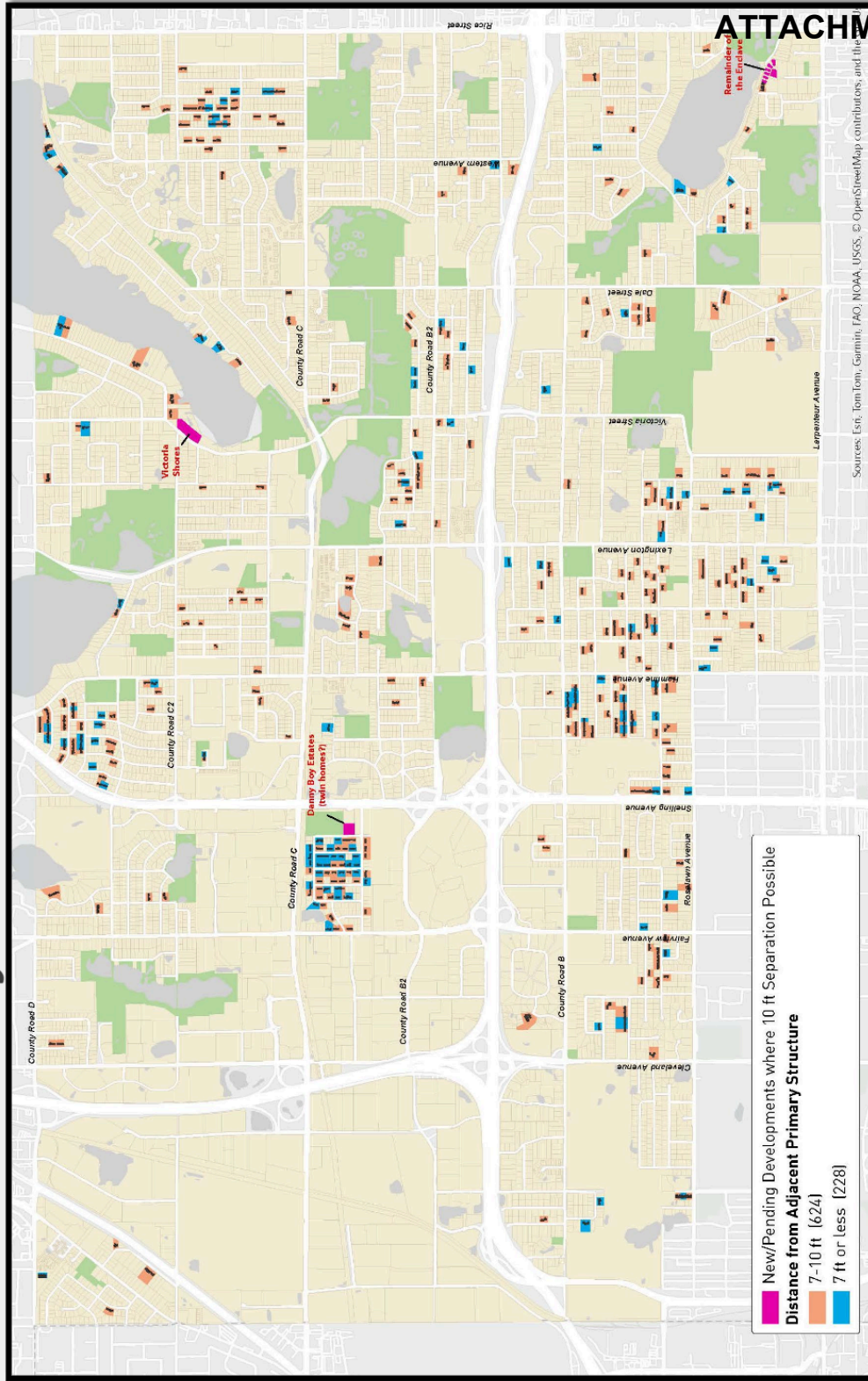


# Excavations in Close Proximity

Scope of Ordinance

Close proximity = 10',  
impacts 200-600  
properties

Attachment 6



ATTACHMENT 1

ROSEVILLE

## Excavations in Close Proximity

Scope of Ordinance

Attachment 6

- Equity & Inclusion Toolkit was completed – required for any new ordinance.
- Toolkit examines benefit/burdens of ordinance, unintended consequences, strategies to mitigate negative consequences, and engagement efforts.
- Toolkit reveals following issues worth noting:
  - Could impact hundreds of properties given 5' minimum side yard setback standard in LDR, LMDR, and MDR zoning districts.
  - Having a Registered Design Professional make a determination on vertical or lateral support for foundations in close proximity adds cost to most residential projects.
  - Most determinations will reveal mitigations not warranted – staff is unaware of problems.

## Excavations in Close Proximity

Scope of Ordinance

Attachment 6

- Toolkit reveals following issues worth noting, continued:
  - The cost of a Registered Design Professional's determination may exceed the mitigation costs.
  - Efforts to implement mitigations may require excavation closer to existing foundations than would otherwise be needed.
  - What if mitigations cannot fully be implemented within legal property boundaries – require temporary construction easements?
  - Does adjacent property/foundation owner have a right to review and/or approve the opinion of the Registered Design Professional?
  - What if adjacent legal party disagrees with opinion of Registered Design Professional?



## Excavations in Close Proximity

Scope of Ordinance

Attachment 6

- Toolkit reveals following issues worth noting, continued:
  - If close proximity is 10', to avoid the ordinance builders will build at setbacks of 10' 1" – is this acceptable?
  - Should the ordinance apply to:
    - All excavations?
    - Only excavations for foundations?
    - Only excavations for new homes? What about additions to homes?
    - Is the close proximity foundation concern only for a home? What about an accessory structure or deck footing?
    - Is the age of the adjacent foundation of concern? Newer homes built to current code likely have less risk than older foundations.

## Excavations in Close Proximity

Scope of Ordinance

- Given these unknowns, is the Council interested in limiting the scope beyond the example ordinances provided?
- If so, how?
  - Distance
  - Age of foundation w/in close proximity
  - Exempt certain foundations?
  - Input from Registered Design Professional?
  - Additional engagement? Who?

## **Excavations in Close Proximity**

### **Next Steps & Staff Recommendation**

Attachment 6

- Options for next steps:
  - Bring ordinance forward for adoption.
  - Direction to limit scope of ordinance.
  - Engage with Registered Design Professionals to inform an ordinance with a limited scope.
  - Wait for State to adopt standard.
- Staff Recommendation
  - Provide direction to limit scope of ordinance further to:
    - Define close proximity – is it 10’?
    - Clarify the foundation types of concerns – all structures, principal structures only, age of foundations?
    - Seek input from a Registered Design Professional.
- City ordinance will have to be rescinded if/when State adopts standard (sometime in 2026).

**Regular City Council Meeting  
Monday, September 8, 2025  
Page 2**

Mayor Roe thanked Ms. Ferguson for the work that the DAR does to remind people about the Constitution. He read the Constitution Week Proclamation.

Schroeder moved, Groff seconded, proclaiming September 17 – 23, 2025, Constitution Week.

Mayor Roe mentioned on the way into the meeting that he saw the Constitution recognition monument outside City Hall, which was placed many years ago and had been in storage for a while before being brought back and refurbished. He said it might need refurbishing again because it is hard to read. He wanted to take this opportunity to see if the city could renew its efforts to restore that monument as well.

Councilmember Strahan affirmed Mayor Roe's comments and noted the Constitution song she learned at an early age, which has stuck with her over the years. She thought it was essential for everyone to remember that the Constitution was not an accident; it was intentionally written, and the process that went into ensuring our country was rooted in these values.

**Roll Call**

**Ayes:** Groff, Strahan, Schroeder, Bauer, and Roe.

**Nays:** None.

**6. Items Removed from the Consent Agenda**

**7. Business Items**

**a. Discuss an Ordinance Imposing Regulations on Excavations within Ten Feet of Existing Foundations**

Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request for Council Action and related attachments dated September 8, 2025.

Ms. Gundlach presented background information to the Council regarding the Enclave Homeowners' Association request and the proposed ordinance's purpose.

Building Official David Englund detailed the current residential building code and the state's position on the ordinance.

Ms. Gundlach presented options for the ordinance's scope, including the need for a registered design professional and the potential impact on hundreds of properties.

Mayor Roe requested clarification on the location of responsibility for the permitting process for excavation in the City Code. He inquired whether this is also covered in the Public Works section and if the Public Works information is separate

from what is being discussed here, or if both types of permits are included in both sections.

Ms. Gundlach was unsure which specific Code sections the Mayor was referencing but noted that engineering requires separate permits for excavations.

Mr. Englund explained that a building permit is required if there is going to be foundation or soil disturbance; this is referred to the engineering department for an erosion control permit.

Mayor Roe asked City Attorney Tierney if it was possible to draft a statement for these situations stating something like “for these types of situations, the State Building Code, which the city adopts and aligns with, applies. However, if it is not addressed in the state code, these are the standards the city follows.” He indicated that then the city would not need to rescind its language if the state approved such language. Instead, the city would specify that the state code takes precedence over any local regulations.

City Attorney Tierney expressed her hesitation. She stated that if the state passed regulations that differed from the city's regulations, the city would be preempted, and the city ordinance would be effectively overridden. She was reluctant to try to predict what the state might do and then craft laws based on those assumptions. Instead, she suggested it would be better to wait for the state to establish regulations and then address anything the state has not covered. This approach would give them time to analyze whether their rules differ from the state's and offer an opportunity to consult with the state as well.

Councilmembers discussed the feasibility and potential unintended consequences of the ordinance, including cost and timeline implications.

### **Public Comment**

Mayor Roe offered an opportunity for public comment, but no one came forward.

#### **Mr. Jamie Jensen, 1499 Clarmar**

Mr. Jensen supported the staff's approach and questioned the need for additional regulations.

Mayor Roe suggested further discussion and expert consultation before deciding.

Council members directed staff to seek input from registered design professionals and revisit the issue after conducting further research.

#### **b. Discuss Beekeeping Regulations**



**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 10/20/2025  
Item No.: 7.b.

Department Approval



City Manager Approval



**Item Description:** Consider updates to Appointment and Reappointment Policy for  
Advisory Commissions

## Background

The City of Roseville relies on its seven standing advisory commissions, Ethics, Finance, Equity and Inclusion, Parks and Recreation, Planning, Police Civil Service, and Public Works, Environment and Transportation to provide recommendations and community perspectives on city policies and initiatives.

The City's existing Appointment and Reappointment Policy guides how commission vacancies are advertised, how applicants are interviewed and selected, and how current members are considered for reappointment. Staff recently reviewed the policy to ensure consistency with how the City Council and staff currently administer appointments and reappointments. The review resulted in minor clarifications, including updated commission names, removal of outdated reappointment language, clearer descriptions of how reappointment applications are handled, and added detail on the information Council receives when considering reappointments. These changes are listed in a track-changes format on Attachment 1.

In **Section II - Procedure Statement - Reappointments**, the proposed changes are below:

- **A.** Update made removed "in writing" to reflect that staff liaisons frequently verbally discuss reappointment with commissioners rather than formally in writing. This often occurs when the commission meets in-person and staff ask if commissioners are interested in reappointment. This change allows for verbal and written communication to occur. The other change reflects council's previous decision to require new applications for reappointment rather than reviewing the commissioner's previously submitted application.
- **B.** Language was added to clarify when the Council will consider reappointments and declare vacancies (January). Language was also clarified that attendance records for those commissioners seeking reappointment would be provided rather than including attendance records of commissioners who are not seeking reappointment. This change reflects the current practice of providing attendance records of those seeking reappointment. This does not change the process outlined in city code that requires forwarding information to council when a commissioner misses three consecutive meetings and/or misses a total of 30% or more of commission meetings in a rolling 12-month period. (Sec. 201.02 (g))
- **C.** Grammatical change

## Policy Objectives

The updated policy ensures that written procedures align with current practice, providing clarity, transparency, and consistency for applicants, commissioners, staff, and the Council.

## Equity Impact Summary

The clarified policy continues the City's commitment to fair and open processes by outlining transparent procedures, broadening outreach to residents, and ensuring consistent consideration for both new applicants and returning commissioners.

## Budget Implications

None.

## Staff Recommendations

Staff recommends that the City Council approve the updated *Appointment and Reappointment Policy* to align the written policy with the procedures currently in practice.

## Requested Council Action

Approve the updated *Appointment and Reappointment Policy*.

**Prepared by:** Rebecca Olson, Assistant City Manager

**Attachments:**

1. Policy\_redlined
2. Policy\_clean

## CITY OF ROSEVILLE

## APPOINTMENT AND REAPPOINTMENT POLICY ROSEVILLE CITIZEN ADVISORY COMMISSIONS

### BACKGROUND

The City of Roseville has seven standing Advisory Commissions: Ethics, Finance, ~~Human Rights, Inclusion and Engagement~~Equity and Inclusion, Parks and Recreation, Planning, Police Civil Service and Public Works, Environment and Transportation; the City also establishes other advisory groups as needed.

### POLICY STATEMENT

It is the intent of this policy to establish a fair and open notification and selection process that encourages all Roseville residents to apply for appointments.

#### I. PROCEDURE STATEMENT – APPOINTMENTS

If a vacancy occurs because of resignation, death, moving from the City, removal from office, ineligibility for reappointment, etc. on any standing Advisory Commission, the following procedure will be used.

- A. Regular commission appointments and reappointments will occur each spring in March. If vacancies occur, the council will consider appointments to fill those vacancies in March or September.
- B. Annually, the City Council will establish dates to conduct interviews twice a year, and application deadlines to fill any commission vacancies. The time between the application deadline and interviews will be no more than 30 days.
- C. Commission vacancies will be advertised using the most relevant, effective and efficient method to reach as many residents as possible. These methods may include but are not limited to: social media, newspaper or print, electronic newsletter, cable television, city hall bulletin board.
- D. Applications received after the deadline will be held for the next round of appointments. Should a vacancy occur, any applicants on file will be notified by their preferred method listed in the application and given the date of the next round of interviews. After the next round, should an applicant not be appointed but remain interested, they will be invited to submit a new application.
- E. Names of applicants and applications will be provided to the City Council and the public after the application deadline.
- F. If fewer applications are received than twice the number of openings, the City Council may establish a new application deadline and Council meeting for interviews. If a new deadline is adopted, the vacancy will be re-advertised as described in 'C' above. Applicants whose applications were received before the original deadline will remain under consideration and need not reapply.
- G. Applicants will be interviewed by the City Council. The Chair, or the Chair's designee, of the Commission to which the applicant is seeking appointment will be invited to attend and participate in the interview process. Interviews are open to the public.
- H. The Council may fill a vacancy outside of the biannual basis should the need arise.

#### II. PROCEDURE STATEMENT - REAPPOINTMENTS

If a current Commission member's term is expiring and is eligible for reappointment, the following procedure will be used.

- A. No later than sixty days prior to the expiration of a term, each commission member whose term is expiring will be contacted ~~in writing~~ to determine their interest in reappointment. For persons seeking reappointment, ~~if they have an application on file 3 years old or less, that application will be provided to Council. Should their most recent application be older than 3 years,~~ they will be asked to submit a new reappointment application.
- B. ~~In January,~~ Council will be advised of those Commissioners who are eligible for reappointment and if they are seeking reappointment. In addition, Council will be provided with the attendance record of ~~the individual~~any commissioner seeking reappointment, whose term is expiring. The Council will also be provided with written comments from the Chairperson of the Commission regarding the reappointment of the individual. Chair recommendations are not public data. At that time, Council will consider whether to interview ~~the~~ commissioners seeking reappointment. If two councilmembers request it, a commissioner seeking reappointment will be scheduled to attend an interview before the entire council.
- C. Should the Council determine that the individual(s) merits reappointment, that person will be reappointed.
- D. Should the incumbent not wish to be reappointed or should the Council determine that the individual does not merit reappointment, the Council will follow the procedure for filling vacancies as described above.

### III. APPOINTMENT TO OTHER CITY ADVISORY GROUPS

The Council may use the procedure outlined in Section I. and II. above for making appointments to other advisory groups, committees, task forces, etc.

## CITY OF ROSEVILLE

# **APPOINTMENT AND REAPPOINTMENT POLICY ROSEVILLE CITIZEN ADVISORY COMMISSIONS**

### **BACKGROUND**

The City of Roseville has seven standing Advisory Commissions: Ethics, Finance, Equity and Inclusion, Parks and Recreation, Planning, Police Civil Service and Public Works, Environment and Transportation; the City also establishes other advisory groups as needed.

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- D. Applications received after the deadline will be held for the next round of appointments. Should a vacancy occur, any applicants on file will be notified by their preferred method listed in the application and given the date of the next round of interviews. After the next round, should an applicant not be appointed but remain interested, they will be invited to submit a new application.
- E. Names of applicants and applications will be provided to the City Council and the public after the application deadline.
- F. If fewer applications are received than twice the number of openings, the City Council may establish a new application deadline and Council meeting for interviews. If a new deadline is adopted, the vacancy will be re-advertised as described in 'C' above. Applicants whose applications were received before the original deadline will remain under consideration and need not reapply.
- G. Applicants will be interviewed by the City Council. The Chair, or the Chair's designee, of the Commission to which the applicant is seeking appointment will be invited to attend and participate in the interview process. Interviews are open to the public.
- H. The Council may fill a vacancy outside of the biannual basis should the need arise.

#### **II. PROCEDURE STATEMENT - REAPPOINTMENTS**

If a current Commission member's term is expiring and is eligible for reappointment, the following procedure will be used.

- A. No later than sixty days prior to the expiration of a term, each commission member whose term is expiring will be contacted to determine their interest in reappointment. For persons seeking reappointment, they will be asked to submit a new reappointment application.
- B. In January, Council will be advised of those Commissioners who are eligible for reappointment and if they are seeking reappointment. In addition, Council will be provided with the attendance record of any commissioner seeking reappointment. The Council will also be provided with written comments from the Chairperson of the Commission regarding the reappointment of the individual. Chair recommendations are not public data. At that time, Council will consider whether to interview commissioners seeking reappointment. If two councilmembers request it, a commissioner seeking reappointment will be scheduled to attend an interview before the entire council.
- C. Should the Council determine that the individual(s) merits reappointment, that person will be reappointed.
- D. Should the incumbent not wish to be reappointed or should the Council determine that the individual does not merit reappointment, the Council will follow the procedure for filling vacancies as described above.

### **III. APPOINTMENT TO OTHER CITY ADVISORY GROUPS**

The Council may use the procedure outlined in Section I. and II. above for making appointments to other advisory groups, committees, task forces, etc.



**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 10/20/2025

Item No.: 7.c.

Department Approval



City Manager Approval



**Item Description:** Consider an Ordinance Adopting and Enacting a New City Code

## Background

The City has been engaged in a comprehensive recodification of the City Code. This process began in 2022 with staff research on codification service providers, and on April 24, 2023, Council approved a contract with Municode for recodification, supplementation, and online hosting of our City Code. Since that time, staff, the City Attorney and attorneys from Municode have been reviewing, researching and editing the final city code.

Recodification modernizes the code's organization and legal conformity. The process was a detailed, multi-stage project designed to streamline, and legally align our ordinances. The project included a full legal review to ensure consistency with state statutes, identification and removal of obsolete or conflicting provisions, and preparation of the Code for online hosting with enhanced functionality such as advanced search features, translation, and gender-neutralization options. This process consolidated duplicate sections, corrected outdated citations, and cleaned up style/numbering for clarity and future maintenance. **No substantive changes have been made to the code.** Staff and the City Attorney have identified areas where changes may be needed, however, those items will come to council for full review and consideration at separate times.

For context, the following stages were part of the recodification process:

- **Materials collection and initial organization** – All ordinances were compiled, normalized to Municode's format, and arranged into a draft Code structure. Adoption dates were recorded for history notes.
- **Legal Review** – A Code Attorney conducted a statute-level analysis to flag conflicts/obsolete text and recommend fixes (e.g. update or adopt state definitions by reference, remove repealed statute references, consolidate duplicative provisions). These recommendations appeared as strike-throughs (deletions), underlines (additions), and explanatory footnotes in the Code Attorney's first rough draft.
- **Conference** – Staff worked with Municode and the City Attorney to confirm recommendations and set a cut-off date; ordinances adopted after that date will be queued for the first Supplement.
- **Post-Conference Follow-Up** – Staff responded to outstanding questions and continued to submit newly adopted ordinances.
- **Implementation, Editing, and Proofreading** – Municode's editorial team incorporated changes, styled and numbered the Code, and provided draft proofs for staff review.
- **Final Printing and Adoption Ordinance** – The final Code was prepared and is now ready to be adopted by ordinance. After Council adoption, online hosting and scheduled supplementation will begin on the Municode platform.

## What Changed

Earlier drafts went through extensive legal review, editorial revisions, and proofing stages, which

included identification of conflicts with state statutes, removal of obsolete provisions, and stylistic and organizational updates.

- **Statute alignment & obsolete clean-up:** Corrected or replaced references to repealed/renumbered statutes (e.g., Minn. Stat. §§ noted in Titles 5–7), eliminated sections fully covered by state law (e.g., duplicative open-bottle, traffic/parking, and severability provisions), and updated cross-references.
- **Consolidation for clarity:** Moved duplicative definitions and severability into Title 1 to apply citywide; removed repeated chapter-level versions; numbered previously unnumbered subsections to improve cross-citations.
- **Organization & placement:** Identified items better grouped elsewhere (e.g., some business licensing provisions now grouped within Title 3; health/safety content re-grouped for coherence).
- **Fee schedule:** Directed fee language to the City Fee Schedule and placed the consolidated schedule in Appendix A, so future updates occur in one location (penalties are not co-mingled with fees).
- **Zoning approach:** Due to the nature of zoning procedures, **no substantive zoning changes** were introduced in recodification; editing there was limited to format and cross-reference clean-up.

**Note:** The history notes at the end of sections preserve the source of provisions, and the comparative tables allow readers to map from the 1995 Code and intervening ordinances to the updated sections in this Code.

The adopting ordinance will finalize this project and make the new recodified Code the official City Code. Going forward, ordinances will be updated online quarterly, with newly adopted ordinances posted as recently adopted, not yet codified.

## Policy Objectives

The objective of the recodification project is to modernize, clarify, and streamline the City’s Code of Ordinances to ensure that it is accessible, consistent, and reflective of current state law and best practices. Recodification will eliminate outdated or duplicative provisions, improve organization and readability, and provide a hosted online system that allows residents, staff, and elected officials to easily navigate the Code. The process will also ensure that the Code supports effective governance, enhances transparency, and provides a clear regulatory framework for residents, businesses, and city staff.

## Equity Impact Summary

The recodification of the City Code supports equity by ensuring that ordinances are written in clear and consistent language, making them easier to understand for residents of all backgrounds. By moving to a more accessible and searchable online system, the City lowers barriers for individuals who may not be familiar with legal terminology, who rely on digital access rather than printed documents, or who need compliance with accessibility standards due to disabilities. Removing outdated and inconsistent provisions also promotes fairness in enforcement and reduces the risk of confusion or misinterpretation that can disproportionately impact underrepresented or marginalized groups. Overall, this effort strengthens transparency and builds trust by giving all community members improved access to the rules that govern their city, while ensuring that those rules are applied consistently and equitably.

## Budget Implications

There are no budget implications.

## Staff Recommendations

Staff recommends council adopting the ordinance and resolution which allows for a summary publication of the ordinance.

91

92

## **Requested Council Action**

93

By motion adopt the ordinance and resolution allowing for summary publication of the ordinance.

94

95

### **Prepared by:**

Rebecca Olson, Assistant City Manager

### **Attachments:**

1. Recodified City Code
2. Adopting\_Ordinance
3. Summary\_Publication\_RESOLUTION

96

**CODE OF ORDINANCES**  
**OF THE CITY OF**  
**ROSEVILLE, MINNESOTA**

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Published in 2025 by Order of the City Council

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OFFICIALS  
of the  
CITY OF  
ROSEVILLE, MINNESOTA  
AT THE TIME OF THIS RECODIFICATION

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*Mayor*

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Matt Bauer  
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*Assistant City Manager*

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## PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Roseville, Minnesota.

Source materials used in the preparation of the Code were the 1995 Code, as supplemented through April 24, 2023, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1995 Code, as supplemented, and any subsequent ordinance included herein.

### *Acknowledgments*

This publication was under the direct supervision of Sandra S. Fox, Senior Code Attorney, and Caroline M. Spinks, Editor, of CivicPlus, LLC, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Katie Bruno, Deputy City Clerk, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

### *Copyright*

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**CHAPTER 101. GENERAL PROVISIONS****Sec. 101.01. Title; citation.**

(a) Upon adoption by the city council, this Code shall constitute the official Code of Ordinances of the City of Roseville, Minnesota. This Code may also be known and cited as the "Roseville City Code."

(b) This Code is published by authority of the city council and shall be supplemented to incorporate the most recent legislation of the city as provided in section 101.04.

(c) Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal documents.

(Code 1995, § 101.01)

**Sec. 101.02. Acceptance.**

This Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this state as the ordinances of the city of general and permanent effect.

(Code 1995, § 101.02)

**Sec. 101.03. Amendments.**

Any ordinance amending this Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and said ordinance material shall be prepared for insertion in its proper place in each copy of this Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this Code.

(Code 1995, § 101.03)

**Sec. 101.04. Code alterations.**

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the city council. The city manager shall see that the replacement pages are properly inserted in the official copies maintained in the office of the city manager.

(Code 1995, § 101.04)

**Sec. 101.05. Rules of construction.**

(a) *Applicability.* When interpreting this Code, the following rules of construction shall be applied, except where the application of any rule of construction would result in an interpretation clearly contrary to the plain intent of a provision or of any section or chapter in which a given provision appears. The rules are as follows:

- (1) *Common usage.* All words and phrases used in this Code shall be interpreted and understood in accordance with the common and acceptable usage, but any technical words and phrases, or such others which have acquired a specific or peculiar meaning, shall be interpreted and understood in accordance with such technical, specific or peculiar meaning.
- (2) *Gender; singular and plural.* Words expressing one gender apply to all genders. If any word in this Code expresses male or female gender, it shall be extended to and shall be applied to both genders, and every word expressing the plural number shall extend to and be applied to one person or thing as well as several persons or things.
- (3) *Tenses.* The use of any verb in the present tense shall include the future when applicable and the use of any verb in the future tense shall include the present when applicable.

(b) *Application of state statutes.* In addition to the rules of construction contained in subsection (a) of this section, the rules and canons of construction, presumptions and miscellaneous provisions pertaining to construction contained in Minn. Stat. ch. 645 governing statutory construction are hereby adopted by reference and made a part hereof as if fully set forth herein. All references contained in these statutory provisions to laws and statutes shall be construed to apply and refer to the provisions of this Code and all references to the legislature shall be construed to apply to the city council or appropriate governing body.

(c) *Changes for clarification.* The word "ordinance" contained in the city ordinances of has been changed in the content of this Code to "title," "chapter," "section" or "subdivision" or words of like import for organizational and clarification purposes only. Such change to the city's ordinances is not meant to amend passage and effective dates of such original ordinances.

(d) *Delegation of authority.* When a provision of this Code requires or authorizes an officer or city employee to do some act or perform some duty, it shall be construed to authorize such officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision specifically designate otherwise.

(e) *Joint authority.* Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

(f) *May, must and shall.* The verb "may" shall be construed as permissive, while the verbs "must" and "shall" shall be construed as mandatory.

(g) *Or, and.* The word "or" may be read "and," and the word "and" may be read "or," as the sense requires it.

(Code 1995, § 101.07)

#### **Sec. 101.06. Definitions.**

The following words and phrases, when used in this Code, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires. When a term is defined in other chapters of this Code, those definitions shall apply to the chapter in which they appear and supersede conflicting definitions in this section.

*City.* The term "city" means the City of Roseville, Minnesota.

*City council.* The term "city council" means the governing body of the city.

*City fee schedule.* The term "city fee schedule" means the official consolidated list compiled and adopted by ordinance that lists city rates, fees, penalties and charges as determined from time to time by the city council. The city fee schedule is included in this Code as appendix A and includes the administrative penalties schedule.

*Code.* The term "Code" means this Code as designated in section 101.01.

*Computation of time.* The time in which any act is to be done is computed by excluding the first day and including the last, unless the last is a Saturday, Sunday or a holiday, and then it is also excluded.

*County.* The term "county" or "this county" means Ramsey County, Minnesota, unless otherwise specifically stated.

*In the city.* The term "in the city" means all territory over which the city has jurisdiction for the exercise of its police, regulatory and other powers.

*Law.* The term "law" means applicable federal law, the state constitution and statutes, this Code, city ordinances and resolutions, and, when appropriate, any and all rules and regulations that may be promulgated thereunder.

*Month.* The term "month" means a calendar month, or the period from a date to the corresponding date in the following calendar month, as the context indicates.

*Minn. Rules.* The term "Minn. Rules" means the state administrative regulations as compiled in Minnesota Administrative Rules, as amended from time to time.

*Minn. Stat.* The term "Minn. Stat." means Minnesota Statutes, as amended from time to time.

*Officers, departments, etc.* References to officers, departments, board, commissions or employees are to city officers, city departments, city boards, city committees, city commissions, city employees, etc. The term "officer" shall also include officers and boards in charge of departments and members of such board.

*Ordinance.* The term "owner" means a legislative act of the city council of a general and permanent nature.

*Owner.* The term "ordinance," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

*Person.* The term "person" means any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, joint stock company, or joint adventure, any receiver, executor, trustee, conservator, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

*Property.* The term "property" means and includes real and personal property.

*Real property.* The term "real property" means and includes lands, tenements and hereditaments.

*Resolution.* The term "resolution" means a legislative act of the city of a special or temporary character.

*Sidewalk.* The term "sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

*Signature.* The term "signature" includes a mark made by a person who cannot write.

*State.* The term "state" means the state of Minnesota in the United States of America.

*Street.* The term "street" means and includes highways, sidewalks, alleys, avenues, recessed parking areas and other public rights-of-way, including the entire right-of-way.

*Year.* The term "year" means a calendar year.

#### **Sec. 101.07. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

(Code 1995, § 101.06)

#### **Sec. 101.08. Catchlines, editorial notes and references to subparts.**

(a) The catchlines of the several articles, divisions and sections of this code are intended as mere catchwords to indicate the contents of the article, division or section and shall not be deemed or taken to be titles of such articles, divisions and sections, nor as any part of the

articles, divisions and sections, nor, unless expressly so provided, shall they be so deemed when any of such articles, divisions and sections, including the catchlines, are amended or reenacted.

(b) The history or source notes appearing in parentheses after sections in this code are not intended to have any legal effect but are intended merely to indicate the source of matter contained in the section.

(c) Editor's notes, state law references, and similar editorial commentary that appear after sections or subsections of this code or which otherwise appear in footnote form are provided for the convenience of the user of the code and have no legal effect.

**Sec. 101.09. Certain ordinances not repealed or otherwise affected by adoption of Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any ordinance promising or guaranteeing the payment of money by the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness or any contract, agreement, lease, deed or other instrument or obligation assumed by the city or creating interest and sinking funds;
- (2) Any right or franchise, permit or other right granted by any ordinance;
- (3) Any personnel regulations and any ordinance establishing salaries of city officers and employees or civil service rules;
- (4) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code;
- (5) Any ordinance dedicating, naming, establishing, locating, opening, paving, widening, vacating, etc., any street or public way in the city;
- (6) Any ordinance relating to municipal street maintenance agreements with the state;
- (7) Any ordinance establishing or prescribing grades for streets in the city;
- (8) Any appropriation ordinance or ordinance providing for the levy of taxes or for adopting an annual budget;
- (9) Any ordinance relating to local improvements and assessments therefor;
- (10) Any ordinance annexing territory to the city or discontinuing territory as a part of the city;
- (11) Any ordinance dedicating or accepting any plat or subdivision in the city;
- (12) Any ordinance creating special districts or assessing taxes therefor;
- (13) Any ordinance granting specific tax exemptions;



- (14) Any temporary or special ordinance; and
- (15) Any administrative ordinance.

**Sec. 101.10. Supplementation of Code.**

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed when authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the code by omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the code printed in the supplement and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," "this subsection," etc., as the case may be; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance material inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

**CHAPTER 102. GENERAL ADMINISTRATIVE ENFORCEMENT PROCEDURES**

**Sec. 102.01. General penalty.**

(a) *General offense.* Unless otherwise provided in this Code, any person violating any provision of this Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00, or by imprisonment not to exceed 90 days, or both, or any different amounts adopted by statute. In either case, the costs of prosecution may be added.

(b) *Petty misdemeanor offense.* A petty misdemeanor offense is an offense which is prohibited by statute which does not constitute a crime and is classified as a petty misdemeanor for which a sentence of a fine of not more than \$300.00 or any different amounts adopted by statute may be imposed.

(c) *Administrative offense.*

- (1) *Purpose.* Administrative offense procedures, established pursuant to this section, are intended to provide the city with an alternative to traditional criminal charges for violations of certain ordinance provisions.
- (2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Administrative offense* means a violation of a provision of this Code that is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in subsection (c)(11) of this section and which may or may not have associated compliance requirements.

- (3) *Notice.* Any officer of the police department or any other person employed by the city, authorized under section 102.02, shall, upon determining that there has been a violation of ordinance or Code, notify the violator or, in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, the amount of the scheduled penalty and required compliance actions, if applicable.
- (4) *Recovery of administrative costs.* The owner of the premises, where an administrative offense ticket has been issued by the city's community development department, shall be personally liable for the cost of the city for inspection of said property and administrative costs as allowed per Minn. Stat. § 429.101. Staff shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the office of the city manager.
- (5) *Notice contestation and hearing.* Any person contesting an administrative offense may, within seven days of the time of issuance of the notice, request, in writing, a hearing. The hearing officer shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed.
- (6) *Hearing officer.* The city manager shall be the hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this section.
- (7) *Payment of penalty.* Once notice is given, the alleged violator must pay the specified penalty within seven days of the time of issuance of the notice, unless contesting the notice pursuant to subsection (c)(5) of this section. The penalty may be paid in person or by mail and payment shall be deemed to be an admission of the violation.

- (8) *Failure to pay penalty or administrative costs.*
- a. In the event a party that has committed an administrative offense fails to pay the penalty or administrative costs when due, the city may seek to collect the costs of the administrative offense procedures per section 405.07 or 906.03.
  - b. If the penalty or administrative cost is unpaid, the city manager shall, on or before September 1, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then spread the charges against such property under that statute 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.
- (9) *Failure to comply.* If a notice requires compliance within a set period of time and the compliance does not occur by the deadline specified, the city may initiate an abatement process, as provided in chapter 405, or charge the party with a misdemeanor.
- (10) *Disposition of penalties.* All penalties collected pursuant to this section shall be paid to the city treasurer and may be deposited in the city's general fund.
- (11) *Offenses and penalties.* Offenses that may be charged as administrative offenses are infractions to this Code. Monetary penalties associated with offenses shall be identified in the city fee schedule.
- (12) *Subsequent offenses.* In the event a party is charged with a subsequent administrative offense within an 18-month period for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 100 percent above the previous administrative penalty. The city shall only increase the penalty twice within this period.
- (Code 1995, § 102.01; Ord. No. 1134, 1-24-1994; Ord. No. 1366, 4-21-2008)

**Sec. 102.02. Issuance of ordinance violation summons.**

The persons hereinafter named as city employees or agents shall have power to issue administrative citations, but such issuance by those named shall relate only to offenses involving this Code; building construction, operation or maintenance; fire and fire prevention; public health and sanitation; and zoning. Those authorized to issue such citations are as follows:

- (1) Fire marshal;
- (2) Fire inspector;
- (3) Director of public works;
- (4) Chief code enforcement officer;

- (5) Code enforcement officer;
- (6) Electrical inspector;
- (7) Reserve police officer;
- (8) Community service officer;
- (9) Director of community development.

Other city employees or agents specifically designated, in writing, by the city manager shall also have such authority.

(Code 1995, § 102.02)

## CHAPTER 103. CITY OFFICIALS

### Sec. 103.01. City elections.

(a) *Election date fixed.* The city general election shall be held on the first Tuesday after the first Monday in November of each even numbered year.

(b) *Primary election date.* When there are candidates for election to municipal office in excess of two for the office of mayor or in excess of two for each office of councilmember, then a municipal primary election shall be held for such office or offices on the same date as the state primary election in each even-numbered year.

(Code 1995, § 103.01; Ord. No. 1158, 3-27-1995; Ord. No. 1264, 6-3-2002; Ord. No. 1389, 3-22-2010)

### Sec. 103.02. Campaign contribution reporting.

(a) A candidate for election to a city office must file a report with the city clerk that includes the name of the candidate, the name and address of the person responsible for filing the report; and:

- (1) States the name, address and employer, or occupation if self-employed, of any individual, and the name and address of any committee, or organization, which within the previous one-year period has made one or more contributions that in the aggregate are greater than \$50.00, and the amount and date of each contribution; or
- (2) States that within the previous one-year period no individual, committee, or organization has made one or more contributions that in the aggregate are greater than \$50.00.

(b) The report required under this section must be filed:

- (1) Ten days before a primary, general, or special election; and
- (2) Thirty days after a general or special election, regardless of whether the candidate won or lost in the primary election.

(c) A candidate that intentionally fails to file the report as required in this section is guilty of a misdemeanor. When a candidate fails to file the report by the day it is due, the city clerk shall immediately notify that candidate of the failure to file. If the report is not filed within five business days of the date the notice is mailed, the city clerk shall immediately notify the city attorney of the alleged violation of this section.

(d) For the purposes of this section, the term "contribution" has the meaning given it in the state statutes constituting the state election law, Minn. Stat. § 200.01 et seq. (Code 1995, § 103.015; Ord. No. 1312, 12-6-2004)

**Sec. 103.03. Mayor and city council terms.**

The term of office for mayor and councilmembers shall be four years. (Code 1995, § 103.02; Ord. No. 1264, 6-3-2002)

**Sec. 103.04. Mayor and city council compensation.**

(a) The mayor and members of the city council shall receive a stipend for their service to the city as follows, effective January 1, 2025, and thereafter:

- (1) Mayor: \$885.00 per month.
- (2) Councilmembers: \$685.00 per month.

(b) This stipend offsets any local expenses incurred by elected officials in the course of their duties.

(Code 1995, § 103.03; Ord. No. 1227, 7-12-1999; Ord. No. 1679, § 1, 10-7-2024)

**Sec. 103.05. City clerk.**

The city manager shall act as and perform all duties of the city clerk and the office of the city clerk as set forth in Minn. Stat. ch. 412. In the absence of the city manager, the assistant city manager shall perform all of the duties of the city clerk.

(Code 1995, § 103.04)

**Sec. 103.06. City manager purchasing authority.**

The manager shall be the chief purchasing agent of the city. All purchases for the city and all contracts shall be made or let by the manager when the amount of the purchase or contract does not exceed \$10,000.00, but all claims resulting therefrom shall be audited and approved by the council as provided by law.

(Code 1995, § 103.05; Ord. No. 1261, 4-15-2002; Ord. No. 1608, 11-8-2021)

**Sec. 103.07. Filling a mayor or council vacancy.**

(a) *Appointment.* The council shall appoint an eligible person to fill a vacancy in the office of mayor or city councilmember as soon as is practicable after the vacancy occurs. The person appointed shall serve for the unexpired portion of the term unless a special election is required hereunder or by state law.

(b) *Special election.* A special election shall be held to fill a vacancy in the office of mayor or city councilmember if the vacancy occurs more than ten weeks before the first day to file affidavits of candidacy for the regular city election that is to be held during the final year of the unexpired term. This special election shall be held as soon after the vacancy is declared as is practical under state law. No special primary election shall occur in cases of special elections held pursuant to this section.

(Code 1995, § 103.06; Ord. No. 1299, 11-24-2003; Ord. No. 1373, 7-28-2008)

## CHAPTER 104. PERSONNEL RULES AND REGULATIONS

### Sec. 104.01. Personnel rules and regulations.

Except as limited by state and federal law, the city manager has the authority, powers, and rights necessary for the efficient and effective management of all city business. The city manager may promulgate personnel rules setting forth the rights, duties, and responsibilities of employees. Such rules may from time to time be amended.

(Code 1995, § 104.01; Ord. No. 1612, 4-25-2022)

## CHAPTER 105. INDEMNIFICATION

### Sec. 105.01. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commission members* means all persons serving on a commission established by the city council or by state law as a part of city government. The term "commission members" also includes any member of a commission or other entity appointed or approved by the city council, pursuant to a joint powers agreement with other governmental bodies.

*Employees* means all city employees, including part-time employees and volunteers working under the direct supervision of a city employee.

(Code 1995, § 105.01; Ord. No. 1269, 9-23-2002)

### Sec. 105.02. City indemnification.

(a) In accordance with applicable state statutes, the city will defend, insure, and indemnify all city employees, officers, commission members and city councilmembers against losses sustained by liability claims for damages resulting from their torts, including those which the city claims immunity, which arise out of their conduct in the course of and scope of their employment or official actions.

(b) The city will provide defense or reimburse legal fees of its appointed and elected officials in proceedings which may be related to their service as city officials, including any legal action taken to enforce this chapter, to the same extent and in accord with Minn. Stat. § 317A.521 applicable to nonprofit corporations.

(c) Issues or disputes regarding eligibility or the scope of coverage under this section shall be made by those members of the city council disinterested in the proceeding, or upon the request of any councilmember by a special committee established by the city council upon the recommendation of the city attorney.

(Code 1995, § 105.02; Ord. No. 1269, 9-23-2002)

**Sec. 105.03. Types of claims.**

The indemnification and insurance set forth in section 105.02 includes claims arising out of accidents, occurrences, acts or omissions, or to reimburse any elected official who takes legal action against the city or its employees or officials for failure to provide public information to an elected official, or where the public information is provided in a discriminatory manner.

(Code 1995, § 105.03; Ord. No. 1269, 9-23-2002)

**Sec. 105.04. Amount.**

The indemnification of section 105.02 applies regardless of the amount of the claim, even if claims are in excess of limits set by state law.

(Code 1995, § 105.04; Ord. No. 1269, 9-23-2002)

**Sec. 105.05. Immunity.**

By adoption of the ordinance from which this chapter is derived, the city does not waive any limit or immunity from liability established by state law and reserves the right to assert such limits or immunity in defending any person pursuant to this chapter.

(Code 1995, § 105.05; Ord. No. 1269, 9-23-2002)

**Sec. 105.06. Insurance.**

The city council will have sole discretion to purchase insurance or self-insure for the protection of the persons covered by this chapter.

(Code 1995, § 105.06; Ord. No. 1269, 9-23-2002)

**Sec. 105.07. Exceptions.**

The insurance and indemnification established by this chapter shall not apply to the following acts or conduct:

- (1) Action or conduct beyond the scope of a person's employment or responsibility.



(2) Intentional acts which violate criminal statutes, ordinances or regulations of the federal, state, or city government except as allowed pursuant to Minn. Stat. §§ 317A.521 and 465.76.

(3) Intentional acts which violate an established city policy as set forth by the city manager or city council.

(Code 1995, § 105.07; Ord. No. 1269, 9-23-2002)

**Sec. 105.08. Interference.**

It shall be a violation of this Code, punishable by misdemeanor prosecution, for any employee or elected official to interfere with the indemnification or reimbursement process. (Code 1995, § 105.08; Ord. No. 1269, 9-23-2002)

**CHAPTER 106. CITY DEPARTMENTS**

**Sec. 106.01. City manager.**

All city departments and personnel shall be subject to the control and direction of a city manager, who shall be appointed by the council in accordance with state law. The city manager shall be responsible to the council for the proper administration of all matters relating to the city and shall have the powers and duties specified in state law and as delegated by ordinance, resolution or other action of the council.

(Code 1995, § 106.01; Ord. No. 1268, 9-23-2002)

**Sec. 106.02. Departments.**

The city shall have the following departments:

- (1) Administration;
- (2) Community development;
- (3) Emergency management;
- (4) Finance;
- (5) Fire;
- (6) Parks and recreation;
- (7) Police;
- (8) Public works.

(Code 1995, § 106.02; Ord. No. 1268, 9-23-2002)

**Sec. 106.03. Administration.**

The administration department shall include the city manager and assistant city manager, city clerk and other personnel. The administration department shall be under the

direction of the city manager and assistant city manager and is responsible for management, human resources, election administration, and communications activities. The city manager shall be responsible for the performance of all duties assigned by law to the city clerk.

(Code 1995, § 106.03; Ord. No. 1268, 9-23-2002)

**Sec. 106.04. Community development.**

The community development department shall be under the direction of the city manager and community development director and is responsible for community planning, land use, economic development, housing, building code and related programs.

(Code 1995, § 106.04; Ord. No. 1268, 9-23-2002)

**Sec. 106.05. Emergency management.**

(a) *Establishment.* The emergency management department is hereby established pursuant to the requirements of Minn. Stat. ch. 12 to provide for the exercise of necessary powers during emergencies for the purposes set forth in Minn. Stat. ch. 12.

(b) *Coordination with other agencies.* The emergency management functions of the city shall be coordinated to the extent practicable with comparable functions of the federal, state and other local governments, as well as private agencies.

(c) *Personnel.* Emergency management personnel shall consist of personnel employed by the city and any other volunteer or paid member of the local emergency management department engaged in carrying on emergency management functions in accordance with the provisions of this chapter.

(d) *Director.* The emergency management department shall be under the supervision and control of the director of emergency management, who shall be appointed by the mayor for an indefinite period and who may be removed by the mayor at any time. The director shall have direct responsibility for the administration of the emergency management department.

(e) *Recruitment and training.* In cooperation with existing departments and agencies, the director shall organize, recruit and train personnel that may be required on a volunteer basis to carry out the city emergency management plan. The director may dismiss any emergency management volunteer at any time and require the volunteer to surrender any equipment and identification device furnished by the city.

(Code 1995, §§ 107.01—107.05)

**Sec. 106.06. Finance.**

The finance department shall be under the direction of the city manager and finance director and is responsible for budget, investment, accounting, and other financial services. The finance director shall serve as treasurer for the city, in addition to other assigned duties.

(Code 1995, § 106.05; Ord. No. 1268, 9-23-2002)

**Sec. 106.07. Fire.**

The city has established a fire department consisting of a fire chief, to be appointed by the city manager, and other subordinate officers and personnel as determined. The department shall be responsible for the provision of emergency services, including prevention and suppression of fires, the protection of life and property against fire, natural disasters, and other events. The fire department shall also be responsible for administration of the state fire code. The members of the fire department may organize themselves into a firefighters' relief association.

(Code 1995, § 106.06; Ord. No. 1268, 9-23-2002)

**Sec. 106.08. Parks and recreation.**

The parks and recreation department shall be under the direction of the city manager and parks and recreation director and is responsible for management and operations of the city's park and recreation facilities and programs.

(Code 1995, § 106.07; Ord. No. 1268, 9-23-2002)

**Sec. 106.09. Police.**

The police department shall be under the direction of the police chief who shall be responsible to and under the direct supervision of the city manager. The police department is responsible for the preservation of public peace and order, the prevention and detection of crime, the apprehension of offenders, the protection of persons and property and the enforcement of this Code and state law and the rendering of emergency services.

(Code 1995, § 106.08; Ord. No. 1268, 9-23-2002)

**Sec. 106.10. Public works.**

The public works department shall be under the direction of the city manager and public works director, and is responsible for the design, construction and maintenance of public facilities, the provision of utility services, including recycling collection and operation and maintenance of city vehicles.

(Code 1995, § 106.09; Ord. No. 1268, 9-23-2002)

**CHAPTER 107. PUBLIC HEARINGS****Sec. 107.01. Procedure.**

(a) *Hearings.* When a public hearing involving the comprehensive plan, zoning or subdivision regulations is required by this Code or by a state statute, the planning commission shall hold the public hearing. All parties interested shall be given an opportunity to be heard. The planning commission, after citing the reason, may request the city council to extend the review period for up to 60 days.

(b) *Notice.* Notice of the time and place of such hearing shall be published in the designated legal newspaper no less than ten days nor more than 30 days prior to the hearing. In the event the hearing involves a particular parcel of land, mailed notice shall be given by the city to the owner and each of the property owners within 500 feet of the outside boundaries of the parcel and to state, county, and federal agencies, if applicable. Failure to mail notice or failure of the property owner to receive the notice shall not invalidate the proceedings.

(c) *Council hearings.* The city council shall hold further hearings using the notice procedure in subsection (b) of this section only in the event that such hearings are required by other sections of this Code, by state statute, or because the planning commission has failed to hold the required hearing or make a recommendation. If not previously done in response to a planning commission request, the city council may extend the review period for up to 60 days. Failure to receive a report from the planning commission as herein provided shall not invalidate the proceedings or action of the city council.

(Code 1995, § 108.01; Ord. No. 1175A, 11-25-1996; Ord. No. 1357, 1-14-2008)

## **CHAPTER 108. PORT AUTHORITY**

### **Sec. 108.10. Exercise of port authority powers; redevelopment project; funding.**

(a) Pursuant to Minn. Stat. § 469.082, the city may exercise all of the powers of a port authority provided by Minn. Stat. §§ 469.048 to 469.068; and

(b) The city proposes to undertake a redevelopment project consisting of redeveloping its park system and constructing a new fire station because of water infiltration and mold problems at an existing fire station located at Woodhill and Lexington (the "project") in the exercise of its legal powers and in furtherance of its goals and purposes, and requires financing for the project; and

(c) The city believes that it is desirable and necessary that it issue general obligation bonds to provide funds to finance the project.

(Code 1995, § 109.01)

## **CHAPTER 109. UNCLAIMED PROPERTY**

### **Sec. 109.01. Sale of unclaimed property.**

The police chief is authorized to administer the disposal of property lawfully coming into the possession of the city and remaining unclaimed by the owner after 60 days. Disposal shall be by sale to the highest bidder at public auction or sale, including electronic auction. A notice specifying the date, time and place of any auction or sale shall be published in a newspaper of general circulation throughout the city at least ten days prior to such auction or sale. The net proceeds of sale shall be placed in the city's general fund, subject to the right

of the former owner to payment of the net proceeds upon application and presentation of satisfactory proof of ownership within six months of the sale. Net proceeds means the sale price less all costs of handling, storage or sale.

(Code 1995, § 508.01; Ord. No. 849, 6-11-1979; Ord. No. 1380, 12-15-2008)

**Sec. 109.02. Donation of unclaimed bicycles.**

(a) The police chief is further authorized to administer the disposal of bicycles lawfully coming into possession of the city and remaining unclaimed by the owner after a 60-day waiting period. In addition to the disposal methods provided in section 109.01, disposal of unclaimed bicycles may be a donation to a nonprofit organization that has a significant mission of community service or to another public corporation for the public use.

(b) At any time prior to the donation date, and upon satisfactory proof of ownership, the bicycle shall be returned to its owner.

(Code 1995, § 508.02; Ord. No. 1346, 4-9-2007)

**CHAPTER 110. BACKGROUND CHECKS**

**Sec. 110.01. Purpose.**

The purpose and intent of this chapter is to establish regulations that will allow law enforcement access to the state's computerized criminal history information for specified non-criminal purposes of background checks for licensing, employment and volunteer positions.

(Code 1995, § 510.01)

**Sec. 110.02. Criminal history employment background investigations.**

(a) The city authorizes a qualified third-party administrator (TPA) and the city police department to conduct a criminal history background investigation on applicants for the following licenses and full-time, part-time and volunteer positions with the city in compliance with the city's background check policy and procedures:

- (1) All licenses and positions that include work with children or vulnerable adults;
- (2) All licenses and positions that include access to private or confidential data;
- (3) All licenses and positions that require the operation of city-owned motorized vehicles, regardless of whether the vehicle is operated on public streets;
- (4) All licenses and positions that include the physical handling or management of monies, securities, bonds or public funds;
- (5) All licenses and positions that include the handling or dispensing of hazardous materials, alcoholic beverages, or equipment or instruments capable of transmitting infectious diseases;
- (6) All other licenses and positions as otherwise expressly required by this Code.

(b) In conducting the criminal history background investigation, in order to screen applicants, the police department is authorized to access data maintained in the state computerized criminal history information system in accordance with Bureau of Criminal Apprehension (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. A summary of the results of the computerized criminal history data may be released by the police department to the licensing or hiring authority, including the city council, mayor, the city manager, human resources manager, city attorney, and other city staff involved in the licensing and hiring processes.

(c) Before the investigation is undertaken, the applicant must authorize the city by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. ch. 13 and the federal Fair Credit Reporting Act if completed by the TPA, regarding the collection, maintenance and use of the information.

(d) Except for the licenses and positions set forth in Minn. Stat. § 364.09, the city will not reject an applicant on the basis of the applicant's prior conviction unless the crime is directly related to the license or position 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 Minn. Stat. § 364.06.
  - (3) The earliest date the applicant may reapply.
  - (4) That all competent evidence of rehabilitation will be considered upon reapplication.
- (Code 1995, § 510.02; Ord. No. 1378A, 10-27-2008; Ord. No. 1579, 1-27-2020)

## **CHAPTER 111. DISABILITIES ACCOMMODATION**

### **Sec. 111.01. Reasonable accommodation request process.**

(a) *Purpose.* It is the policy of the city, pursuant to the federal Fair Housing Amendments Act of 1988, to provide reasonable accommodation in the application of building, zoning, and other regulations for qualified persons with disabilities seeking fair and equal access to housing. Reasonable accommodation means providing a qualified person with flexibility in the application of building, land use, zoning, and other regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to fair housing opportunities. The purpose of this section is to establish a process for making and acting upon requests for reasonable accommodation.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Disability* means those disabilities which are recognized under applicable federal law.

*Qualified person* means any individual with a disability, their representative, or a developer or provider of housing for an individual with a disability.

*Reasonable accommodation* means process by which the city may provide a qualified person flexibility in the application of land use, zoning, or other regulations.

(c) *Initiation of reasonable accommodation request.* Any qualified person who requests a reasonable accommodation in the form of modification in the application of a building, zoning, or other regulation which may act as a barrier to fair housing opportunities due to the disability of existing or proposed residents, may do so on an application form provided by the city's community development department. The application shall include a detailed explanation of why the accommodation is reasonably necessary to make the specific housing available to the persons, including information establishing that the applicant is disabled under applicable laws, as well as other information required by the community development department to make the determination. If the project for which the request is being made also requires an additional building or land use review or approval, the applicant shall file the request concurrently with the land use review.

(d) *Community development department; required findings.*

- (1) The community development department, in consultation with other appropriate city staff, shall have the authority to consider and act on requests for reasonable accommodation. The community development department shall issue a written decision in which the request is approved, approved subject to conditions, or denied. In making the decision as to whether an accommodation is reasonable, the following factors shall be considered:
  - a. Special need created by the disability;
  - b. Potential benefit that can be accomplished by the requested accommodation;
  - c. Need for the requested accommodation, including alternatives that may provide an equivalent level of benefit;
  - d. Physical attributes of and any proposed changes to the subject property and structures;
  - e. Potential impact on surrounding uses;
  - f. Whether the requested accommodation would constitute a fundamental alteration of the city zoning regulations, policies, or procedures, or nature of the area in which the accommodation is being requested;
  - g. Whether the requested accommodation would impose an undue financial or administrative burden on the city;
  - h. Whether the requested accommodation is likely to have any negative impacts on the health, safety, or general welfare of members of the community; and
  - i. Any other factor that may be determined to have a bearing on the request.



- (2) Any approval issued under this section may include such reasonable conditions that the community development department deems necessary to mitigate any adverse impacts that the granting of such reasonable accommodation may produce or amplify.

(e) *Notice of decision.* The written decision of the community development department shall be mailed to the applicant of this section within five business days of such decision being made. All written decisions shall give notice of the right to appeal a decision of the community development department pursuant to this section. The decision of the community development department shall constitute the final decision of the city, unless appealed according to the procedures and within the time limits provided in this section. Only the aggrieved applicant of the written reasonable accommodation determination has a right to appeal the decision. A reasonable accommodation approved under this section shall become effective on the first calendar day following expiration of the right to appeal.

(f) *Applicability.* Any approved request shall constitute a limited license which shall allow the property owner or occupant to continue to rely upon such accommodation only so long as they own or occupy the property. Approval of a reasonable accommodation does not constitute a property right, does not run with the land, and does not provide future owners or occupants any rights to rely upon such accommodation approvals. Only the person who applied for such reasonable accommodation, and who is specifically named in the city's approval of such accommodation, shall be entitled to the benefits and protections thereof. The holder of an approved reasonable accommodation license hereunder shall, on or before January 1 of each year, provide the city with an updated affirmation that the reasonable accommodation is still necessary. In the event that the community development department has reasonable cause to believe that the factors supporting the original approval of a reasonable accommodation have changed, the community development department may request additional information from the license holder. Failure to annually reaffirm the need for the reasonable accommodation, or failure to provide information reasonably requested by the community development department shall result in automatic termination of the reasonable accommodation upon written notice by the community development department.

(g) *Conditions and guarantees.* Prior to the issuance of any permits relative to an approved reasonable accommodation request, the community development department may require the applicant to record a covenant acknowledging and agreeing to comply with the terms and conditions established in the determination.

(h) *Appeals.* Any decision reached by the community development department pursuant to this section shall be subject to appeal to the city council by those persons with a right to appeal as provided herein. All appeals shall be initiated by submitting a notice of appeal, in writing, to the community development department within 30 days of the date upon which the decision was made. Upon notice of appeal, the city manager shall present such appeal to the city council for action within 30 days. Following a hearing on such appeal, the city council shall issue its findings, in writing, within 30 days.

(i) *Fees.* Fees for applications under this section shall be in the amounts set forth in the city fee schedule.

(Ord. No. 1645, § 1(911.01), 11-6-2023)



Title 2

**ADVISORY COMMISSIONS**

**Chapter 201. In General**

- Sec. 201.01. Establishment and purpose.
- Sec. 201.02. Composition and terms.
- Sec. 201.03. Organization.
- Sec. 201.04. Meetings and reports.

**Chapter 202. Planning Commission**

- Sec. 202.01. Establishment and purpose.
- Sec. 202.02. Membership.
- Sec. 202.03. Scope, duties, and functions.

**Chapter 203. Police Civil Service Commission**

- Sec. 203.01. Establishment and purpose.
- Sec. 203.02. Membership and schedule of meetings.
- Sec. 203.03. Scope, duties, and functions.

**Chapter 204. Parks and Recreation Commission**

- Sec. 204.01. Establishment and purpose.
- Sec. 204.02. Membership.
- Sec. 204.03. Scope, duties, and functions.

**Chapter 205. Equity and Inclusion Commission**

- Sec. 205.01. Establishment and purpose.
- Sec. 205.02. Membership.
- Sec. 205.03. Scope, duties, and functions.

**Chapter 206. Public Works, Environment, and Transportation Commission**

- Sec. 206.01. Establishment and purpose.
- Sec. 206.02. Membership.
- Sec. 206.03. Scope, duties, and functions.

**Chapter 207. Ethics Commission**

- Sec. 207.01. Establishment; purpose.
- Sec. 207.02. Membership and schedule of meetings.
- Sec. 207.03. Scope, duties, and functions.

**Chapter 208. Finance Commission**

- Sec. 208.01. Establishment and purpose.

## ROSEVILLE CITY CODE

- Sec. 208.02. Membership.
- Sec. 208.03. Scope, duties, and functions.

**CHAPTER 201. IN GENERAL****Sec. 201.01. Establishment and purpose.**

(a) All permanent standing advisory commissions to the city shall be established by adoption of an ordinance under this title and shall be governed by the provisions of this chapter.

(b) Advisory commissions are established to provide a method for citizen input and are advisory to the city council. No advisory commission will have decision-making authority for the city, except as expressly established by this Code or state statutes.

(c) From time to time, the city council may elect to establish other advisory groups by adoption of a resolution establishing, among other things, the purpose, membership, organization, duties, and term of service for such advisory groups.

(d) Advisory commissions and commission members will engage with the community and serve as community liaisons and resources for issues, ideas and proposals related to the commission's subject matter, and will provide appropriate information and resources. Commissions and commission members may initiate ideas and proposals for further consideration by their commission and the city.

(Code 1995, §§ 201.01, 201.02; Ord. No. 1669, § 1(201.01), 3-11-2024)

**Sec. 201.02. Composition and terms.**

(a) *Composition.* All members of advisory commissions must be residents of the city, and will be appointed by majority vote of the city council. In addition to the regular commission members, the city council may appoint up to two additional residents of the city who are the age of 18 years or under and enrolled in high school to serve one-year terms on a commission as youth commissioners.

(b) *Term length.*

(1) Members shall serve terms of three years, except for youth members and the first members appointed following the creation of the commission. First members shall be appointed as follows:

- a. At least one third of the members shall be appointed for three-year terms;
- b. Up to one third of the members shall be appointed for two-year terms; and
- c. The balance of the members shall serve a one-year term.

(2) Term length for any member will be established by the council at the time of the appointment.

(c) *Oath of office.* Every appointed member, before beginning duties, shall take an oath stating that the member will faithfully discharge the duties of the commission to which appointed. Individual commissioners are expected to understand and adhere to city ethics regulations and attend the annual ethics training.

(d) *Expiration of terms.* A member's term shall expire on March 31 of the year of the expiration of the term, or at such time as a successor is appointed. Youth commissioner terms expire on July 31 of each year.

(e) *Term limits.*

- (1) Members are eligible to serve two consecutive full terms on a commission, in addition to any partial term served to complete an unexpired term resulting from a vacancy or an initial term upon creation of a commission.
- (2) When members of an existing commission are transferred by the city council to a new commission, term limits apply to the combined time on both commissions.
- (3) Youth commissioners may serve up to three consecutive terms. Youth commissioners may not be appointed or re-appointed to a term during which they will turn 19 years of age.
- (4) Upon completion of service on one commission, residents can be eligible for appointment to another commission, or after a period of at least one year, for appointment to the same commission on which they have previously served.
- (5) The council may reappoint a person for a period not exceeding one additional year if the council, by four-fifths vote, determines that reappointment is in the best interest of such commission and the city.

(f) *Vacancies.* Vacancies during a term shall be filled by the city council for the unexpired portion of a term per the city's appointment policy. A vacancy occurs in any of the following circumstances: resignation, residence outside the city, removal, or death. The city council reserves the right to defer filling commission vacancies for any length of time deemed necessary.

(g) *Attendance.* It is the expectation that commissioners attend all meetings of the commission. An absence is considered the same whether it is excused or unexcused. If a commissioner is absent three consecutive meetings and/or misses a total of 30 percent or more of commission meetings in a rolling 12-month period, the staff liaison or commission chair will forward the information to the city council.

(h) *Removal.* Members may be removed by the city council without cause. A member's removal shall be by majority vote of the city council. In addition:

- (1) If a member fails to comply with city ethics regulations, the city council may remove the member.
- (2) If a member has absences from more than three consecutive commission meetings or is absent from more than 30 percent of the meetings in any rolling 12-month period, the city council may remove the member.



(i) *Compensation.* Members of all advisory commissions shall serve without compensation.

(Code 1995, § 201.03—201.05; Ord. No. 1580, 2-10-2020; Ord. No. 1617, 8-22-2022; Ord. No. 1669, § 1(201.02), 3-11-2024)

### **Sec. 201.03. Organization.**

(a) *Election of officers.* At the last meeting preceding the end of regular terms of appointment, or at such other time as required by state statutes, each advisory commission shall elect a chair and vice-chair from among its appointed members for a term of one-year and appoint a member to serve on the ethics commission as described in chapter 207.

(b) *Governing documents.* This Code and state statutes will govern commission activities. A commission shall not adopt separate bylaws or rules to govern commission duties or activities.

(c) *Committees, subcommittees and task forces.* Commissions may by majority vote appoint committees or subcommittees of their own members from time to time as required for the conduct of their business. Subcommittees shall report on work underway and completed on a regular basis to the full commission. The formation of any other committees, task forces and/or alternate work groups would be subject to the provisions of this chapter and shall be created only after approval of the city council.

(d) *Logo and materials.* To reflect the official nature of the commission and to preserve consistency of the city's brand, only the official city logo or a council-approved derivative of the logo, which contains the words "City of Roseville," shall be used on commission materials.

(e) *Accessibility.* Commission members will be available to city residents by providing a preferred phone number or email address that can be used on the city website and/or on print materials.

(f) *Staff liaison.* Each commission will be served by a staff liaison to assist in meeting planning and commission processes and serve as a conduit to city staff and the city council.

(g) *New commissioner training.* New commission members will receive both general and commission-specific training from the staff liaison and commission chair before beginning their term.

(Code 1995, § 201.06; Ord. No. 1498, 4-11-2016; Ord. No. 1528, 6-5-2017; Ord. No. 1669, § 1(201.03), 3-11-2024)

### **Sec. 201.04. Meetings and reports.**

(a) *Meeting schedule.* Prior to the start of each calendar year, each commission shall adopt a regular meeting schedule for the coming year. Commissions may amend their regular meeting schedule, cancel meetings, or call special meetings as needed by majority vote at a regular commission meeting. Commissions shall meet at least monthly, except as otherwise required by this Code or state statutes. A regular meeting may be cancelled by agreement of

the chair and staff liaison if they determine that there is no business requiring a meeting. a special meeting of a commission may be called by the commission chair and/or the city manager between regular meetings after consultation and approval of both parties.

(b) *Joint meeting with city council.* At least once a year, each commission shall meet with the city council to report on the previous year's work and to discuss work plans and pending issues for the upcoming year. Commissions may request additional joint meetings with the city council when necessary to share information or seek guidance. A staff liaison is assigned to assist each commission and will work with the city manager to schedule any joint meetings.

(c) *Open meeting law and data practices.* All meetings of a quorum of a commission need to be properly noticed and shall be subject to the requirements of Minn. Stat. ch. 13D, as applicable. Individual commissioners are expected to understand and adhere to applicable state laws and statutes. When a vacancy exists on a commission, a quorum shall consist of a majority of the commission's non-vacant seats.

(d) *Rules of order.* All commissions shall be subject to the same rules of order as are adopted annually by the city council.

(e) *Meetings.* Commission meetings shall be held in a public place and the time, date, and location of the meeting shall be publicly noticed. Commission must allow time for public comment on each agenda item and at a public comment portion of the agenda at the beginning of each meeting. All meetings shall be televised and recorded for future reference. External site tours by a commission shall be exempt from being televised, but such tours shall be publicly noticed as all other commission meetings.

(f) *Minutes and reports.* Commissions are required to keep a record of all resolutions, transactions, findings, and other actions as well as other recommendations, votes, reports, studies, and other documents created or performed by or for a commission. Minutes of the meeting shall be detailed in the same way as the city council minutes are written. All documents so recorded are public records.

(Code 1995, § 201.07; Ord. No. 1481, 7-20-2015; Ord. No. 1498, 4-11-2016; Ord. No. 1669, § 1(201.04), 3-11-2024)

## CHAPTER 202. PLANNING COMMISSION

### Sec. 202.01. Establishment and purpose.

A city planning commission for the city is hereby established, which shall be subject to chapter 201. The planning commission shall be the city planning agency and shall have the scope, duties, and functions given to such agencies generally by Minn. Stat. §§ 462.351 through 462.364 and as conferred upon it by this chapter.

(Ord. No. 1669, § 2(202.01), 3-11-2024)

**Sec. 202.02. Membership.**

The planning commission will consist of seven members appointed by the city council.  
(Ord. No. 1669, § 2(202.02), 3-11-2024)

**Sec. 202.03. Scope, duties, and functions.**

(a) The planning commission has the scope, duties, and functions given to city planning agencies generally by law, including the authority to conduct public hearings as directed by the city council or city policy.

(b) The planning commission shall perform the duties enumerated for the planning commission in title 10.

(c) The planning commission may, upon its own motion or upon instruction by the city council, prepare revisions to the city zoning regulations or plan or amendments thereto for the city in accordance with the requirements and procedures of title 10. The same procedure shall apply for the preparation of any overall street plan or acquisition of lands for public purposes.

(d) The planning commission shall perform other duties and functions or conduct studies and investigations as specifically directed or delegated by the city council.  
(Ord. No. 1669, § 2(202.03), 3-11-2024)

**CHAPTER 203. POLICE CIVIL SERVICE COMMISSION****Sec. 203.01. Establishment and purpose.**

The city has established a police civil service commission, which shall serve the purposes of and be subject to Minn. Stat. ch. 419. The city accepts and adopts all the provisions of Minn. Stat. ch. 419 regarding police civil service commissions.  
(Ord. No. 1669, § 3(203.01), 3-11-2024)

**Sec. 203.02. Membership and schedule of meetings.**

The commission shall consist of three members and shall meet on the first Monday in February each year, and thereafter shall fix the times of its meetings.  
(Ord. No. 1669, § 3(203.02), 3-11-2024)

**Sec. 203.03. Scope, duties, and functions.**

The commission shall have all the scope, duties, and functions found in Minn. Stat. ch. 419.  
(Ord. No. 1669, § 3(203.03), 3-11-2024)

## **CHAPTER 204. PARKS AND RECREATION COMMISSION**

### **Sec. 204.01. Establishment and purpose.**

The city has established a city parks and recreation commission, which shall serve in an advisory capacity to the city council, the city manager, and the parks and recreation director. The commission will submit recommendations on parks and recreation facilities, programs, and policies.

(Code 1995, § 204.01; Ord. No. 1253, 6-26-2001; Ord. No. 1669, § 4(204.01), 3-11-2024)

### **Sec. 204.02. Membership.**

The commission will consist of nine members appointed by the city council.

(Code 1995, § 204.01; Ord. No. 1253, 6-26-2001; Ord. No. 1669, § 4(204.02), 3-11-2024)

### **Sec. 204.03. Scope, duties, and functions.**

The duties and functions of the commission shall be as follows:

- (1) Parks and recreation operations and programming.
  - a. Maintain an interest in and an understanding of the functions and operations of the parks and recreation department.
  - b. Understand joint efforts with local school districts and promote collaboration and efficient utilization of school and municipal resources and programs.
  - c. Be aware of what the parks and recreation department is currently offering, including parks, facilities, and programs.
  - d. Keep informed of and provide feedback regarding the parks and recreation budget and finances.
  - e. Provide a recommendation to the city council for the names of any new park or facility utilizing the departmental naming policy.
  - f. Review and provide feedback on park and facility projects, including park and facility schematics and concept plans. Review and provide feedback on park infrastructure and asset management.
  - g. Review land use applications that require park dedication and provide a recommendation to the city council regarding whether cash, land, or a combination of both should be accepted to satisfy the requirement, in accordance with state law and the process and criteria outlined in section 1103.06.
- (2) Park open spaces and natural resources.
  - a. Propose and advise on regulations for control of city park property to the city council.
  - b. Receive updates and provide recommendations to staff and the city council regarding preservation of public green space, environmental stewardship of parkland, and climate resilience.

- c. Act in all matters relating to the urban forest management regulations contained in chapter 705 and will also act as the tree board as set forth in section 705.04.
  - (3) Engagement with community.
    - a. Be active in park and recreation programming and events and listen to citizen input on successes and what needs improvement.
    - b. Represent the city at park and recreation events where appropriate and approved by city staff or the city council.
  - (4) Perform other duties and functions or conduct studies and investigations as specifically directed or delegated by the city council.
- (Code 1995, § 204.02; Ord. No. 1481, 7-20-2015; Ord. No. 1669, § 4(204.03), 3-11-2024)

## **CHAPTER 205. EQUITY AND INCLUSION COMMISSION**

### **Sec. 205.01. Establishment and purpose.**

There is established an equity and inclusion commission for the city, which shall serve in an advisory capacity to the city council and city staff by applying an equity and inclusion lens to city policies, procedures, projects, programs, operations, and initiatives.  
(Ord. No. 1676, § 1(205.01), 6-3-2024)

### **Sec. 205.02. Membership.**

The commission will consist of seven members appointed by the city council. Members should reflect the diverse makeup of the community, including, but not limited to, diversity in race, ethnicity, gender, age, disability status, sexual orientation, socio-economic status, and other factors that contribute to a comprehensive understanding of equity and inclusion, reflective of the different lived experiences of the community.  
(Ord. No. 1676, § 1(205.02), 6-3-2024)

### **Sec. 205.03. Scope, duties, and functions.**

The duties and functions of the commission shall be as follows:

- (1) Review and provide feedback on departmental equity and inclusion workplans which serve to advance equity and inclusion throughout the organization.
- (2) Review and provide feedback on the strategic racial equity action plan (SREAP) and to advance the SREAP's priorities and equity and inclusion throughout the organization.
- (3) May participate in the equity and inclusion action team that will operationalize departmental equity and inclusion workplans throughout the city that advance the SREAP's priorities.

- (4) May represent the city at events where appropriate and approved by city staff or the city council.
  - (5) Perform other duties and functions as requested by city staff or the city council.
- (Ord. No. 1676, § 1(205.03), 6-3-2024)

## **CHAPTER 206. PUBLIC WORKS, ENVIRONMENT, AND TRANSPORTATION COMMISSION**

### **Sec. 206.01. Establishment and purpose.**

The city has established a city public works, environment, and transportation commission. The commission shall serve in an advisory capacity to the city council, city manager and public works director on public works, environmental, and transportation matters.  
(Code 1995, § 206.01; Ord. No. 1260, 4-15-2002; Ord. No. 1313, 12-6-2004; Ord. No. 1669, § 5(206.01), 3-11-2024)

### **Sec. 206.02. Membership.**

The commission will consist of seven members appointed by the city council.  
(Code 1995, § 206.01; Ord. No. 1260, 4-15-2002; Ord. No. 1313, 12-6-2004; Ord. No. 1669, § 5(206.02), 3-11-2024)

### **Sec. 206.03. Scope, duties, and functions.**

The duties and functions of the commission shall be as follows:

- (1) Maintain an interest in and an understanding of the functions and operations of the public works department.
- (2) Maintain an interest in and an understanding of federal, state, county, regional and other public works, environmental, and transportation services that impact city services.
- (3) Collaborate with city staff to review, evaluate, and recommend policies and practices regarding sustainability and management of environmental resources.
- (4) Collaborate with city staff to review, evaluate, and recommend policies and practices regarding transportation infrastructure as it relates to the multi-modal needs and demands of the community. This includes related public safety issues and coordination with the traffic safety committee if necessary.
- (5) Keep informed of and provide feedback regarding the public works budget and finances.
- (6) Collaborate with federal, state, county, regional and other public works, environmental, and transportation services that impact city services.

- (7) Perform other duties and functions or conduct studies and investigations as specifically directed or delegated by the city council.

(Code 1995, § 206.02; Ord. No. 1260, 4-15-2002; Ord. No. 1313, 12-6-2004; Ord. No. 1481, 7-20-2015; Ord. No. 1669, § 5(206.03), 3-11-2024)

## **CHAPTER 207. ETHICS COMMISSION**

### **Sec. 207.01. Establishment; purpose.**

The city has established a city ethics commission. The commission will serve in an advisory capacity to the city council on matters involving any ethics code adopted by the city council.

(Code 1995, § 207.01; Ord. No. 1498, 4-11-2016; Ord. No. 1669, § 6(207.01), 3-11-2024)

### **Sec. 207.02. Membership and schedule of meetings.**

The commission shall consist of one member appointed by each city advisory commission and will hold an annual meeting and otherwise meet on an as-needed basis or when an ethics complaint is filed.

(Code 1995, § 207.01; Ord. No. 1498, 4-11-2016; Ord. No. 1669, § 6(207.02), 3-11-2024)

### **Sec. 207.03. Scope, duties, and functions.**

The duties and functions of the commission shall be as follows:

- (1) Serve in an advisory capacity to the city council on matters involving any ethics code adopted by the city council.
- (2) Administer any ethics code adopted by the city council.
- (3) Perform other duties and functions or conduct studies as specifically directed or delegated by the city council.

(Code 1995, § 207.02; Ord. No. 1338, 6-12-2006; Ord. No. 1481, 7-20-2015; Ord. No. 1669, § 6(207.03), 3-11-2024)

## **CHAPTER 208. FINANCE COMMISSION**

### **Sec. 208.01. Establishment and purpose.**

The city has established a city finance commission. The finance commission is established to provide a method for citizen review and input regarding the financial affairs of the city. The finance commission shall advise the city council, city manager, and city finance director, though it does not have decision-making authority except as expressly established by this Code.

(Code 1995, § 208.01; Ord. No. 1669, § 7(208.01), 3-11-2024)



**Sec. 208.02. Membership.**

The commission will consist of seven members appointed by the city council. A minimum of three members must have financial management experience or training.

(Code 1995, § 208.01; Ord. No. 1669, § 7(208.02), 3-11-2024)

**Sec. 208.03. Scope, duties, and functions.**

(a) The city council has created the finance commission to serve in an advisory capacity regarding the city's financial matters to make recommendations that will provide clarity, transparency, and accessibility of financial information, to review policies and offer strategies for improved budgeting and funding for present-day operations and future needs, and to review the city's financial affairs.

(b) The duties and functions of the commission may include:

- (1) Advise on short-term and long-term financial policy matters, including, but not limited to, cash reserve funds, budgets, financing, and capital replacement policies.
- (2) Review and recommend funding strategies for the capital improvement plan.
- (3) Recommend budget goals, including, but not limited to, spending levels, local tax rate, utility rates, and tax levy targets, for the general budget, the EDA, and all funds.
- (4) Review and recommend standardized budget and financial reporting methods and tools to make financial communications and budget information more transparent, comprehensible, and accessible to the public.
- (5) Review and recommend the annual timeline and process for creating city budgets.
- (6) Review the annual financial information, the annual audit report and management letter.
- (7) Review the city's financial affairs and investment policy and portfolio and bring to the city council any items of concern or suggested improvements.
- (8) Perform other duties and functions or conduct studies and investigations as specifically directed or delegated by the city council.

(Code 1995, § 208.02; Ord. No. 1481, 7-20-2015; Ord. No. 1522, 4-10-2017; Ord. No. 1538 12-11-2017; Ord. No. 1669, § 7(208.03), 3-11-2024)

Title 3

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**CHAPTER 301. IN GENERAL****Sec. 301.01. Purpose.**

The provisions of this chapter shall govern the application for and issuance of licenses and permits in the city, except as may otherwise be specifically provided in this Code in regard to particular licenses or permits.

(Code 1995, § 301.01)

**Sec. 301.02. Applications for licenses and permits.**

Applications for licenses and permits shall be filed in writing with the city manager for presentation to the city council. Each such application shall contain the following information:

- (1) Full name, date of birth and residence (or registered office in the case of corporation) of applicant.
- (2) Name and address of the location or place of business for which the license or permit is required and the kind of business to be carried on at the address.
- (3) Such other information as this Code or the city manager requires, which may include, but is not limited to:
  - a. Proof of liability insurance coverage.
  - b. Provision of on-site security personnel, equipment, or combination thereof.

(Code 1995, § 301.02; Ord. No. 1581, 3-9-2020)

**Sec. 301.03. License and permit fees.**

The fees shall be as established by the city fee schedule.

(Code 1995, § 301.03)

**Sec. 301.04. Prorating of license.**

The fee for licenses granted after the commencement of the license year shall be prorated on a quarterly basis unless specified otherwise in this Code.

(Code 1995, § 301.04)

**Sec. 301.05. Investigations.**

Before granting or denying any license application, the city council may order such investigation of the applicant, applicant's business or proposed business and the premises on which it is to be conducted as it shall deem necessary.

(Code 1995, § 301.05)

**Sec. 301.06. Duration.**

Unless specifically provided elsewhere in this Code, all licenses or permits shall terminate on June 30 of each year after issuance.

(Code 1995, § 301.06)

**Sec. 301.07. Display of license.**

Each license shall be displayed by the licensee in a conspicuous place upon the premises.

(Code 1995, § 301.07)

**Sec. 301.08. Transfer of license.**

Unless specifically provided for elsewhere in this Code, application for a transfer of a license shall be made to the city manager. If the transfer is approved by the city council, a new license shall be issued upon payment of 25 percent of the annual license fee, prorated for the period of issuance on a quarterly basis.

(Code 1995, § 301.08)

**Sec. 301.09. Revocation or suspension of license.**

The city council may suspend or revoke any license for violation of this Code or any state or federal statute or regulation after following applicable statutory provisions and where none, after reasonable notice and a due process hearing.

(Code 1995, § 301.09)

**Sec. 301.10. License required for certain miscellaneous businesses and activities.**

No person shall conduct or engage in any of the following businesses or activities without first obtaining a license:

- (1) *Firearm sales.* Businesses in which any handgun, rifle, shotgun or similar firearm is sold.
- (2) *Veterinary hospital.* A facility for the care and treatment of animals within the city.
- (3) *Gasoline stations.* Any place, building, pump or device maintained and used for the main purpose of selling or dispensing gasoline or other oils for use in motor vehicles of any kind.
- (4) *Private gasoline pumps.* Pumps from which gasoline or other fuel for internal combustion engines is dispensed into a vehicle for private use and not sold to the public.

(Code 1995, § 310.01(A)—(D); Ord. No. 597, 4-28-1969; amd. 1995 Code; Ord. No. 1576, 8-26-2019; Ord. No. 1581, 3-9-2020)

**Sec. 301.11. Temporary overnight shelter restrictions.**

An area specifically designated within a place of assembly for the purpose of overnight housing of individuals on a temporary basis subject to the following conditions:

- (1) A telephone or other means of communication shall be provided within 50 feet of the area being used for temporary shelter.
- (2) Emergency responders (police and fire departments) shall be notified of the use of the buildings for temporary shelter.
- (3) Inspections of the entire shelter will be conducted by building inspectors and fire inspectors as follows:
  - a. At least once within the five days prior to the beginning of the licensed period; and
  - b. At least once during the licensed period.
- (4) Smoke alarms shall be provided in each room used for sleeping purposes and in areas giving access to rooms (i.e., hallways or corridors). The smoke alarms are required to be 120-volt, hard-wired, with battery back-up. Smoke detectors connected to automatic fire alarm systems could be used in lieu of single station smoke alarms.
- (5) At least one portable fire extinguisher with a rating of 2A-10BC shall be located within 75 feet of the area used for sleeping purposes.
- (6) No smoking, cooking, candles, or open flames are allowed in the rooms used for sleeping purposes.
- (7) An evacuation diagram or map shall be posted in each room used for sleeping purposes.
- (8) Awake and alert adult chaperones or volunteers shall be present when the spaces are being used for sleeping purposes.
- (9) The building being used shall meet the state fire code requirements for an existing Group A-3 (assembly) occupancy.
- (10) The area or rooms used for sleeping purposes shall be located on the level of exit discharge (i.e., the main level or a level that has exits to grade level). Up to three steps (or risers) are allowed. If these rooms cannot be located on the level of exit discharge, other levels can be used (i.e., basements or second stories) if the area or space:
  - a. Has two remote means of egress from the space; and
  - b. Is protected with smoke detection connected to an automatic fire alarm system throughout the building. In lieu of the automatic fire alarm system, automatic fire sprinkler protection throughout the building is acceptable.
- (11) The area used for sleeping purposes shall have access to two or more egress doors to the exterior.

- (12) If the area being used for sleeping purposes utilizes a hallway or corridor, the hallway or corridor is required to be one-hour fire-rated, the building is required to be protected with automatic sprinklers throughout, or the means of egress system is protected with smoke detectors connected to an automatic fire alarm system.
  - (13) A maximum of 24 persons may be housed in the temporary shelter at one time, not including staff, volunteers or chaperones.
  - (14) The maximum number of weeks per year to be used as a temporary shelter is four.
  - (15) The area used for sleeping purposes shall have carbon monoxide (CO) detection in the sleeping areas.
  - (16) In addition to the requirements noted in this section, license issuance shall be in accordance with sections 301.01 through 301.09, except that the city council may elect to issue the license for a period of time exceeding that stated in section 301.06 based upon performance of the licensee in prior years.
- (Code 1995, § 310.01(E); Ord. No. 1576, 8-26-2019)

## CHAPTER 302. LIQUOR

### **Sec. 302.01. Adoption of state law.**

Except where inconsistent with this chapter, the provisions of Minn. Stat. ch. 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds and licenses, hours of sales and all other matters pertaining to the retail sale, distribution and consumption of non-intoxicating malt liquor, wine and intoxicating liquor are adopted and made a part of this chapter as if set out in full.

(Code 1995, § 302.01; Ord. No. 972, 5-13-1985)

### **Sec. 302.02. License required.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Hotel* means any establishment having a resident proprietor or manager where, in consideration of payment, food and lodging are regularly furnished to transients, which maintains for the use of its guests not less than 15 guest rooms with bedding and other usual, suitable and necessary furnishings in each room, which is provided at the main entrance with a suitable lobby, desk and office for the registration of its guests, which employs an adequate staff to provide suitable and usual service and which maintains, under the same management and control as the rest of the establishment.

*Restaurant* means any establishment, other than a hotel, having appropriate facilities to serve meals, and where, in consideration of payment, meals are regularly served at tables to the general public and which employs an adequate staff for the usual and suitable service to its guests, and where at least 50 percent of the gross revenue is from non-alcohol sales.

(b) *General requirement.* No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell or keep for sale in the city any non-intoxicating malt liquor or intoxicating liquor without a license to do so as provided in this chapter.

(c) *Types of licenses.*

(1) Intoxicating liquor licenses shall be of nine kinds:

- a. On-sale;
- b. On-sale wine;
- c. On-sale brewer taproom;
- d. Club;
- e. Special Sunday;
- f. Off-sale;
- g. Off-sale brewery;
- h. Off-sale microdistillery;
- i. On-sale microdistillery cocktail room.

(2) Non-intoxicating malt liquor licenses shall be of two kinds:

- a. On-sale;
- b. Off-sale.

(d) *Expiration.* All intoxicating liquor and non-intoxicating malt liquor licenses shall expire on December 31 of each year.

(e) *On-sale intoxicating liquor licenses.* On-sale intoxicating liquor licenses shall be issued only to hotels and restaurants as defined by this Code and shall permit on-sale of intoxicating liquor only, for consumption on the licensed premises only, and in conjunction with the sale of food.

(f) *On-sale wine licenses.* On-sale wine licenses shall be issued only to restaurants as defined by this Code and shall permit only the sale of wine not exceeding 14 percent alcohol by volume, for consumption on the licensed premises only, and in conjunction with the sale of food. In addition to qualify for a license under this subsection, a restaurant must have appropriate facilities for seating at least 25 guests at a time. The holder of an on-sale wine license who is also licensed to sell non-intoxicating malt liquor may sell intoxicating malt liquor at on-sale without an additional license.

(g) *On-sale brewer taproom license.* On-sale brewer taproom liquor licenses shall permit the licensee to sell intoxicating malt liquor that has been produced for consumption on the premises in accordance with Minn. Stat. § 340A.26. The license shall be exempt from any accompanying sale of food requirements contained in other on-sale license categories. On-sale brewer taproom liquor licenses shall include the following restrictions:

- (1) The requirements of section 302.10 shall apply to the closing time of brewery taprooms as established in this chapter.

(h) *Club license.* Club licenses for the sale of intoxicating beverages to be consumed on the licensed premises may be issued to any clubs meeting the requirements of Minn. Stat. § 340A.404, subd. 1.

(i) *Special license for Sunday sales.* A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant or club which has an on-sale license. A special Sunday license is not needed for Sunday sales of on-sale wine licensees.

(j) *Off-sale intoxicating liquor licenses.* Off-sale licenses for the sale of intoxicating liquor shall permit the licensee to sell intoxicating liquor in original packages for consumption off the premises only. Such licenses may be issued in accordance with the provisions of this chapter.

(k) *On-sale non-intoxicating malt liquor licenses.* On-sale licenses shall permit the licensee to sell non-intoxicating malt liquor for consumption on the premises only.

(l) *Off-sale non-intoxicating malt liquor licenses.* Off-sale licenses shall permit the licensee to sell non-intoxicating malt liquor in original packages for consumption off the premises only.

(m) *Off-sale brewery malt liquor license.* Off-sale brewery malt liquor licenses for the sale of intoxicating liquor shall permit the licensee to sell intoxicating liquor that has been produced and packaged on the licensed premises in accordance with Minn. Stat. § 340A.28 or 340A.29.

(n) *Temporary on-sale licenses.* Temporary on-sale licenses may be issued to a club or charitable, religious or nonprofit organization in existence for at least three years in connection with social events within the city, for up to three days in accordance with Minn. Stat. § 340A.404, subd. 10.

(o) *Temporary on-sale license in Central Park.*

(1) Upon payment of the fee and submission of a completed application form, the city manager is authorized to approve a temporary on-sale license for the sale and distribution of non-intoxicating malt liquor to a club, charitable, religious or other nonprofit organization in existence at least three years, for such sale and distribution in Central Park only for a time not to exceed three consecutive days, provided the following conditions are met:

- a. *Insurance.* Proof of liquor liability insurance in an amount equal to and in the form required by section 302.03(c) is filed with the application.
- b. *Security plan.* A security plan, approved by the police chief, is filed along with the application.
- c. *Hours of sale.* In addition to the limitation on hours found elsewhere in this Code, the hours of sale shall be only during the time that Central Park is open to the public. Sales and distribution shall be located only in a shelter building or a temporary shelter, such as a tent, approved by the city manager.

- (2) In the event the city manager denies the application, for any reason, the applicant may appeal the decision of the city manager to the city council.

(p) *Intoxicating liquors at events at the city skating center and Cedarholm Community Building and Golf Course.* Intoxicating liquor may be sold within controlled areas at the city skating center and Cedarholm Community Building and Golf Course only under the following conditions:

- (1) The intoxicating liquor may only be sold by the holder of a retail on-sale intoxicating liquor license issued by the city or by an adjacent municipality.
- (2) The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the city skating center and Cedarholm Community Building and Golf Course for such event, and may dispense intoxicating liquor only to persons attending the event.
- (3) The licensee must deliver to the city a certificate of insurance providing liquor liability coverage satisfactory to the city, naming the city, to the full extent of statutory coverage, as an additional named insured.
- (4) All other rules and regulations established by the city relating to the sale or dispensing of intoxicating liquor at the city skating center and Cedarholm Community Building and Golf Course are complied with.

(q) *Off-sale microdistillery licenses.* Off-sale microdistillery licenses shall permit the licensee to sell distilled spirits, as that term is defined under Minn. Stat. § 340A.101, manufactured on site, subject to all regulations and restrictions contained in this chapter and Minn. Stat. § 340A.22.

(r) *On-sale microdistillery cocktail room licenses.* On-sale microdistillery cocktail room licenses shall permit the licensee to sell distilled liquor produced by the distiller for consumption on the distiller's premises, subject to all regulations and restrictions contained in this chapter and Minn. Stat. § 340A.22.

(Code 1995, § 302.02; Ord. No. 972, 5-13-1985; Ord. No. 1102, 9-23-1991; Ord. No. 1398, 10-18-2010; Ord. No. 1406, 4-25-2011; Ord. No. 1428, 7-24-2012; Ord. of 6-8-2015; Ord. No. 1541, 1-29-2018; Ord. No. 1613, 6-6-2022; Ord. No. 1614, 7-11-2022)

### **Sec. 302.03. Application.**

(a) *Requirements.* The requirements set forth in this section shall apply to applications for those licenses named in section 302.02.

(b) *Form.*

- (1) *Information required.* Every application for a license under this chapter shall state the name of applicant, applicant's age, presentations as to applicant's character, with such references as the city council may require, applicant's citizenship, the type of license applied for, the business in connection with which the proposed license will



operate and its location, whether the applicant is owner and operator of the business, how long applicant has been in that business at that place and such other information as the city council may require from time to time.

- (2) *Verification.* In addition to containing such information, the application shall be in the form prescribed by the state liquor control director and shall be verified and filed with the city manager. No person shall make a false statement in an application.
- (3) *Subsequent data.* From time to time, at the request of the city manager, a licensee will provide data to the city concerning that portion of its revenue attributable to non-alcohol sales and the sale of liquor or wine.

(c) *Liability insurance.*

- (1) *Policy limits.* Prior to the issuance or renewal of a license under this chapter, the applicant shall file with the city manager a certificate of insurance in a form to be provided by the city covering liquor liability, loss of means of support and pecuniary loss in the following amounts:
  - a. \$500,000.00 of coverage because of bodily injury to any one person in any one occurrence;
  - b. \$1,000,000.00 because of bodily injury to two or more persons in any one occurrence;
  - c. \$100,000.00 because of injury to or destruction of property of others in any one occurrence;
  - d. \$200,000.00 for loss of means of support or pecuniary loss to any one person in any one occurrence; and
  - e. \$500,000.00 for loss of means of support or pecuniary loss for two or more persons in any one occurrence.
- (2) *Annual aggregate limits.* Annual aggregate limits as provided by Minn. Stat. § 340A.409 shall not be less than \$1,000,000.00. In the event such policy provides for \$1,000,000.00 annual aggregate limits, the policy shall further require that in the event that the policy limits are reduced in any given year because of the \$1,000,000.00 annual aggregate policy limit, the insurance carrier shall provide the city with written notice of the reduction in policy limits within 30 days of the reduction becoming effective.
- (3) *Further requirements.* After the reduction becomes effective, the city council may require the licensee to take further action with regard to liability insurance in order to protect citizens of the city during the period of the reduced aggregate policy limit.
- (4) *Applicability.* The requirements of this subsection (c) shall be applicable to new licenses issued after the effective date of the ordinance from which this subsection is derived and for renewals applied for after the effective date of the ordinance from which this subsection is derived.



(d) *Approval of insurance.* Liability insurance policies shall be approved as to form by the city attorney. Operation of a licensed business without having on file with the city, at all times, a certificate of insurance as required in subsection (c) of this section is a cause for revocation of the license. All insurance policies shall state that the city will be given ten days' notice, in writing, of cancellation.

(e) *Insurance not required.* Subsection (c) of this section does not apply to licensees who by affidavit establish that they are not engaged in selling any intoxicating or non-intoxicating malt liquor in Central Park and that:

- (1) They are on-sale 3.2 percent malt liquor licenses with sales of less than \$10,000.00 of 3.2 percent malt liquor for the preceding year;
  - (2) They are off-sale 3.2 percent malt liquor licenses with sales of less than \$20,000.00 of 3.2 percent malt liquor for the preceding year;
  - (3) They are holders of on-sale wine licenses with sales of less than \$10,000.00 for wine for the preceding year; or
  - (4) They are holders of temporary wine licenses issued under law.
- (Code 1995, § 302.03; Ord. No. 972, 5-13-1985; Ord. No. 1046, 9-12-1988; Ord. No. 1175, 10-28-1996)

**Sec. 302.04. License fees.**

(a) *Annually.* The annual license fee shall be as established by the city fee schedule.

(b) *Fee.*

- (1) *Payment.* \$500.00 of the on-sale intoxicating liquor and wine licenses and the entire license fee for all other licenses shall be paid at the time of application. The remaining balance, if any, shall be paid prior to the time of issuance of the license.
- (2) *Refund.* All fees shall be paid into the city general fund. Upon rejection of any application for a license or upon the withdrawal of the application before approval of the issuance by the city council, the license fee shall be refunded to the applicant except where the rejection is for willful misstatement on the license application.
- (3) *Proration.* The fee for on-sale intoxicating liquor and on-sale wine licenses granted after the commencement of the license year shall be prorated on a monthly basis. The fee for on-sale non-intoxicating malt liquor licenses granted after the commencement of the license year shall be prorated on a quarterly basis.
- (4) *Investigation.* At the time of each original application for a license, except special club, on-sale non-intoxicating malt liquor and off-sale non-intoxicating malt liquor licenses, the applicant shall pay, in full, an investigation fee. The investigation fee shall be in the amount provided in the city fee schedule. No investigation fee shall be refunded.

(Code 1995, § 302.04; Ord. No. 1379A, 11-17-2008)

**Sec. 302.05. Ineligibility.**

No license shall be granted to any person made ineligible for such a license by Minn. Stat. § 340A.402.

(Code 1995, § 302.05; Ord. No. 972, 5-13-1985)

**Sec. 302.06. Delinquent taxes and charges.**

No license shall be granted for operation on any premises on which taxes, assessments or other financial claims of the city are delinquent and unpaid.

(Code 1995, § 302.06; Ord. No. 972, 5-13-1985)

**Sec. 302.07. Granting of license.**

(a) *Investigation and issuance.* The city council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the city council shall, in its discretion, grant or refuse the application. At least ten days' published notice of the hearing shall be given, setting forth the name of the applicant and the address of the premises to be licensed.

(b) *Person and premises licensed; transfer.* Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval. Before a transfer is approved, the transferee shall comply with the requirements for a new application. Any transfer of the controlling interest of a licensee is deemed a transfer of the license. Transfer of a license without prior city council approval is a ground for revocation of the license.

(Code 1995, § 302.07; Ord. No. 972, 5-13-1985; Ord. No. 1390, 3-29-2010)

**Sec. 302.08. Conditions of license.**

Every license is subject to the conditions in the following subsections and all other provisions of this chapter and any other applicable ordinance, state law or regulation:

- (1) *Licensee's responsibility.* Every licensee is responsible for the conduct of the licensee's place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises, authorized to sell intoxicating liquor there, is deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee.
- (2) *Inspections.* Every licensee shall allow any peace officer, health officer or city employee to enter, inspect and search the premises of the licensee during business hours without a warrant.
- (3) *Manager and server training.* With the exception of temporary on-sale licenses issued pursuant to section 302.02(n) and (o), all licensees and their managers, and all employees or agents employed by the licensee that sell or serve alcohol, shall

complete, to the city's satisfaction, a city approved or provided liquor licensee training program. Both the city's approval of the training and the required training shall be completed:

- a. Prior to licensure or renewal for licensees and managers; or
- b. Prior to serving or selling for any employee or agent; and
- c. Every year thereafter unless probationary extension is granted for hardship reasons.

All licensees shall maintain documentation evidencing that this provision has been met and produce such documentation as part of each application for licensure or renewal and upon reasonable request made by a peace officer, health officer or city employee pursuant to the inspections provision noted above. An applicant's or licensee's failure to comply with this provision in its entirety is sufficient grounds for denial or non-renewal of a requested license.

(Code 1995, § 302.08; Ord. No. 1243, 11-27-2000; Ord. No. 1390, 3-29-2010)

#### **Sec. 302.09. Hours of sale.**

The hours for the sale of intoxicating or non-intoxicating liquor for consumption on the premises shall be those allowed under Minn. Stat. § 340A.504. On-sale brewer taprooms shall be limited to the hours of 8:00 a.m. to 1:00 a.m., Sunday through Saturday.

(Code 1995, § 302.09; Ord. No. 1428, 7-16-2012; Ord. No. 1475, 12-8-2014)

#### **Sec. 302.10. Evacuation of on-sale establishments.**

(a) *Thirty-minute restriction.* All patrons of an on-sale establishment selling intoxicating liquor or non-intoxicating malt liquor must vacate the premises within 30 minutes of the termination of sales by Minn. Stat. § 340A.504. Any patron who remains on the licensed premises or any licensee or licensee's employee who allows a patron to remain on the licensed premises beyond the 30-minute limit is in violation of this subsection.

(b) *Extension of restriction for sale of food.* If an on-sale establishment remains open for the sale of food beyond the 30-minute evacuation limit, all intoxicating liquor and non-intoxicating malt liquor must be secured within the 30-minute limit in such a manner as to prevent consumption. Any patron who consumes intoxicating liquor or non-intoxicating malt liquor on the licensed premises or any licensee or employee of licensee who allows such consumption or allows intoxicating liquor or non-intoxicating malt liquor to remain unsecured on the licensed premises beyond the 30-minute limit is in violation of this subsection.

(Code 1995, § 302.10; Ord. No. 1056, 3-16-1989; Ord. No. 1290, 8-11-2003)

#### **Sec. 302.11. Sale outside of structure on licensed premises.**

The sale of wine and intoxicating liquors, pursuant to any of the licenses issued in accordance with this chapter, shall be limited to sale and consumption inside of a structure

on the licensed premises, unless the licensee applies for and receives permission from the city council for sale and consumption outside of a structure on the licensed premises by an endorsement to the license. Issuance of an outside sale and consumption endorsement shall be accomplished as follows:

- (1) *Application.* The licensee shall make written application using forms provided by the city and there shall be a nonrefundable application fee in the amount provided in the city fee schedule at the time of making application.
- (2) *Notice.* The owners of all property adjacent to the licensed premises will be given written notice of the fact that such an application has been made and of the date and time of the city council meeting at which the application will be considered by the city council.
- (3) *Endorsement.* The city council may, in its discretion, issue such an endorsement or refrain from issuing such an endorsement and may impose conditions to the endorsement such as, but not limited to, screening, time of day limitations and noise limitations.

(Code 1995, § 302.11; Ord. No. 972, 5-13-1985)

#### **Sec. 302.12. Off-sale license regulations.**

In addition to the other requirements of state law or this chapter, the following regulations are applicable to off-sale intoxicating liquor licenses:

- (1) *Number of off-sale liquor licenses.*
  - a. The number of off-sale liquor licenses which may be issued is ten.
  - b. The number of off-sale brewery malt liquor licenses is not limited.
  - c. The number of off-sale microdistillery licenses is not limited.
- (2) *Use of license.* If a license is not used within one year, the license shall automatically terminate.
- (3) *Size of premises.* A licensed premises shall have at least 1,600 square feet of sales floor space, including sales coolers and excluding walk-in storage coolers.
- (4) *Considerations.* In addition to the other requirements of this chapter and applicable state law in determining whether or not to issue an off-sale license for a particular premises, the city council shall consider all relevant factors relating to the health, safety and welfare of the citizens of the city such as, but not limited to, effect on market value of neighboring properties, proximity to churches and schools and effect on traffic and parking.
- (5) *Delivery of alcoholic beverages; identification required.* A person authorized to serve, sell, or deliver alcoholic beverages must determine through legitimate proof of identification that all deliveries of wine, beer, and alcoholic beverages are accepted only by eligible persons who are 21 years of age or older.

- (6) *Delivery records.* Upon any delivery of alcoholic beverages off the licensed premises, the seller, purchaser, and delivery recipient (if other than the purchaser) must sign an itemized purchase invoice. The invoice shall detail the time, date, and place of delivery. The licensee must retain the delivery records for a period of one year. The records shall be open to inspection by any police officer or city employee at any time.
- (7) *Off-sale brewery malt liquor Sunday sales.* Subject to all other regulations and restrictions contained in this chapter and Minn. Stat. §§ 340A.24 and 340.504, off-sale brewery malt liquor licensees may sell malt liquor in growlers, as that term is defined in Minn. Stat. § 340A.285, at off-sale on Sundays between the hours of 8:00 a.m. and 10:00 p.m.
- (Code 1995, § 302.13; Ord. No. 1243, 11-27-2000; Ord. No. 1406, 4-25-2011; Ord. of 6-8-2015)

**Sec. 302.13. Prohibited conduct.**

(a) *Policy.* Certain acts or conduct on premises licensed pursuant to this chapter, or licensed pursuant to Minn. Stat. ch. 340A, are deemed contrary to public welfare and are prohibited, and no license issued pursuant to this chapter or licensed pursuant to Minn. Stat. ch. 340A may be held or maintained where such acts or conduct is permitted.

(b) *Prohibited conduct.* The prohibited conduct or acts referred to in subsection (a) of this section are:

- (1) The employing or use of any person in the sale or service of beverages in or upon the licensed premises where such person is 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.
- (2) The employing or use of the services of any host or hostess while such host or hostess is unclothed or in such attire, costume or clothing as described in subsection (b)(1) of this section.
- (3) The encouraging or permitting of any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
- (4) The permitting of any employee or person to wear or use any device or covering exposed to view which simulates the breast, genitals, anus, pubic hair or any portion thereof.
- (5) The permitting of any person to perform acts of or acts which simulate:
  - a. With or upon another person, sexual intercourse, sodomy, oral copulation, flagellation or any sexual acts which are prohibited by law.
  - b. Masturbation or bestiality.
  - c. With or upon another person the touching, caressing or fondling of the buttocks, anus, genitals or female breast.
  - d. The displaying of the pubic hair, anus, vulva, genitals or female breasts below the top of the areola.

- (6) The permitting of any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in subsection (b)(5) of this section.
- (7) The permitting of any person to remain in or upon the licensed premises who exposes to public view any portion of such person's genitals or anus.
- (8) The permitting or showing of film, still pictures, electronic reproductions or other reproductions depicting:
  - a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
  - b. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
  - c. Scenes wherein a person displays the vulva, or the anus or the genitals.
  - d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the activities described in subsections (b)(1) through (b)(7) of this section.

(c) *Revocation of license.* Any license issued pursuant to this chapter, licensed pursuant to Minn. Stat. ch. 340A, shall be revoked if any of the acts of conduct described in this section occur on the licensed premises.

(Code 1995, § 302.14; Ord. No. 808, 11-21-1977; amd. 1995 Code)

#### **Sec. 302.14. Civil penalty.**

(a) *Penalty for noncompliance.* In addition to any criminal penalties which may be imposed by a court of law, the city council may suspend a license for up to 60 days, may revoke a license or may impose a civil fine on a licensee not to exceed \$2,000.00 for each violation on a finding that the license holder or its employee has failed to comply with a statute, rule or ordinance relating to a license issued under this chapter.

(b) *Minimum penalty.* The purpose of this section is to establish a standard by which the city council determines the civil fine, the length of license suspensions and the propriety of revocations and shall apply to all premises licensed under this chapter. These penalties are presumed to be appropriate for every case; however, the council may deviate in an individual case where the council finds that there exist certain extenuating or aggravating circumstances, making it more appropriate to deviate, such as, but not limited to, a licensee's efforts in combination with the state or city to prevent the sale of alcohol to minors or, in the converse, when a licensee has a history of repeated violations of state or local liquor laws. When deviating from these standards, the council will provide written findings that support the penalty selected. When a violation occurs, the staff shall provide information to the city council to either assess the presumptive penalty or depart upward or downward based on extenuating or aggravating circumstances. The staff shall notify the licensee of the information being considered and acted upon by the city council.

- (1) Except as otherwise provided in this chapter, violations will subject the licensee to the administrative penalties provided in the city fee schedule.

- (2) Any prior violation that occurred more than 36 calendar months immediately preceding the most current violation will not be considered in determining successive violations.
- (3) In addition to the administrative penalties identified in subsection (b)(1) of this section, the city may in appropriate circumstances choose to not renew a license at the end of its current term for noncompliance with any provision of this chapter or for any other reason allowed by law.

(c) *Hearing and notice.* If, after considering the staff's information, the city council proposes to suspend, revoke or not renew a license, the licensee shall be provided written notice of the city council's proposed action and shall be given the opportunity to request a hearing on the proposed penalty by providing the city a written notice requesting a hearing within ten days of the mailing of the notice of the city council's proposed action. The notice of the proposed action of the city council shall state the reasons for such suspension, revocation, or non-renewal and the action the city council proposes to take, shall inform the licensee of the right to request a hearing prior to the action being final, and shall inform the licensee of the date the city council's proposed action will be considered a final decision if a hearing is not requested. Any hearing, if requested, will be conducted in accordance with Minn. Stat. § 340A.415 and Minn. Stat. §§ 14.57 to 14.69, part of the Administrative Procedures Act (APA), Minn. Stat. § 14.001 et seq. If a hearing is requested, the licensee shall be provided a hearing notice at least ten days prior to the hearing, which shall state the date, time and place of the hearing and the issues involved in the hearing. An independent hearing officer shall be selected by the city council to conduct the hearing and shall make a report and recommendation to the city council pursuant to the provisions of the APA. The city council shall consider the independent hearing examiner's recommendation and issue its final decision on the suspension or revocation.

(Code 1995, § 302.15; Ord. No. 1243, 11-27-2000; Ord. No. 1280, 3-31-2003; Ord. No. 1336, 5-8-2006; Ord. No. 1422, 11-28-2011; Ord. No. 1640, § 1, 9-11-2023)

## CHAPTER 303. LAWFUL GAMBLING

### Sec. 303.01. Lawful gambling permitted.

Lawful gambling is subject to the terms, provisions, and regulations contained in Minn. Stat. ch. 349 and is permitted in the city provided that any organization holds a license issued by the state gambling control board or is excepted from such licensing requirement by Minn. Stat. ch. 349 and complies with all the provisions of this chapter.

(Code 1995, § 304.01; Ord. No. 1114, 8-24-1992; Ord. No. 1518, 3-13-2017; Ord. No. 1652, § 1(304.01), 1-8-2024)

### Sec. 303.02. Number of licenses and premises permits.

(a) No organization licensed pursuant to Minn. Stat. ch. 349 may conduct lawful gambling at any location within the city without a premises permit.



(b) The number of premises permits for an individual organization may not exceed 50 percent of the then-total number of premises permits issued by the city (the "50 percent threshold"). No new premises permit will be issued to an organization that already exceeds the 50 percent threshold or that will cause such organization to exceed the 50 percent threshold. No organization holding more than one permit will be required to forfeit an active premises permit and will not be denied renewal of a premises permit, due solely to the fact that then-total number of premises permits issued by the city has declined causing that organization exceed the 50 percent threshold.

(c) The maximum number of premises permits issued by the city pursuant to Minn. Stat. ch. 349 is 12. Gambling activities shall be confined to the types defined and regulated under Minn. Stat. ch. 349.

(d) An organization in existence and qualified under section 501(c)7 or section 501(c)19 of the Internal Revenue Code and which had its principal place of business or place of conducting meetings in the city prior to and continuing since 1980 may be granted a premises permit to conduct all lawful gambling operations on their own premises. (Code 1995, § 304.02; Ord. No. 1138, 4-25-1994; Ord. No. 1412, 7-11-2011; Ord. No. 1518, 3-13-2017; Ord. No. 1652, § 1(304.02), 1-8-2024)

### **Sec. 303.03. Approval of premises permits.**

(a) *Required documentation.* Any organization applying to the gambling control board for a premises permit or for the renewal of the same to conduct lawful gambling in the city shall, within ten days of making such application, file with the city manager an executed copy of all application materials submitted to the board.

(b) *Investigation.* Applications for premises permits will be reviewed by the city manager and may be subject to review by the police department or other qualified service providers to conduct and complete an investigation which may include a criminal background check. The city may conduct a background check on any an application for a renewal if it is in the public interest to do so.

(c) *Resolution.* The city council may either approve or deny the application for a premises permit, 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. The action of the city council to approve or deny an application for a premise permit within the city shall be by resolution and, in the case of a denial, shall state the basis for denial.

(d) *Basis for denial.* The council may deny an application for issuance or renewal of a premises permit for any of the following reasons:

- (1) Violation by the organization of any state statute, state rule, or city ordinance relating to gambling within the last three years.



- (2) Violation by the on-sale establishment or organization leasing its premises for gambling of any state statute, state rule, or city ordinance relating to the operation of the establishment, including, but not limited to, laws relating to alcoholic beverages, gambling, and protection of public safety within the last three years.
- (3) Lawful gambling would be conducted at premises other than those for which an on-sale liquor license has been issued.
- (4) Issuance of the premises permit would cause an organization to exceed the 50 percent threshold.
- (5) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.

(e) *Compliance.* Copies of any other reports or documents which are required to be filed an organization holding a premise permit with the gambling control board, including monthly financial statements, shall be filed with the city within ten days of filing such materials with the gambling control board.

(Code 1995, § 304.03; Ord. No. 1114, 9-24-1992; Ord. No. 1327, 10-10-2005; Ord. No. 1518, 3-13-2017; Ord. No. 1652, § 1(304.03), 1-8-2024)

#### **Sec. 303.04. Penalty for violation.**

(a) Any violation by the organization of any state statute or rule or any provision of this Code relating to gambling may be penalized by issuance of a fine, imposition of reasonable conditions on the premises permit, suspension of the premises permit, or revocation of the premises permit. Such a penalty may only be imposed following full notice of the allegations, the proposed penalty, and an opportunity to be heard regarding the allegations and the imposition of the penalty.

(b) In addition, violations shall be reported to the board and a recommendation shall be made by the city for suspension, revocation, or cancellation of an organization's license.

(Ord. No. 1652, § 1(304.04), 1-8-2024)

#### **Sec. 303.05. Contributions.**

(a) Each organization conducting lawful gambling within the city shall contribute at least ten percent of its net profits derived from lawful gambling in the city to a fund administered and regulated by the city without cost to the fund. Disbursements for police, fire, and other emergency or public safety-related services shall be made directly from the fund by action of the city council. The city will make disbursements of the remaining amounts from the fund to the Roseville Area Community Foundation, a state nonprofit corporation, which shall maintain the funds for further disbursement as charitable contributions permitted under Minn. Stat. ch. 349. The city's directive to the Roseville Area Community Foundation as to the use of the funds shall be provided for in a written formal agreement executed between the city and the foundation, and approved by the city council, as amended from time to time.

(b) The Roseville Area Community Foundation shall provide an annual report to the city council in writing and by oral presentation, outlining the financial condition of the city funds, including changes since the previous report, and the names of the recipients, purposes, and, as available, outcomes of charitable contributions from the city funds since the previous report.

(c) Excluding amounts contributed to the city for purposes of police, fire, and other emergency or public safety-related services, and to the Roseville Area Community Foundation, 90 percent of the remaining net profits shall be expended in the city's trade area as defined in Minn. Stat. § 349.213, subd. 1(g). The city's trade area includes Roseville, Arden Hills, Falcon Heights, Lauderdale, Little Canada, Maplewood, Minneapolis, New Brighton, St. Anthony, St. Paul, and Shoreview. Organizations shall file a report with the city proving compliance with the trade area spending requirements imposed by this section. The report must be made on a form prescribed by the city and shall be submitted annually.

(d) In the event any organization contributes to the city any sum in excess of the ten percent as required in subsection (a) of this section, the funds will be deposited and allocated to the Roseville Area Community Foundation as set forth in subsection (a) of this section. (Code 1995, § 304.04; Ord. No. 1114, 9-24-1992; Ord. No. 1327, 10-10-2005; Ord. No. 1412, 7-11-2011; Ord. No. 1506, 8-8-2016; Ord. No. 1518, 3-13-2017; Ord. No. 1537, 12-11-2017; Ord. No. 1652, § 1(304.05), 1-8-2024)

#### **Sec. 303.06. Local gambling tax.**

In order to cover the costs incurred by the city to regulate lawful gambling, a local gambling tax in the amount provided in the city fee schedule, which shall not exceed three percent per year, is imposed on the gross receipts of any organization holding a premises permit from all lawful gambling less prizes actually paid out by the organization. The tax must be paid by the organization monthly and must be reported on a copy of the monthly gambling activity summary and tax return filed with the state department of revenue. The report must be an exact duplicate of the report filed with the department, without deletions or additions, and must contain the signatures of organization officials as required on the report form. The tax return and payment of the tax due must be postmarked, or, if hand-delivered, received in the office of the city clerk, on or before the last business day of the month following the month for which the report is made. An incomplete tax return will not be considered timely filed unless corrected and returned by the due date for filing. Interest will be charged at a rate of eight percent on all overdue taxes owed by the organization under this section.

(Code 1995, § 304.05; Ord. No. 1114, 9-24-1992; Ord. No. 1518, 3-13-2017; Ord. No. 1652, § 1(304.06), 1-8-2024)

### **CHAPTER 304. TOBACCO PRODUCTS**

#### **Sec. 304.01. Findings of fact and purpose.**

(a) 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 21 years violates both state and federal law; and because studies, which the

city accepts and adopts, have shown that high school use of any commercial tobacco product has increased to 27.6 percent in the state; and because nearly 90 percent of people who smoke 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 chapter 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 Minn. Stat. § 144.391.

(b) In making these findings, the city council accepts the conclusions and recommendations of the following, copies of which are adopted by reference:

- (1) 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);
- (2) 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
- (3) The following scholars in these scientific journals:
  - a. Chen, J., & Millar, W. J. (1998). Age of smoking initiation: implications for quitting. *Health Reports*, 9(4), 39—46;
  - b. 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;
  - c. 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;
  - d. Giovino, G. A. (2002). Epidemiology of tobacco use in the United states. *Oncogene*, 21(48), 7326—7340;
  - e. 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;

- f. Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, A., Henriksen, L. (2017). Tobacco Town: Computational Modeling of Policy Options to Reduce Tobacco Retailer Density. *American Journal of Public Health*, 107(5), 740—746;
- g. Minnesota Department of Health. (2020). Data Highlights from the 2019 Minnesota Youth Tobacco Survey. Saint Paul, MN;
- h. Tobacco Control Legal Consortium. (2006). The Verdict Is In: Findings from *United States v. Philip Morris*, The Hazards of Smoking. University of California San Francisco. Truth Tobacco Industry Documents, <https://www.industrydocuments.ucsf.edu/tobacco>;
- i. 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.

(Code 1995, § 306.01; Ord. No. 1597, 2-8-2021; Ord. No. 1555, 6-18-2018)

#### **Sec. 304.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Age-restricted tobacco retailer* means a retail establishment licensed under this chapter which:

- (1) Prohibits persons under 21 years of age from entering at all times;
- (2) Derives at least 90 percent of their gross revenues from the sale of licensed products;
- (3) Meets all of the following building or structural criteria:
  - a. Shares no wall with, and has no part of their structure adjoined to, any other business or retailer, unless the wall is permanent, completely opaque, and without doors, windows, and pass-throughs to the other business or retailer;
  - b. Shares no walls with, and has no part of their structure directly adjoined to, another licensed tobacco retailer;
  - c. Is accessible by the public only by an exterior door; and
  - d. Is licensed under this chapter and meet these building or structural criteria as of February 8, 2021.

*Child-resistant packaging* means packaging that meets the definition set forth in 16 CFR 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in 16 CFR 1700.20, as in effect on January 1, 2015.

*Cigar* means any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3.

*Compliance checks* means the system the city uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this chapter. Compliance checks involve the use of persons under the age of 21 years who purchase or attempt to purchase licensed products. Compliance checks may also be conducted by the city or other units of government for educational, research and training purposes or for investigating or enforcing federal, state or local laws and regulations relating to licensed products.

*Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term "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. The term "electronic delivery device" includes any component part of a product, whether or not marketed or sold separately. The term "electronic delivery device" does not include any nicotine cessation product that has been authorized by the federal Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the federal Food, Drug, and Cosmetic Act, 21 USC 301 et seq.

*Flavored product* means any licensed product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a licensed product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco will constitute presumptive evidence that the product is a flavored product.

*Indoor area* means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

*Licensed products* collectively refers to any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product.

*Loosies* means the common term used to refer to single cigarettes, cigars, and any other licensed product that have been removed from their original retail packaging and offered for sale. The term "loosies" does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor.

*Moveable place of business* means any form of business that is operated out of a kiosk, 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 product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco or an electronic delivery device as defined in this section. The term "nicotine or lobelia delivery product" does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the federal Food, Drug, and Cosmetic Act, 21 USC 301 et seq.

*Retail establishment* means any place of business licensed under this chapter where licensed products are available for sale to the general public. The term "retail establishment" includes, but is not limited to, grocery stores, convenience stores, gasoline service stations, pharmacies, bars, and restaurants, but does not include age-restricted tobacco retailers.

*Self-service merchandising* means an open display of licensed products in any manner where any person has access to the licensed products without the intervention of a licensee or licensee's employee.

*Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product, whether natural or synthetic, containing, made, or derived from nicotine, tobacco, marijuana, or other plant, that is intended for inhalation. The term "smoking" also includes carrying or using an activated electronic delivery device.

*Tobacco* means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready, rubbed and other smoking tobacco, snuff, snuff flower, Cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco prepared in such manner as to be suitable for chewing, sniffing or smoking in a pipe, rolling paper or other tobacco related devices. The term "tobacco" also means electronic delivery devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine. The term "tobacco" does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the federal Food, Drug, and Cosmetic Act, 21 USC 301 et seq.

*Tobacco-related device* means any pipe, rolling papers, or other device intentionally designed or intended to be used with tobacco products. The term "tobacco-related device" includes components of tobacco-related devices which may be marketed or sold separately. Tobacco-related devices may or may not contain tobacco.



*Vending machine* means any mechanical, electric or electronic, or other type of device that dispenses licensed products upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the licensed product.

(Code 1995, § 306.02; Ord. No. 1424, 2-13-2012; Ord. No. 1455, 10-21-2013; Ord. No. 1555, 6-18-2018; Ord. No. 1596, 2-8-2021; Ord. No. 1597, 2-8-2021)

**Sec. 304.03. License required.**

(a) License required. No person shall keep for retail sale, sell, or offer to sell at retail any licensed product as defined in this chapter without first having obtained a license to do so from the city.

(b) Application. An application for a license to sell licensed products must be made on a form provided by the city. The application must 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 clerk will forward the application to the city council for action at its next regularly scheduled meeting. If the city clerk determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.

(c) Action. The city council may approve or deny the application for a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the city council approves the application, the city clerk will issue the license to the applicant. If the city council denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision.

(d) Revocation or suspension. Any license issued may be suspended or revoked following the procedures set forth in section 304.09.

(e) Transfers. All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.

(f) Moveable place of business. No license will be issued to a moveable place of business. Only fixed-location businesses are eligible to be licensed.

(g) Display. All licenses must be posted and displayed at all times in plain view of the general public on the licensed premises.

(h) Renewals. The renewal of a license issued under this chapter will be handled in the same manner as the original application. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current license.

(i) Issuance as privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.

(j) Smoking is prohibited within the indoor area of any retail establishment licensed under this chapter. Smoking for the purpose of sampling licensed products is prohibited.

(k) Samples prohibited. No person shall distribute samples of any licensed product free of charge or at a nominal cost.

(l) The number of licenses issued under this chapter to age-restricted tobacco retailers shall not exceed four at any time. The number of licenses issued under this chapter to retail establishments shall not be limited.

(m) Any age restricted tobacco retailer that sells flavored products must provide financial records documenting its annual sales, upon request by the city.

(Code 1995, § 306.03; Ord. No. 1133, 1-24-1994; Ord. No. 1424, 2-13-2012; Ord. No. 1555, 6-18-2018; Ord. No. 1597, 2-8-2021)

**Sec. 304.04. Fees.**

No license will be issued under this chapter until the appropriate license fees are paid in full. The fees will be established by the city fee schedule and may be amended from time to time.

(Code 1995, § 306.04; Ord. No. 1133, 1-24-1994; Ord. No. 1555, 6-18-2018; Ord. No. 1597, 2-8-2021)

**Sec. 304.05. Basis for denial of a license.**

(a) Grounds for denying the issuance or renewal of a license include, but are not limited to, the following:

- (1) The applicant is under 21 years of age.
- (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 licensed products.
- (3) The applicant has had a license to sell licensed products suspended or revoked within the preceding 12 months of the date of application.
- (4) The applicant fails to provide any of the information required on the licensing application or provides false or misleading information.
- (5) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.

(b) Except as may otherwise be provided by law, the existence of any particular ground for denial does not compel the city to deny the license.



(c) If a license is mistakenly issued or renewed to a person, it will be revoked upon the discovery that the person was ineligible for the license under this chapter. The city will provide the license holder with notice of the revocation, along with information on the right to appeal.

(Code 1995, § 306.05; Ord. No. 1597, 2-8-2021)

**Sec. 304.06. Prohibited sales.**

(a) *In general.* No person shall sell or offer to sell any licensed product:

- (1) By means of a vending machine.
- (2) By means of loosies.
- (3) Containing opium, morphine, jimson weed, belladonna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other products subject to this chapter.
- (4) By self-service merchandizing whereby the customer may have access to those products without having to request the products from the licensee or licensee's employee and whereby there is not a physical exchange of the licensed product between the licensee or licensee's employee and the customer. All licensed products must be stored behind the sales 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; provided, however, the requirements of this section shall not apply to age-restricted tobacco retailers.

(b) *Legal age.* No person shall sell any licensed product to any person under the age of 21 years.

- (1) *Age verification.* Licensees must verify by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30 years. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.
- (2) *Signage.* Notice of the legal sales age, age verification requirement, and possible penalties for underage sales must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

(c) *Flavored products.* No person shall sell or offer for sale any flavored products, except age-restricted tobacco retailers.

(d) *Liquid packaging.* No person shall sell or offer to sell any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in packaging that is not child resistant. Upon request by the city, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

(Code 1995, § 306.06; Ord. No. 1424, 2-13-2012; Ord. No. 1555, 6-18-2018; Ord. No. 1597, 2-8-2021)

#### **Sec. 304.07. Responsibility.**

All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the city from also subjecting the employee to any civil penalties that the city deems to be appropriate under this chapter, state or federal law, or other applicable law or regulation.

(Code 1995, § 306.07; Ord. No. 1597, 2-8-2021; Ord. No. 1133, 1-24-1994; Ord. No. 1555, 6-18-2018)

#### **Sec. 304.08. Compliance checks.**

All licensed premises shall be open to inspection by city law enforcement or other authorized city officials during regular business hours. From time to time, but at least twice per year, the city shall conduct compliance checks. In accordance with state law, the city will conduct compliance checks that involve the participation of a person at least 17 years of age, but under the age of 21 years to enter the licensed premises to attempt to purchase licensed products. Prior written consent from a parent or guardian is required for any person under the age of 18 years to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement. Persons used for the purpose of compliance checks shall be supervised by the police chief. No person used in compliance checks shall attempt to use a false identification misrepresenting the person's age and all persons lawfully engaged in a compliance check shall answer all questions about the person's age, asked by the licensee or licensee's employee and shall produce any identification, if any exists, for which the person is asked. Nothing in the 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.

(Code 1995, § 306.08; Ord. No. 1555, 6-18-2018; Ord. No. 1597, 2-8-2021)

#### **Sec. 304.09. Violations and penalties.**

##### *(a) Violations.*

- (1) *Notice.* A person violating this chapter may be issued, either personally or by mail, a citation from the city that sets forth the alleged violation and that informs the alleged violator of their right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.

- (2) *Hearings.*
- a. Upon issuance of a citation, a person accused of violating this chapter may request in writing a hearing on the matter. Hearing requests must be made within ten business days of the issuance of the citation and delivered to the city clerk. Failure to properly request a hearing within ten business days of the issuance of the citation will terminate the person's right to a hearing.
  - b. The city clerk will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least ten business days prior to the hearing.
- (3) *Hearing officer.* The city council will designate a hearing officer. The hearing officer will be an impartial city employee or an impartial person retained by the city to conduct the hearing.
- (4) *Decision.* A decision will be issued by the hearing officer within ten business days of the hearing. 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, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in this section.
- (5) *Costs.* If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$1,000.00 must be paid by the person requesting the hearing.
- (6) *Appeals.* Appeals of any decision made by the hearing officer must be filed in county district court within ten business days of the date of the decision.
- (7) *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.
- (b) *Administrative penalties.*
- (1) *Licensees.* Any licensee found to have violated this chapter, or whose employee violated this chapter, will be charged an administrative fine of \$1,000.00 for a first violation; \$2,000.00 for a second offense at the same licensed premises within a 36-month period; and \$2,000.00 for a third or subsequent offense at the same location within a 36-month period. Upon the second violation, the license will be suspended for a period of three consecutive days. Upon the third violation, the license will be suspended for a period of seven consecutive days. Upon a fourth violation, the license will be revoked.

- (2) *Other individuals.* Individuals, other than persons under the age of 21 years, who are found to be in violation of this chapter will be charged an administrative fine of \$250.00.
- (3) *Statutory penalties.* If the administrative penalty authorized to be imposed by Minn. Stat. § 461.12 differ from that established in this section, then the higher penalty will prevail.

(c) *Misdemeanor prosecution.* Nothing in this section prohibits the city from seeking prosecution as a misdemeanor for an alleged second violation of this chapter by a person 21 years of age or older within five years of a previous conviction under this chapter. (Code 1995, § 306.09; Ord. No. 1594, 12-7-2020; Ord. No. 1597, 2-8-2021; Ord. No. 1555, 6-18-2018)

## CHAPTER 305. CONVERSATION PARLORS

### **Sec. 305.01. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Conversation parlor* means any establishment advertising, offering or selling the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, regardless of whether other goods or services are also simultaneously advertised, offered or sold, and regardless of whether those other goods or services are also required to be licensed. The term conversation parlor shall not include bona fide legal, medical, psychiatric, psychological or counseling services by a person or firm appropriately licensed, nor shall it include bona fide educational institutions or panels, seminars or other similar services offered by such institutions, nor shall it include churches or synagogues.

(Code 1995, § 308.01; Ord. No. 793, 9-20-1976)

### **Sec. 305.02. License required.**

No person shall engage in the business of operating a conversation parlor in the city without a license.

(Code 1995, § 308.02; Ord. No. 793, 9-20-1976)

### **Sec. 305.03. License fee.**

The annual license fee shall be as established by the city fee schedule.  
(Code 1995, § 308.03; Ord. No. 793, 9-20-1976; Ord. No. 1379A, 11-17-2008)

**Sec. 305.04. Application.**

The initial application for a license shall be made by completing an application form provided by and containing such information as is required by the city manager. A separate license shall be obtained for each separate place of business.

(Code 1995, § 308.04; Ord. No. 793, 9-20-1976)

**Sec. 305.05. Granting, denying or revocation of licenses.**

(a) Licenses may be granted only in the appropriate zone to be determined by the city council and city laws and ordinances.

(b) Licenses may be denied or revoked if the premises of the conversation parlors do not meet the requirements of the city council and of the building, safety and sanitation regulations of the city and the state.

(c) Licenses may be denied or revoked if there is any fraud or deception involved in the license application.

(d) Licenses may be denied or revoked if the applicant or persons in applicant's employ are not complying with, or have a history of, violations of the laws and ordinances that apply to health, safety or moral turpitude.

(e) An application may be denied if the city council determines that the issuance of such a license would be detrimental to the health, welfare or safety of the citizens of the city.

(Code 1995, § 308.05; Ord. No. 793, 9-20-1976; amd. 1995 Code)

**Sec. 305.06. Construction and maintenance requirements.**

(a) *Construction materials.* All conversation parlors, and all rest rooms and bathrooms used in connection with such conversation parlors, shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus growth.

(b) *Required equipment.* All rest rooms used in connection with conversation parlors shall be provided with mechanical ventilation with two cfm per square foot (cfm/ft<sup>2</sup>) of floor area, a minimum of 15 footcandles of illumination, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.

(c) *Janitor's closet.* Each conversation parlor establishment shall have a janitor's closet, which shall be provided for the storage of cleaning supplies. Such closet shall have mechanical ventilation with two cfm/ft<sup>2</sup> per square foot of floor area and a minimum of ten footcandles of illumination. Such closet shall include a mop sink.

(d) *Sanitary conditions.* Floors, walls and equipment in conversation parlors and rest rooms must be kept in a state of good repair, and sanitary at all times.

(e) *Locked doors prohibited.* Doors to all rooms inside a conversation parlor shall not be locked or capable of being locked.

(Code 1995, § 308.06; Ord. No. 793, 9-20-1976)

**Sec. 305.07. Inspection.**

During business hours, all conversation parlors shall be open to inspection by city building and license inspectors, health authority and police officers.

(Code 1995, § 308.07; Ord. No. 793, 9-20-1976)

**Sec. 305.08. Identification.**

Upon demand by any police officer, any person engaged in providing services in any licensed premises shall identify themselves giving their true legal name and correct address.

(Code 1995, § 308.08; Ord. No. 793, 9-20-1976)

**Sec. 305.09. Business hours.**

No customers or patrons shall be allowed to enter the licensed premises after 1:00 a.m. and before 8:00 a.m. daily. No customers or patrons shall be allowed to remain upon the licensed premises after 2:00 a.m. and before 8:00 a.m. daily.

(Code 1995, § 308.09; Ord. No. 793, 9-20-1976)

**Sec. 305.10. Rules and regulations.**

(a) License shall be granted only to establishments which meet the safety and sanitary requirements of the applicable building, housing, health and safety code regulations of the city and state law.

(b) It shall be grounds for denial or revocation of a license if the applicant or persons in applicant's employ violate city ordinances or state law on the premises.

(c) It shall be grounds for rescinding a license granted to any person under this chapter if the owner, manager, lessee or any of the employees are found to be in control or possession of any alcoholic beverage or of a narcotic drug or controlled substance on the premises, the possession of which is illegal, pursuant to Minn. Stat. § 340A.101 et seq. and Minn. Stat. § 152.01 et seq., or by rules of this Code.

(d) All employees and customers of the establishment shall at all times have their breasts, buttocks, genitals and anus covered by a nontransparent material.

(Code 1995, § 308.10; Ord. No. 793, 9-20-1976)

**CHAPTER 306. MASSAGE THERAPY**

**Sec. 306.01. Purpose and findings.**

(a) The purpose of this chapter is to prohibit massage businesses and services to the public except those licensed as massage therapy establishments and massage therapists pursuant to this chapter. The licensing regulations prescribed herein are necessary in order 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.

(b) The city council makes the following findings regarding the need to license massage therapy establishments and massage therapists and to prohibit all other types of massage businesses and services to the public.

- (1) 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.
- (2) Health and sanitation regulations governing massage therapy establishments and massage therapists can minimize the risk of the spread of communicable diseases and can promote overall health and sanitation.
- (3) License qualifications for the restrictions on massage therapy establishments and massage therapists can minimize the risk that such businesses and persons will facilitate prostitution and other criminal activity in the community.
- (4) 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.
- (5) 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 that only employ persons with the training required by this chapter. Fewer of such businesses will reduce the drain on law enforcement.
- (6) 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.

(Code 1995, § 309.01; Ord. No. 1631, 4-24-2023)

#### **Sec. 306.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accredited institution* means an educational institution holding accredited status with the state office of higher education or the federal department of education.

*Chair massage* means a massage provided to a fully-clothed individual, and limited to the neck, shoulders, arms, and back, where the massage is not provided in a massage therapy establishment, and provided the individual giving the massage meets the requirements specified in section 306.05(a).

*Massage therapist* means a person who practices massage therapy.



*Massage therapy* means the rubbing, stroking, kneading, tapping or rolling of the body with the hands or other parts of the body for the exclusive purposes of relaxation, physical fitness, rehabilitation or beautification and for no other purpose.

*Massage therapy establishment* means any room, or premise wherein a person may receive a massage from a licensed massage therapist for a fee; where massages are given on more than 14 calendar days in any given calendar year that does not meet the description of 306.03(b).

*Sanitary* means free from the vegetative cells of pathogenic microorganisms.  
(Code 1995, § 309.02; Ord. No. 1142, 6-13-1994; Ord. No. 1329, 11-14-2005; Ord. No. 1631, 4-24-2023)

**Sec. 306.03. License required, exceptions.**

(a) *License required.* No person shall engage in the business of operating a massage therapy establishment or perform massage therapy in the city without first having obtained the required license.

(b) *Massage therapy establishment exceptions.* A massage therapy establishment license is not required for entities duly licensed or operating as a hospital, nursing home, hospice, sanitarium or group home established for the hospitalization or care of human beings provided the massage is administered only to the residents or patients of the facility as part of their care and not provided as a part of a separate service.

(c) *Massage therapy license exceptions.* A massage therapy license is not required for the following persons:

- (1) Persons duly licensed as a doctor 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 as it prepares the patient for a medical procedure or complements a medical procedure previously performed on the patient and not provided as part of a separate and distinct massage business.
- (2) Persons working as, or solely under the direction and control of, a professional licensed by the state board of medical practice or the state department of health or under Minn. Stat. chs. 147 and 148, provided the massage is directly related to the medical or health treatment and is administered on the premises of the medical or health business.
- (3) 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.

(Code 1995, § 309.03; Ord. No. 1631, 4-24-2023; Ord. No. 1633, § 1, 5-22-2023)

**Sec. 306.04. Granting, denying, suspending or revoking of massage therapy establishment licenses.**

(a) Application fee. The initial application for a license shall be made by completing an application form provided by and containing such information as required by the city manager and by paying a nonrefundable application fee, as established by the city fee schedule.

(b) Separate license required fee. A separate license shall be obtained for each place of business, the fee for which shall be as established by the city fee schedule.

(c) Zoning compliance. Massage therapy establishment licenses may be granted only to establishments associated with and operating within the confines of and incidental to a properly zoned beauty parlor (salon), health club, office, shopping mall, or similar areas open to the public.

(d) Building, safety and sanitation regulations. Licenses may be denied, revoked, or not renewed if the premises of the massage therapy establishments do not meet the requirements of the city council, and of the building, safety and sanitation regulations of the city and state.

(e) Fraud or deception. Licenses may be denied, revoked, or not renewed if there is any fraud or deception involved in the license application.

(f) Compliance with laws. Licenses may be denied, revoked, or not renewed if the applicant, licensee, or employee, contractor, or agent of the same fails to comply with federal, state, or local laws which apply to health, safety or moral turpitude.

(g) The owner/operator of a massage therapy establishment need not be licensed as a massage therapist if such owner/operator does not at any time practice or administer massage to the public.

(h) Additional conditions. The city council may attach such reasonable conditions to the license as it, in its sole discretion, deems to be appropriate.

(Code 1995, § 309.04; Ord. No. 1142, 6-13-1994; Ord. No. 1283, 6-16-2003; Ord. No. 1329, 11-14-2005; Ord. No. 1607, 11-8-2021; Ord. No. 1631, 4-24-2023)

**Sec. 306.05. Granting, denying, suspending, or revoking of massage therapist licenses.**

(a) *Application for license.* Any person desiring to be licensed as a massage therapist shall file an application in person at city hall. The application shall contain such information as the city manager may require, including:

- (1) The applicant's full name, address, social security number and written proof of age issued by a government agency which may not be expired.
- (2) The name and address of the licensed massage therapy establishment by which the applicant will be employed.

- (3) A statement concerning whether the person has been convicted of or entered a plea of guilty to any crime or ordinance violation and, if so, information as to the time, place and nature of such crime or offense.
- (4) Proof that the applicant meets the following educational requirements:
  - a. A diploma or certificate of graduation from an accredited institution as defined herein.
  - b. Each applicant shall also furnish proof at the time of application of a minimum of 600 hours of successfully completed course work by a single provider through an official copy of the transcript of academic record from the school issuing the training, degree or diploma in the following areas:
    1. The theory and practice of massage, including, but not limited to, Swedish, Esalen, Shiatsu or foot reflexology techniques; and
    2. Anatomy, including, but not limited to, skeletal and muscular structure and organ placement; and
    3. Anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice.

(b) *Fee.* The annual license fee for a massage therapist is as established by the city fee schedule.

(c) *Review of application.* Notwithstanding section 301.02, license applications shall include a review by the police department or other qualified service providers in conducting and completing criminal background checks.

(d) *Denial of application.* The license application may be denied for any of the following reasons:

- (1) Fraudulent statements. The application contains false, fraudulent, or deceptive statements.
- (2) Prior conviction. The applicant has been convicted of or entered a plea of guilty within the previous three years to a violation of this chapter or of any other law regulating the practice of massage, or of any law prohibiting criminal sexual conduct, prostitution, pandering, indecent conduct or keeping of a disorderly house.
- (3) Noncompliance. The applicant has not complied with a provision of this chapter.
- (4) Underage. The applicant is less than 18 years of age.
- (5) Prior denial, revocation, or suspension. The applicant has had a massage therapist license denied, revoked, or suspended in another jurisdiction.
- (6) Violation of chapter. A violation of any provision of this chapter.
- (7) Unlawful conduct. Any unlawful conduct, including, but not limited to, criminal sexual conduct, prostitution, or indecent conduct, regardless of whether such conduct resulted in a criminal conviction.

- (8) Violations of law relating to practice of massage therapy. Any violation of laws or ordinances relating to the practice of massage therapy, regardless of whether such conduct resulted in a criminal conviction.
- (10) Lack of skill. Exhibition of a demonstrable lack of skill in the practice of massage therapy.

In the event of a license denial based solely or in part on a criminal conviction, the city will follow the process outlined in Minn. Stat. ch. 364.

(Code 1995, § 309.05; Ord. No. 1142, 6-13-1994; Ord. No. 1329, 11-14-2005; Ord. No. 1631, 4-24-2023)

**Sec. 306.06. Restrictions and regulations for massage therapy establishments and massage therapist licenses.**

(a) Display of license. Any person registered as a massage therapist hereunder shall display such license, with a color photo or a true copy thereof, on the premises in public view at which therapist is employed.

(b) Identification. Upon demand of a representative of the issuing authority or the city police department at the place of employment, any person licensed hereunder shall produce valid photo identification, identifying oneself by true legal name and proof of address.

(c) Inspection. A representative of the issuing authority or the city police department shall have the right to enter and inspect the licensed premise during the hours in which the licensed premise is open for business.

(d) Hours. No customers or patrons shall be allowed to enter or remain on the licensed premises before 8:00 a.m. or after 9:00 p.m. daily.

(e) The establishment may only provide services during business hours which must be posted on the door. Except in the case of a massage establishment where the license is held by the sole licensed therapist at the business, the business must be staffed at all times during such posted hours.

(f) Alcohol or drugs prohibited. No beer, liquor, narcotic drug or controlled substance, as such terms are defined by state statutes or this Code, shall be permitted on licensed premises.

(g) Violation of building, safety or health regulations. Violation of any law or regulation relating to building, safety or health shall be grounds for revocation or any license.

(h) Locks on doors. There shall be no locks on doors of massage rooms.

(i) Appropriate covering required.

(1) *Patron.* When a massage is given, it shall be required by the massage therapist that the person who is receiving the massage shall have breasts, buttocks and genitals covered with a nontransparent material. For purposes of receiving a chair massage, patrons must stay fully clothed at all times.

(2) *Therapist.* Any massage therapists performing any massages shall at all times have their breasts, buttocks and genitals covered with a nontransparent material.

(j) Massage of certain body parts prohibited. At no time shall the massage therapist intentionally massage or offer to massage the breasts, penis, scrotum, mons veneris, vulva or vaginal area of a person.

(k) With the exception of chair massages, all other types of massages shall take place in a private room subject to the conditions and restrictions noted above.

(l) Licensed premises. A massage therapy establishment license is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered or extended, the licensee shall inform the issuing authority.

(m) Affiliation with establishment is required. A massage therapist must be employed by, contractually affiliated with or own a massage therapy establishment licensed by the city, unless a person or entity is specifically exempted from obtaining a massage therapy establishment license in section 306.03.

(n) Employment of unlicensed massage therapists prohibited. No massage therapy establishment shall employ or use any person to perform massage who is not licensed as a massage therapist under this chapter unless the person is specifically exempted from obtaining a therapist license in section 306.03.

(o) Proof of local residency required. In the case of a massage therapy establishment license, the licensee, managing partner or manager of the licensed premises must show proof of residency in the state or Wisconsin. In the case of massage therapists, the licensee must show proof of residency in the state or Wisconsin.

(p) Posting of rates. All massage therapy establishments must post their rates for service in a prominent place in the entrance or lobby of the business.

(Code 1995, § 309.06; Ord. No. 1142, 6-13-1994; Ord. No. 1329, 11-14-2005; Ord. No. 1529, 6-19-2017; Ord. No. 1631, 4-24-2023)

#### **Sec. 306.07. Violations; penalty.**

In addition to any civil remedies at law or adverse licensing actions, every violation of this chapter shall constitute a misdemeanor and every person violating this chapter is subject to criminal prosecution.

(Code 1995, § 309.07; Ord. No. 1631, 4-24-2023)

### **CHAPTER 307. PAWNBROKERS AND PRECIOUS METAL DEALERS**

#### **Sec. 307.01. Purpose.**

(a) The city council finds that pawnbrokers and precious metal dealer regulation is appropriate because such activities provide an opportunity for the commission of crimes and their concealment because such businesses have the ability to receive and transfer stolen

property easily and quickly. The city council also finds that consumer protection regulation of such activities is warranted because customers of such businesses frequently seek their services during times of desperate financial circumstances.

(b) 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 the automated pawn system (APS).

(Code 1995, § 311.01; Ord. No. 1275, 11-18-2002)

### **Sec. 307.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Acceptable identification* means acceptable forms of identification are a current valid state driver's license, a current valid state identification card, or a current valid photo driver's license or identification card issued by another state or any province of Canada.

*Billable transactions* means 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.

*Issuing authority* means the city.

*Item containing precious metal* means an item made in whole or in part of metal and containing more than one percent by weight of silver, gold or platinum.

*Minor* means any natural person under the age of 18 years.

*Pawnbroker* means a person 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 that same thing back again at a stipulated price or who loans money secured by chattel mortgage or personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker business includes buying personal property previously used, rented, or leased, the provisions of this chapter shall be applicable. The term "pawnbroker" does not include businesses or persons who engage in transactions in which a used or secondhand item is exchanged for a new item and the value of the new item exceeds the value of the secondhand item, or who buys and sells used goods or equipment of a specialized nature such as exercise or sporting equipment, or children's clothes. A bank, savings and loan association or credit union shall not be deemed a pawnbroker for purposes of this chapter.

*Pawnshop* means any business establishment operated by a pawnbroker.

*Precious metal dealer* means any person engaging in the business of buying coins or secondhand items containing precious metal, including, but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects. Persons conducting the following transactions shall not be deemed to be precious metal dealers:

- (1) Transactions at occasional "garage" or "yard" sales, or estate sales or auctions held at the decedent's residence, except that precious metal dealers must comply with the requirements of Minn. Stat. §§ 325F.734 to 325F.742, for these transactions.
- (2) Transactions regulated by Minn. Stat. ch. 80A.
- (3) Transactions regulated by the federal Commodity Futures Commission Act, 7 USC 1 et seq.
- (4) Transactions involving the purchase of precious metal grindings, filings, slag, sweeps, scraps or dust from an industrial manufacturer, dental lab, dentist or agent thereof.
- (5) Transactions involving the purchase of photographic film such as lithographic and x-ray film or silver residue or flake covered in lithographic and x-ray film processing.
- (6) Transactions involving coins, bullion, or ingots.
- (7) Transactions in which the secondhand item containing precious metal is exchanged for a new item containing precious metal and the value of the new item exceeds the value of the secondhand item, except that a person who is a precious metal dealer by engaging in a transaction which is not exempted by this section must comply with the requirements of Minn. Stat. §§ 325F.734 to 325F.742.
- (8) Transactions between precious metal dealers if both dealers are licensed under Minn. Stat. § 325F.733 or if the seller's business is located outside of the state and the item is shipped from outside the state to a dealer licensed under Minn. Stat. § 325F.733.
- (9) Transactions in which the buyer of the secondhand item containing precious metal is engaged primarily in the business of buying and selling antiques and the items are resold in an unaltered condition except for repair, and the items are resold at retail and the buyer paid less than \$2,500.00 for secondhand items containing precious metals purchased within any period of 12 consecutive months.

*Precious metals* means silver, gold or platinum.

*Redemption period* means the date by which an item of property that has been pawned must be redeemed by the pledger without risk that the item will be sold. Such date must be a day on which the pawnbroker or precious metal dealer is open for regular business.

*Reportable transaction* means 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 for which a unique transaction number or identifier is generated by their point-of-sale software, is reportable, 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 the merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.

- (2) Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold or redemption periods have expired.

(Code 1995, § 311.02; Ord. No. 1275, 11-18-2002)

**Sec. 307.03. License required.**

No person shall exercise, carry on or be engaged in the trade or business of pawnbroker or precious metal dealer within the city unless such person is currently licensed under this section to be a pawnbroker or precious metal dealer, respectively. No more than one pawn broker license shall be issued by the city at any time and priority shall be given to qualified applicants for renewal of existing license.

(Code 1995, § 311.03; Ord. No. 1275, 11-18-2002; Ord. No. 1414, 9-12-2011)

**Sec. 307.04. Application for license.**

(a) Every application for license under this section, whether for a natural person, partnership, corporation or other organization, shall be made on a form supplied by the city and shall contain all information as required on that form by law.

(b) All applications for a license under this chapter shall be signed and sworn to under oath or affirmation by applicant. If the application is that of a natural person, it shall be signed and sworn to by such 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) Any falsification on a license application shall result in the denial of a license.

(d) When a licensee places a manager in charge of a business, or if the named managers in charge of a licensed business changes, the dealer must complete and submit the appropriate application within 14 days. The manager shall be subject to the investigation required by section 307.05, and to payment of the investigation fee required by this chapter, which shall be paid in advance.

(e) The designation of a new manager shall not cause the license to become invalid before a decision is rendered, provided proper notice and application are made by the applicant. A proposed new manager shall be referred to as the interim manager. In the event an interim manager is rejected, the licensee shall designate another interim manager and make the required application within 14 days of the decision. If a proposed manager is rejected, the decision may be appealed to the city council by filing a written notice of appeal with the city manager within ten days after being notified of the rejection.

(Code 1995, § 311.04; Ord. No. 1275, 11-18-2002)

**Sec. 307.05. Investigation by police department.**

(a) *Investigation and report.* All applications shall be referred to the police department for verification and investigation of the facts set forth in the application. The police department shall make a written report and recommendation to the city council as to issuance or non-issuance of the license. The city council may order and conduct such additional investigation as it deems necessary.

(b) *Cost of investigation; deposit.* An applicant for any license under this section shall deposit with the city, at the time an original application is submitted, the amount provided in the city fee schedule to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this section. If the investigation and verification process is conducted outside the state, the city may require the actual investigation costs not exceeding \$1,500.00.

(Code 1995, § 311.05; Ord. No. 1275, 11-18-2002)

**Sec. 307.06. Term of license and renewals.**

All licenses issued through this section shall be for a period of 12 months, beginning January 1, prorated on a monthly basis. A license under this section will not be renewed:

- (1) If the city council determines that the licensee has failed to comply with the provisions of this chapter in a preceding license year.
- (2) If sufficient grounds exist not to issue a license in the first instance.

(Code 1995, § 311.06; Ord. No. 1275, 11-18-2002)

**Sec. 307.07. License fees.**

The license application fees for pawnbrokers' and precious metal dealers' licenses shall be as established by the city fee schedule.

(Code 1995, § 311.07; Ord. No. 1275, 11-18-2002; Ord. No. 1379A, 11-17-2008)

**Sec. 307.08. Billable transaction fees.**

Licensees shall pay a monthly transaction fee on all billable transactions as set forth in the city fee schedule. Such fee shall be due and payable within 30 days. Failure to timely pay the billable transaction fee shall constitute a violation of this chapter.

(Code 1995, § 311.075; Ord. No. 1275, 11-18-2002)

**Sec. 307.09. Bond required.**

At the time of filing an application for a license, the applicant shall file a bond in the amount of \$10,000.00 with the city. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the city attorney. The bond must be conditioned on the licensee observing all city ordinances and all laws relating to the business of pawnbroker or precious metal dealer, and the licensee accounting for and delivering to any person legally entitled thereto any articles which may have come into the possession of the licensee as

pawnbroker or precious metal dealer, or in lieu thereof such licensee paying the person or persons the reasonable value thereof. The bond shall contain a provision that it may not be canceled without 30 days' advance written notice to the licensing authority.

(Code 1995, § 311.076; Ord. No. 1275, 11-18-2002)

**Sec. 307.10. Ineligible persons and locations.**

(a) *Ineligible persons.* No licenses under this chapter shall be issued to an applicant who is a natural person, general or managing partner, manager, proprietor or agent if such applicant:

- (1) Is a minor at the time the application is filed;
- (2) Has been convicted of any offense related to the occupation licensed or involving moral turpitude, unless the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this chapter as prescribed by Minn. Stat. § 364.03, subd. 3;
- (3) Is not a citizen of the United States or a resident alien;
- (4) Is not of good moral character or repute;
- (5) Holds an intoxicating liquor license under this Code;
- (6) Has had a pawnbroker or precious metal dealer license revoked elsewhere; or
- (7) Other good and sufficient reason in the sole discretion of the city council.

(b) *Ineligible locations.* The following locations shall be ineligible for licenses under this chapter:

- (1) No license shall be granted or renewed for operation on any property on which taxes, assessments or other financial claims of the state, county, school district or city are due, delinquent or unpaid.
- (2) No license shall be granted or renewed if the property on which the business is to be conducted is owned or controlled by a person who is ineligible for a license.
- (3) The property is not properly zoned.

(c) *Multiple brokers or dealers prohibited.* No license shall be issued for multiple pawnbrokers or precious metal dealers at one location.

(Code 1995, § 311.08; Ord. No. 1275, 11-18-2002)

**Sec. 307.11. Requirements of licensees.**

(a) *Recordkeeping.* All licensees shall maintain a computerized system for the creation, maintenance, and storage of transactional records regarding licensed activities. At the time of a receipt of an item of property, whether purchased or pawned, the pawnbroker or precious

metal dealer shall immediately record, on computer disc or if the computer is temporarily unavailable in a book or journal which has page numbers that are preprinted and in an indelible ink, the following information:

- (1) *Description of item.* An accurate description of the item of property, including, but not limited to, any trademark, identification number, serial number, model number, brand, brand name or other identifying mark on such item;
- (2) *Date and time.* The date and time 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. Transaction identifiers must be consecutively numbered;
- (3) *Description of person.* The name, address, residence phone number, date of birth, and accurate description, including: sex, height, weight, race, color of eyes and color of hair of the person from whom the item of property was received;
- (4) *Identification.* Identification number and state of issue from one of the following forms of identification of the seller or pledgor: current valid state driver's license, current valid state identification card, or current valid photo identification card issued by another state or a province of Canada;
- (5) *Price.* The price of the item paid and whether the item was purchased or pawned;
- (6) *Fees.* A list of all fees and charges which the transaction may be subject to;
- (7) *Statement.* A signed statement from the person from whom the item of property is received that there are no liens on the item, that it is not stolen and that the person has the right to sell it.
- (8) *Photograph or video recording.* The licensee must also take a color photograph or color video recording of:
  - a. Each customer involved in a billable transaction.
  - b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.
    1. The photograph taken 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.
    2. Photographs must be available to the chief of police 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.
    3. The licensee must inform the person that such person 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.

4. The licensee must inform the person that such person is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises.
  5. The licensee must keep the exposed videotape for four months and furnish it to the police department upon request.
- (9) *Digitized photographs.* Effective 60 days from the date of notification by the police department licensees must fulfill the color photograph requirements 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.
- (10) *Renewals, extensions and redemptions.* For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, the type of transaction, interest charges accrued, and any amount paid for the transaction or the article. When an article of purchased or forfeited property is sold or disposed of by a licensee, the records shall contain an account of such sale with the date, the amount for which the article was sold, and the full name, current address, and telephone number of the person to whom sold.

(b) *Inspection of records.* The pawnbroker or precious metal dealer shall make available the information required in subsection (a) of this section at all reasonable times for inspection by the city police department or other city representative. The information required in this section shall be retained by the pawnbroker or precious metal dealer for at least five years. Entries of required digital images shall be retained a minimum of 120 days.

(c) *Daily reports to police are required.* The pawnbroker or precious metal dealer shall submit daily to the police department all information required by this section regarding every reportable transaction by transferring it from their computer to the automated pawn system. 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.

(d) *Data transfer failures.*

- (1) If a licensee is unable to successfully transfer the required reports by electronic means, the licensee must provide the police department printed copies of all reportable transactions, along with the videotapes for that date, by 12:00 noon the next business day;

- (2) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports and must be charged a \$50.00 reporting failure penalty, daily, until the error is corrected; or
- (3) If the problem is determined to be outside the licensee's system, the licensee must provide the required reports and resubmit all such transaction via modem when the error is corrected.
- (4) If a licensee is unable to capture, digitize or transmit the photographs required by this section, 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.
- (5) Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
- (6) The police department may, upon presentation of extenuating circumstances by the licensee, delay the implementation of the daily reporting penalty imposed by this section.

(e) *Police order to hold property.* When the city police department notifies the pawnbroker or precious metal dealer not to sell an item, the item shall not be sold or removed from the licensed premises until authorized to be released by the police department.

(f) *Holding period of pawnbrokers.* Any item sold or pawned to a pawnbroker for which a report to the police is required under subsection (c) of this section shall not be sold or otherwise transferred for 60 days after the date of the sale or pawn. However, an individual may redeem an item pawned 72 hours after the item was received on deposit by the pawnbroker, excluding Sundays and legal holidays.

(g) *Receipt.* The pawnbroker or precious metal dealer shall provide a receipt to the seller or pledger of any item of property received, which shall include:

- (1) The name, address and phone number of the pawnbroker or precious metal dealer business.
- (2) The date on which the item was received by the pawnbroker or precious metal dealer.
- (3) A description of the item received and amount paid to the pledger or seller in exchange for the item pawned or sold.
- (4) The signature of the pawnbroker or precious metal dealer or agent.
- (5) The last regular business day 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.
- (6) The annual rate of interest charged on pawned items received.

(7) The name, address, and signature of the seller or pledger.

(h) *Hours of operation.* No pawnbroker or precious metal dealer shall be open for the transaction of business on any day of the week before 7:00 a.m. or after 10:00 p.m.

(i) *Minors.* The pawnbroker or precious metal dealer shall not purchase or receive personal property of any nature on deposit or pledge from any minor.

(j) *Inspection of items.* The pawnbroker or precious metal dealer shall at all times during the term of the license allow the city police department to enter the premises where the pawnbroker or precious metal dealer business is located, for the purpose of inspecting such premises and inspecting the items, wares and merchandise therein for the purpose of locating items suspected or alleged to have been stolen or otherwise improperly disposed of.

(k) *License display.* A license issued under this section must be posted in a conspicuous place in the premises for which it is used. The license issued is only effective for the compact and contiguous space specified in the approved license application.

(l) *Maintenance of order.* A licensee under this section shall be responsible for the conduct of the business being operated and shall maintain conditions of order.

(m) *Prohibited goods.* No licensee under this section shall accept any item of property which contains an altered or obliterated serial number or "operation identification" number or any item of property whose serial number has been removed.

(n) *Payment by check.* Payment of more than \$250.00 by a licensee for any article deposited, left, purchased, pledged or pawned shall be made only by a check, draft, or other negotiable or nonnegotiable instrument which is drawn against funds held by a financial institution. This policy must be posted in a conspicuous place in the premises.

(o) *Holding period for precious metal dealers.* Any item received by a precious metal dealer for which a report to the police is required under subsection (c) of this section shall not be sold or otherwise transferred for two weeks after the date of the sale.

(p) *Storage sites.* All items must be stored within the licensed premises building except the city may permit the licensee to designate one locked and secured warehouse building within the city within which the licensee may store only cars, boats and other motorized vehicles. No item may be stored in the designated warehouse building that is not reported in the records pursuant to subsection (a) of this section. The licensee shall permit immediate inspection of the warehouse at any time during business hours by the city, and failure to do so is a violation of this chapter. Oversized items may not be stored in parking lots or other outside areas. All provisions in this section regarding recordkeeping and reporting shall apply to oversized items.

(q) *Off site sales storage.* All items accepted by a licensee at a licensed location in the city shall be for pledge or sale through a licensed location in the city. No licensee under this section shall sell any items which are transferred from a non-licensed facility or a licensed facility outside the city.

(Code 1995, § 311.09; Ord. No. 1275, 11-18-2002)



**Sec. 307.12. Alarm system required.**

An alarm system, professionally installed and approved by the city manager, must be installed at the licensed premises.

(Code 1995, § 311.10; Ord. No. 1275, 11-18-2002)

**Sec. 307.13. Suspension or revocation of license.**

(a) *Violation.*

- (1) The city council may suspend or revoke a license issued under this chapter upon a finding of a violation of:
  - a. Any of the provisions of this chapter;
  - b. Any state statute regulating pawnbrokers or precious metal dealers;
  - c. Any state or local law relating to moral character and repute.
- (2) Any conviction by the pawnbroker or precious metal dealer for theft, receiving stolen property or any other crime or violation involving stolen property shall result in the immediate suspension pending a hearing on revocation of any license issued hereunder.

(b) *Notice; hearing.* Except in the case of a suspension pending a hearing on revocation, a revocation or suspension by the city council shall be preceded by written notice to the licensee and a public hearing. The written notice shall give at least eight days' notice of the time and place of the hearing and shall state the nature of the charges against the pawnbroker or precious metal dealer. The council may, without any notice, suspend any license pending a hearing on revocation for a period not exceeding 30 days. The notice may be served upon the pawnbroker or precious metal dealer by United states mail addressed to the most recent address of the business in the license application.

(Code 1995, § 311.11; Ord. No. 1275, 11-18-2002)

**Sec. 307.14. Prohibited acts.**

- (a) No pawnbroker or precious metal dealer licensed under this chapter shall:
- (1) Lend money on a pledge at a rate of interest above that allowed by law;
  - (2) Possess stolen goods;
  - (3) Sell pledged goods before the time to redeem has expired;
  - (4) Refuse to disclose to the pledger, after having sold pledged goods, the name of the purchaser or the price for which the item sold;
  - (5) Make a loan on a pledge to a minor or purchase property from a minor;
  - (6) Accept for pawn, sale or consignment any article or property if the article or property belongs to another, or if another person has a security interest in the property; or

- (7) Receive any article or property from a person of unsound mind or an intoxicated person.
  - (b) No person shall:
    - (1) Pawn, pledge, sell, assign, lease or deposit with a pawnbroker or precious metal dealer any article of property not their own, or any article of property in which another person has a security interest.
    - (2) Give a false or fictitious name, date of birth, address, telephone number, or identification card to a pawnbroker or precious metal dealer.
- (Code 1995, § 311.12; Ord. No. 1275, 11-18-2002; Ord. No. 1319, 4-25-2005)

**Sec. 307.15. Adoption of statutes by reference.**

Minn. Stat. § 325J.01 et seq. is hereby adopted by reference. When this chapter is more restrictive than the state statutes, this chapter will control. When the statutes are more restrictive than this chapter, the state statutes shall control.

(Code 1995, § 311.13; Ord. No. 1275, 11-18-2002)

## **CHAPTER 308. LOCAL LODGING TAX**

**Sec. 308.01. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Director* means the city finance director.

*Lodger* means the person obtaining lodging from an operator.

*Lodging* means the furnishing for consideration of lodging by a hotel, motel, rooming-house, tourist court, or resort, except where such lodging shall be for a continuous period of 30 days or more to the same lodger.

*Operator* means a person who provides lodging to others, or any officer, agent or employee of such person.

*Rent* means the total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.

(Code 1995, § 312.01; Ord. No. 1200, 3-23-1998)

**Sec. 308.02. Imposition of tax.**

There is hereby imposed a tax of three percent on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt

owed by the operator to the city and shall be extinguished only by payment to the city. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator is authorized and required by this chapter to collect from a lodger.

(Code 1995, § 312.02; Ord. No. 1200, 3-23-1998)

**Sec. 308.03. Collections.**

Each operator shall collect the tax imposed by this chapter at the time rent is paid. The tax collections shall be held in trust by the operator for the city. The amount of tax shall be separately stated from the rent charged for the lodging.

(Code 1995, § 312.03; Ord. No. 1200, 3-23-1998)

**Sec. 308.04. Exemptions.**

An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the city to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and such a claim shall be made in writing under penalty of perjury on forms provided by the city. All such claims shall be forwarded to the city when the returns and collections are submitted as required by this chapter.

(Code 1995, § 312.04; Ord. No. 1200, 3-23-1998)

**Sec. 308.05. Advertising no tax.**

It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any party thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than \$0.01 shall be considered an additional \$0.01.

(Code 1995, § 312.05; Ord. No. 1200, 3-23-1998)

**Sec. 308.06. Payments and returns.**

(a) The taxes imposed by this chapter shall be paid by the operator to the city not later than 25 days after the end of the month in which the taxes were collected. At the time of payment, the operator shall submit a return upon such forms and containing such information as the city may require. The return shall contain the following minimum information:

- (1) The total amount of rent collected for lodging during the period covered by the return.
- (2) The amount of tax required to be collected and due for the period.
- (3) The signature of the person filing the return or that of an agent duly authorized in writing.
- (4) The period covered by the return.
- (5) The amount of uncollectible rental charges subject to the lodging tax.

- (6) A copy of the state sales and use tax return submitted by the operator for the period covered by the return.

(b) The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this chapter previously paid as a result of any transaction the consideration for which became uncollectible during such reporting period, but only in proportion to the portion of such consideration which became uncollectible.

(Code 1995, § 312.06; Ord. No. 1200, 3-23-1998)

**Sec. 308.07. Examination of return, adjustments, notices and demands.**

The director may rely upon the state sales and use tax return filed by the operator with the state in determining the accuracy of a return filed under this chapter. However, the director shall be authorized to make any investigation or examination of the records and accounts of the person making the return, if the director reasonably determines that such steps are necessary for determining the correctness of the return. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid, such excess shall be paid to the city within ten days after receipt of a notice thereof, given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the city within ten days after determination of such refund.

(Code 1995, § 312.07; Ord. No. 1200, 3-23-1998)

**Sec. 308.08. Refunds.**

Any person may apply to the director for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one year after such tax was paid, or within one year from the filing of the return, whichever period is the longer. The director shall examine the claim and make and file written findings thereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is allowed, in whole or in part, the director shall credit the amount of the allowance against any taxes due under this chapter from the claimant and the balance of the allowance, if any, shall be paid by the director to the claimant.

(Code 1995, § 312.08; Ord. No. 1200, 3-23-1998)

**Sec. 308.09. Failure to file a return.**

(a) If any operator required by this chapter to file a return shall fail to do so within the time prescribed, or shall make, willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within five days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the director shall make a return or corrected return, for such person from such knowledge and information as the director can obtain, and assess a tax on the basis thereof, which tax, less any payments theretofore made on account of the tax for the taxable period covered by

such return shall be paid within five days of the receipt of written notice and demand for such payment. Any such return or assessment made by the director shall be prima facie correct and valid, and such person shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.

(b) If any portion of a tax imposed by this chapter, including penalties thereon, is not paid within 30 days after it is required to be paid, the city may institute such legal action as may be necessary to recover the amount due plus interest, penalties, the costs and disbursements of any action.

(c) Upon a showing of good cause, the director may grant an operator one 30-day extension of time within which to file a return and make payment of taxes as required by this chapter provided that interest during such period of extension shall be added to the taxes due at the rate of ten percent per annum.

(Code 1995, § 312.09; Ord. No. 1200, 3-23-1998)

#### **Sec. 308.10. Penalties.**

If any tax imposed by this chapter is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to ten percent of the amount remaining unpaid. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of ten percent per annum from the time such tax should have been paid until it is paid. Any interest and penalty shall be added to the tax and be collected as part thereof.

(Code 1995, § 312.10; Ord. No. 1200, 3-23-1998)

#### **Sec. 308.11. Administration of tax.**

The director shall administer and enforce the assessment and collection of taxes imposed by this chapter. The director shall cause to be prepared blank forms for the returns and other documents required by this chapter and shall distribute the same throughout the city and furnish them on application, but failure to receive or secure them shall not relieve any person from any obligation required under this chapter.

(Code 1995, § 312.11; Ord. No. 1200, 3-23-1998)

#### **Sec. 308.12. Examination of records.**

The director and those persons acting on behalf of the director, authorized in writing by the director, may examine the books, papers and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this chapter. Every such operator is directed and required to give to the director, or such other authorized agent or employee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

(Code 1995, § 312.12; Ord. No. 1200, 3-23-1998)

**Sec. 308.13. Violations.**

Any person who shall willfully fail to make a return required by this chapter; or who shall fail to pay the tax after written demand for payment; or who shall fail to remit the taxes collected or any penalty or interest imposed by this chapter, after written demand for such payment; or who shall refuse to permit the city to examine the books, records and papers under such person's control; or who shall willfully make any incomplete, false or fraudulent return shall be guilty of a misdemeanor.

(Code 1995, § 312.13; Ord. No. 1200, 3-23-1998)

**Sec. 308.14. Use of proceeds and annual report.**

Ninety-five percent of the proceeds obtained from the collection of taxes pursuant to this chapter shall be used in accordance with Minn. Stat. § 469.190 to fund a local convention or tourism bureau for the purpose of marketing and promoting the city as a tourist or convention center. The city visitors association shall, for its most recent calendar year, provide an annual year-end report of its operations and its financial condition to the city council in writing and by oral presentation at a city council meeting.

(Code 1995, § 312.14; Ord. No. 1259, 4-8-2002)

**Sec. 308.15. Appeals.**

(a) Any operator aggrieved by any notice, order or determination made by the director under this chapter may file a petition for review of such notice, order or determination detailing the operator's reasons for contesting the notice, order or determination. The petition shall contain the name of the petitioner, the petitioner's address and the location of the lodging subject to the order, notice or determination.

(b) The petition for review shall be filed with the city within ten days after the notice, order or determination for which review is sought has been mailed or served upon the person requesting review.

(c) Upon receipt of the petition, the city manager shall set a date for a hearing and give the petitioner at least five days prior written notice of the date, time and place of the hearing.

(d) At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order or determination should be modified or withdrawn. The petitioner may be represented by counsel of petitioner's choosing at petitioner's own expense.

(e) The hearing shall be conducted by the city manager, provided only that the person conducting the hearing shall not have participated in the drafting of the order, notice or determination for which review is sought.

(f) The person conducting the hearing shall make written findings of fact and conclusion based upon the applicable sections of this chapter and evidence presented. The person conducting the hearing may affirm, reverse or modify the notice, order or determination made by the director.

(g) Any decision rendered by the city manager pursuant to this section may be appealed to the city council. A petitioner seeking to appeal the decision must file a written notice of appeal with the city within ten days after the decision has been mailed to the petitioner. The matter will thereupon be placed on the council agenda as soon as it is practical. The council shall then review the findings of fact and conclusions to determine whether they are correct. Upon a determination by the council that the findings and conclusions are incorrect, the council may modify, reverse or affirm the decision of the city manager upon the same standards as set forth in subsection (f) of this section.

(Code 1995, § 312.15; Ord. No. 1200, 3-23-1998)

## CHAPTER 309. SOLID WASTE COLLECTION

### Sec. 309.01. License for hauler required.

No person shall act as a solid waste hauler in the city without first obtaining the appropriate license issued by the city. Any person desiring a license to collect solid waste in the city shall submit a completed license application form along with the license fee and certificate of insurance required in section 309.02.

(Code 1995, § 402.03; Ord. No. 1097, 8-12-1991)

### Sec. 309.02. Requirements for license.

(a) *License fee.* Payment of the license fee as established by the city fee schedule shall be required prior to issuance of such license.

(b) *Liability insurance.* Before a solid waste hauler license shall be issued, the applicant shall provide a certificate of liability insurance for all vehicles in at least the sum of \$600,000.00 for bodily injury damage and \$200,000.00 for property damage.

(c) *Workers' compensation insurance.* Before a solid waste hauler license shall be issued, the applicant shall file with the city a certificate indicating statutory workers' compensation coverage or evidence of self-insured status approved by the state.

(d) *Minimum services.* Before a solid waste hauler license may be issued, an applicant shall provide the following minimum services at a price indicated on the application form:

(1) *Residential dwellings.*

- a. Weekly collection of garbage and other refuse to be disposed at a site designated by the county.
- b. Weekly collection of yard waste to be disposed of as requested.
- c. Monthly collection of special waste to be disposed of as requested.
- d. At least three different volume-based rates, including 32-gallon, 64-gallon and 96-gallon service per week.
- e. Walk up service for those customers who request it.



(2) *Multiple residential dwellings and commercial establishments.*

- a. Weekly collection of garbage and other refuse to be disposed of at a site designated by the county.
- b. Weekly collection of yard waste to be disposed of as requested.
- c. Monthly collection of special waste to be disposed of as requested.

(e) *Schedule of rates.* Before a solid waste hauler license shall be issued, the applicant shall file a schedule of rates to be charged during the licensing period for which the application is made. Every licensee shall provide written notification to the city and the licensee's customers at least 60 days in advance of any change in rates to be implemented during the license period.

(Code 1995, § 402.04; Ord. No. 1097, 8-12-1991)

**Sec. 309.03. Expiration of license.**

All licenses shall expire annually on December 31.

(Code 1995, § 402.05; Ord. No. 1097, 8-12-1991)

**Sec. 309.04. Revocation.**

A licensee's failure to comply with the provisions of this Code or any of the conditions attached to the license shall be grounds for license revocation without refund of the license fee.

(Code 1995, § 402.06; Ord. No. 1097, 8-12-1991)

**Sec. 309.05. 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 clean and as 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.

(Code 1995, § 402.07; Ord. No. 1097, 8-12-1991)

**Sec. 309.06. Report to city.**

Licensees shall submit to the city a semi-annual report summarizing their business in the city on a form provided for such purpose. Upon request, licensee shall provide documentation supporting the data reported to the city.

(Code 1995, § 402.08; Ord. No. 1097, 8-12-1991)

**CHAPTER 310. TETRAHYDROCANNABINOL (THC) PRODUCTS****Sec. 310.01. Findings, purpose, and intent.**

The purpose of this chapter is to regulate the sale of legalized adult-use of any product that contains tetrahydrocannabinol (THC) and that meets the requirements to be sold for human or animal consumption under Minn. Stat. § 151.72 for the following reasons:

- (1) The state legislature amended Minn. Stat. § 151.72 to allow the sale of certain products containing THC. The amendment did not prohibit municipalities from adopting and enforcing local ordinances to regulate THC product businesses, including, but not limited to, local zoning and land use requirements and business license requirements.
- (2) The National Academies of Science, Engineering, and Medicine notes that the growing acceptance, accessibility, and use of THC products, including for medical purposes, have raised important public health concerns, while the lack of aggregated knowledge of cannabis-related health effects has led to uncertainty about the impact of its use.
- (3) The city recognizes the danger THC use presents to the health, welfare, and safety of youth in the city. In addition, the state legislature recognized the danger of THC product use among the public at large by setting potency and serving size requirements and the danger of THC product use among youth by prohibiting the sale of any product containing THC to those under the age of 21 years, requiring that edible THC products be packaged without appeal to children and in child-resistant packaging or containers.
- (4) State law authorizes the board of pharmacy to adopt product and testing standards in part to curb the illegal sale and distribution of THC products and ensure the safety and compliance of commercially available THC products in the state.
- (5) The city has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products or to the marketing of these products and improve compliance among THC product retailers with laws prohibiting the sale or marketing of THC products to youth.
- (6) A local regulatory system for THC product retailers is appropriate to ensure that retailers comply with THC product laws and business standards of the city to protect the health, safety, and welfare of our youth and most vulnerable residents.
- (7) A requirement for a THC product retailer license will not unduly burden legitimate business activities of retailers who sell or distribute THC products to adults but will allow the city to regulate the operation of lawful businesses to discourage violations of state and local THC product-related laws.
- (8) In making these findings and enacting the ordinance from which this chapter is derived, it is the intent of the city council to ensure responsible THC product retailing, allowing legal sale and access without promoting increases in use, and to

discourage violations of THC product-related laws, especially those which prohibit or discourage the marketing, sale or distribution of THC products to youth under 21 years of age.

(Code 1995, § 316.01)

### **Sec. 310.02. Definitions.**

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definition. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Age-restricted establishment* means an establishment licensed under this chapter which:

- (1) Prohibits persons under 21 years of age from entering the establishment at all times;
- (2) Posts conspicuous written notice of such age restriction at all entrances to the establishment;
- (3) Meets all of the following building or structural criteria:
  - a. Shares no wall with, and has no part of their structure adjoined to, any other business or retailer, unless the wall is permanent, completely opaque and without doors, windows, and pass-throughs to the other business or retailer; and
  - b. Is accessible by the public by an exterior door.

*Compliance checks* means the system the city uses to investigate and ensure those authorized to sell licensed products are following and complying with the requirements of this chapter. Compliance checks involve the use of persons under 21 years who purchase or attempt to purchase licensed products. Compliance checks may also be conducted by the city or other units of government for educational, research, and training purposes, or for investigating or enforcing federal, state, or local laws and regulations relating to licensed products.

*Licensed product* or *THC product* means any product that contains more than trace amounts of tetrahydrocannabinol and meets the requirements to be sold for human or animal consumption under Minn. Stat. § 151.72. The term "licensed product" or "THC product" does not include medical cannabis as defined in Minn. Stat. § 152.22, subd. 6.

*Movable place of business* means any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

*Sale* means any transfer of goods for money, trade, barter, or other consideration.

*Self-service merchandising* means open displays of licensed products in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee's employee. Assistance or intervention means the actual physical exchange of the licensed product between the customer and the licensed employee.

*Vending machine* means any mechanical, electric, or electronic, or other type of device that dispenses licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed product.

(Code 1995, § 316.02; Ord. No. 1638, § 1, 8-21-2023)

### **Sec. 310.03. License.**

(a) *License required.* No person shall sell or offer to sell any licensed product within the city without first having obtained a license to do so from the city. A license will only be issued to an age-restricted establishment or an establishment holding a license issued under chapter 302.

(b) *Application.*

(1) An application for a license to sell licensed products shall be made on a form provided by the city. The application shall contain the following information:

- a. The full name of the applicant;
- b. The applicant's residential and business address and telephone numbers;
- c. The name of the business for which the license is sought; and
- d. Any additional information the city manager deems necessary.

(2) Upon receipt of a completed application, the city clerk shall forward the application to the city council for action at its next regularly scheduled city council meeting.

(c) *Review and background check.* Applications shall include a review by the police department or other qualified service providers on conducting and completing criminal background checks. The city may conduct a background check on any an application for a renewal of a license if it is in the public interest to do so.

(d) *Ownership disclosure.* At the time of application, the applicant shall furnish the city with a list of all persons that have an interest of five percent or more in the business. It is the duty of each business licensee to notify the city clerk in writing of any change in ownership in the business.

(e) *Change in ownership.* Any change in the ownership or control of the business shall be deemed equivalent to a transfer of the license, and such license shall be revoked 30 days after any such change in ownership or control unless the licensee has notified the city clerk of any change in ownership by submitting a new license application for the new owners. The council may revoke any license issued upon its determination that a change of ownership of a licensee has actually resulted in the change of control of the licensed business so as to materially affect the integrity and character of its management and its operation, but no such action shall be taken until after a hearing by the council on notice to the licensee.

(f) *Action*. The city council may either approve or deny the application for a 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 denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the city council's decisions. If a license application is denied, the earliest an applicant may reapply is 12 months from the date the license is denied.

(g) *Term*. All licenses issued under this chapter shall expire on December 31 of each year.

(h) *Revocation or suspension*. Any license under this chapter may be revoked or suspended as provided in section 310.09.

(i) *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 or business to whom the license was issued. The transfer of any license to another location, business, or person is prohibited.

(j) *Display*. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

(k) *Renewals*. The renewal of a license issued under this chapter shall be handled in the same manner as the original application.

(l) *Issuance as privilege and not a right*. The issuance of a license issued under this chapter is a privilege and does not entitle the license holder to automatic renewal of the license.

(m) *Cap on total licenses*. The total number of licenses for THC products shall not exceed eight. This cap on total licenses does not apply to establishments holding a license issued under chapter 302.

(Code 1995, § 316.03; Ord. No. 1638, § 2, 8-21-2023)

#### **Sec. 310.04. Fees.**

No license shall be issued under this chapter until the appropriate license fee has been paid in full. The fee for a license under this chapter shall be established by the city council and adopted in the city fee schedule, and may be amended from time to time. License fees are pro-rated on a quarterly basis as defined in section 301.04.

(Code 1995, § 316.04)

#### **Sec. 310.05. Ineligibility and basis for denial of license.**

(a) *Ineligibility; 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.

(b) *Grounds for denial*. Grounds for denying the issuance or renewal of a license under this chapter include, but are not limited to, the following:

(1) The applicant is under the age of 21 years.

- (2) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.
- (3) The applicant has been convicted within the past five years for any violation of a federal, state, or local law, other ordinance, provision, or other regulation relating to the licensed products.
- (4) The applicant has had a license to sell licensed products suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell licensed products, whether in the city or in another jurisdiction, that has had a license to sell licensed products suspended or revoked during the same time period, provided the applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.
- (5) The applicant is a business that does not have an operating officer or manager who is eligible pursuant to the provisions of this chapter.
- (6) The applicant is the spouse of a person ineligible for a license pursuant to the provision of subsections (b)(2) and (3) of this section or who, in the judgment of the council, is not the real party in interest or beneficial owner of the business to be operated, under the license.
- (7) The applicant fails to provide any information required on the application or provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this chapter or any part thereof.

(c) No license shall be granted or renewed for operation on any premises on which real estate taxes, assessments, or other financial claims of the city or of the state are due, delinquent, or unpaid.

(Code 1995, § 316.05; Ord. No. 1638, § 3, 8-21-2023)

**Sec. 310.06. Prohibited acts.**

(a) *In general.*

- (1) No person shall sell or offer to sell any licensed product:
  - a. By means of any type of vending machine.
  - b. By means of self-service merchandising.
  - c. By any other means, to any other person, on in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.
- (2) No person shall sell or offer for sale a product containing THC that does not meet all the requirements of Minn. Stat. § 151.72, subd. 3.

(b) *Legal age.* No person shall sell any licensed product to any person under the age of 21 years.

- (1) *Age verification.* Licensees shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age.
- (2) *Signage.* Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

(c) *Samples prohibited.* No person shall distribute samples of any licensed product free of charge or at a nominal cost.

(Code 1995, § 316.06)

#### **Sec. 310.07. Licensees responsible for acts of employees.**

All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the city from also subjecting the employee to any civil or criminal penalties that the city deems to be appropriate under this chapter, state or federal law, or other applicable law or regulation.

(Code 1995, § 316.07)

#### **Sec. 310.08. Compliance checks and inspections.**

(a) All premises licensed under this chapter shall be open to inspection by the city during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks.

(b) No person used in compliance checks shall attempt to use a false identification misrepresenting their age. All persons lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or their employee, and produce any identification, if any exists, for which they are asked. The city will conduct a compliance check that involves the participation of a person under the age of 21 years to enter the licensed premises to attempt to purchase the licensed products. Persons used for the purpose of compliance checks shall be supervised by law enforcement. Nothing in this chapter 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.

(c) Additionally, from time to time, the city will conduct inspections to determine compliance with any or all other aspects of this chapter.

(Code 1995, § 316.08)



**Sec. 310.09. Violations and penalty.**

(a) *Administrative civil penalties; individuals.* If a person who is not a licensee is found to have violated this chapter, the person shall be subject to an administrative penalty of \$250.00

(b) *Licensee.* If a licensee or an employee of a licensee is found to have violated this chapter, the licensee shall be subject to the following minimum administrative penalties:

- (1) First Violation: The council shall impose a civil fine of \$1,000.00.
- (2) Second violation within 36 months: The council shall impose a civil fine of \$2,000.00 and suspend the license for not less than 3 consecutive days.
- (3) Third violation within 36 months: The council shall impose a civil fine of \$2,000.00 and suspend the license for not less than 7 consecutive days.
- (4) Fourth violation within 36 months: The council shall revoke the license for at least one year.

(c) *Misdemeanor prosecution.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this chapter.

(Code 1995, § 316.09)

**Sec. 310.10. Exceptions.**

The following businesses are not required to apply and hold a THC product sales license:

- (1) Medical providers that prescribe or sell THC products to their patients. Medical providers are not allowed to sell THC products in-person to the general public without meeting all of the requirements of this chapter.
- (2) Wholesalers and manufacturers of THC products that sell THC products over the internet or by mail through business-to-business transactions. Wholesalers and manufacturers are not allowed to sell THC products in-person to the general public without meeting all of the requirements of this chapter.
- (3) Retailers who exclusively sell THC products over the internet or by mail. Retailers are not allowed to sell THC products in-person to the general public without meeting all of the requirements of this chapter.

(Code 1995, § 316.10)

**CHAPTER 311. HOTEL LICENSING**

**Sec. 311.01. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Guest* means any person that occupies a guestroom.

*Guestroom* means a sleeping room in a hotel designed and intended to be used as a sleeping accommodation.

*Hotel* means a hotel, motel, bed and breakfast, or any part thereof, used as, maintained as, advertised as, or held out to be a place that furnishes sleeping accommodations the public to be, a place where sleeping accommodations are supplied for guests for transient occupancy.

*Interested persons* means all persons who will be on-site managers of the hotel, are owners or operators, or that have an interest of five percent or more in the entity applying for or holding the license.

*Licensed premises* means all the property, whether in or out of a building or structure, which is:

- (1) Used for the licensed activity, including any recreation or parking area for use by guests of the hotel; or
- (2) Under the ownership, control or management of the licensee, or leased to the licensee, if such property is adjacent to, or in reasonably close proximity to, the premises in which the licensed activity occurs.

*Nuisance-related activities* means any one or more of the following occurring or committed on the licensed premises:

- (1) Prostitution or prostitution-related activity, sex trafficking, or other human trafficking;
- (2) Maintaining a public nuisance in violation of Minn. Stat. § 609.74(1) or (3);
- (3) Permitting a public nuisance in violation of Minn. Stat. § 609.745;
- (4) Maintaining or permitting violation of chapter 404 or 405;
- (5) Unlawful sale, possession, storage, delivery, giving manufacture, cultivation, or use of controlled substances;
- (6) Unlicensed sales of alcoholic beverages;
- (7) Unlicensed sales of cannabis or low-potency hemp products;
- (8) Unlawful sales or gifts of alcoholic beverages, cannabis, or low-potency hemp products committed within the building, or unlawful consumption or possession by persons under the age of 21 years;
- (9) Unlawful use or possession of a firearm, firearm parts, or ammunition;
- (10) Violation of state law or city ordinance related to the licensed activity;
- (11) Actions which constitute a violation of Minn. Stat. § 609.72 related to disorderly conduct.

*Owner or operator* means any person, firm, association, partnership, limited liability company, or corporation, which is the record owner, part owner, lessee, receiver, sublessee, or franchised operator of real property as listed on county property records that operates a hotel business that offers and accepts payment for guestrooms.

(Ord. No. 1674, § 1(317.01), 4-8-2024; Ord. No. 1686, § 1(317.01), 12-2-2024)

**Sec. 311.02. License required; issuance of license.**

(a) *License required.* In addition to the other licensing requirements of state law, the state department of health, and the county, no person shall operate a hotel without a valid license issued by the city. The license to operate must be renewed on a yearly basis. The city shall approve or deny each application.

(b) *Application.* Applications must be submitted by December 1 each year. An application for a license 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 business or personal email address where official communications can be sent, the address of the building for which the license is sought, the name of the business for which the license is sought, and any additional information the city manager deems necessary.

(c) *Interested persons.* At the time of application, and upon the addition of any interested persons thereafter, the applicant shall furnish the city with a list of interested persons. Interested persons will be subject to a background investigation, as described herein, and payment of the investigation fee. It is the duty of each business licensee to notify the city manager in writing of any change in interested persons. Failure to notify the city of an additional interested person within 30 days is a basis for imposition of a penalty under this chapter.

- (1) *Initial application.* The city will conduct a background investigation of all interested persons listed on the license application. The city manager must approve interested persons. If the city manager does not approve an interested person, the city shall provide notice to the license applicant. The applicant will determine whether to amend the application to not include the interested person, withdraw the application, or appeal the determination to the city council. Rejection of an interested person will result in license denial, but no such action shall be taken until the applicant has been given notice of such denial, the basis for the denial, and the opportunity for a hearing before the city council.
- (2) *Renewal application or addition of interested persons.* The city will conduct a background investigation for all interested persons added after the issuance of the license. The city, in its sole discretion, may also conduct a background investigation on interested persons at the time of application for a renewal of a license. The city manager must approve all interested persons. If the city manager does not approve an interested person, the city shall provide notice to the licensee. The licensee will determine whether to withdraw the interested person or appeal the determination to the city council. Rejection of an interested person will result in license revocation,

but no such action shall be taken until the applicant has been given notice of such revocation, the basis for the revocation, and the opportunity for a hearing before the city council.

(d) *Background investigation.* Applications shall include a review by the city manager, the police department, or other qualified service providers. Such review will include a complete criminal background check of all applicants and interested persons as well as investigation into prior similar businesses in the city and in other jurisdictions.

(e) *Inspection of building.* No license may be issued unless the licensed premises for which the application has been submitted is in full compliance with all relevant health and safety codes, including, but not limited to, the state building code, the state fire code, and this codes. Upon renewal, inspections shall occur at the frequency required by city policy.

(f) *Imposition of reasonable conditions.* When there exists a reasonable basis to impose reasonable conditions upon a license applied for, issued, or held under this chapter, any one or more such reasonable conditions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance. License conditions may also be added to memorialize the conditions under which the city will allow a waiver of a specific requirement of this chapter for a specific hotel.

(g) *Timing of imposition and removal of license conditions.* The city may impose such conditions on a license at the time of application, at any time with the consent of the license holder, or in addition to penalties imposed under this chapter as part of an action against the license or licenses. Conditions imposed on a license, or licenses shall remain on such licenses when renewed and shall continue thereafter until removed by the city council.

(h) *Fees.* No license application will be processed or granted without payment of all required fees.

- (1) The city will establish the annual license fee and include it in the city fee schedule.
- (2) In addition to an annual license fee, license applicants must also pay a background investigation fee and an inspection fee which shall be established by the city fee schedule.

(i) *Consideration of application.* Upon receipt of a completed application, the city manager will forward the application to the city council for action at a city council meeting following processing of the application. The city council may either approve or deny the application for a license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant as it deems necessary. If the city council approves the license, the city manager 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 city council's decision. If a license application is denied, the earliest an applicant may reapply is 12 months from the date the license is denied.

(j) *Term.* An initial license issued under this chapter shall expire on March 31 of the year following its issuance. All renewal licenses issued under this chapter shall expire on March 31 of each year.

(Ord. No. 1674, § 1(317.02), 4-8-2024; Ord. No. 1686, § 1(317.02), 12-2-2024)

**Sec. 311.03. Basis for denial of license.**

The license to operate may be denied for any of the following reasons:

- (1) The premises where the hotel is located do not comply with the relevant health and safety codes, including, but not limited to, the state building code, the state fire code, and this Code;
- (2) Any interested person has been an owner, operator, or manager of a similar establishment that has had a repeat nuisance service call fee imposed by the city or a similar fee imposed by another jurisdiction;
- (3) Any interested person has had a similar license suspended or revoked by the city or another licensing jurisdiction;
- (4) The premises in where the hotel is located, or any owner or operator of the hotel owes the city for delinquent taxes, assessments, or other financial claims; or
- (5) Any interested person with input into or control of day-to-day operations has one or more criminal convictions that relate to the hotel or has been convicted of a crime that relates to the licensed activity. This subsection shall not apply to corporations, limited liability companies, or partnerships, but shall apply to all officers, directors of any such corporations and members of any such limited liability companies, and partners of any such partnerships. Any denial under this subsection is subject to the standards and procedures in Minn. Stat. ch. 364.

(Ord. No. 1674, § 1(317.03), 4-8-2024; Ord. No. 1686, § 1(317.03), 12-2-2024)

**Sec. 311.04. Minimum standards of operation.**

(a) *General standards.* To maintain the license to operate issued through the city, the hotel shall comply with the following minimum standards of operation:

- (1) No person shall be allowed to rent a guestroom without providing suitable identification at the time of registration. The guest shall verify identification through production of a driver's license, passport, or other government-issued identification. The identification must match the name on any form of payment used. If payment is made in cash, the hotel must retain a copy of the photo identification provided. Notwithstanding the foregoing, such verification is not required for guests who are members of a loyalty program staying at a hotel that allows electronic booking and check-in; and provides hotel guests electronic access to their guestroom through a personal device.
- (2) No guestroom may be rented to any individual under the age of 18 years. The legal name of at least one individual over the age of 18 years and all persons, excluding

children with a parent or guardian, occupying rented guestrooms shall be listed on the register at the time of registration. Any person who remains in a room after 12:00 midnight is presumed to be a guest. Guestroom occupancy lists shall be recorded and maintained by the hotel for at least 90 days.

- (3) The hotel shall immediately, upon notice that a registration was incomplete or inaccurate, terminate the rental agreement and evict from the premises all guests occupying the guestroom for which such incomplete or inaccurate registration was provided.
- (4) No hotel shall knowingly permit the licensed premises to be used for any illegal purpose.
- (5) The hotel shall report observed or suspected illegal activity to the police within a reasonable period.
- (6) Each guestroom shall be numbered in a plain, conspicuous manner. Numbers must be placed and maintained on the outside of the outer door of each guestroom, and no two guestrooms' units shall be labeled with the same number.
- (7) No guest shall be able to purchase a guestroom on an hourly basis. All guestrooms must be rented for overnight purposes. An exception to this requirement is allowed for contracted guestrooms for an hourly basis between a business or corporation and hotels, for the purposes of complying with department of transportation sleep regulations, federal law requirements, or state law requirements.
- (8) Any hotel license issued by the city shall be conspicuously displayed in the office or lobby of the hotel.
- (9) The operation of any hotel shall be supervised by the manager in charge of the property at all hours.
- (10) No interested person, employee, manager, or contractor performing services of any kind may reside in a guestroom at the hotel.
- (11) No guest shall be able to establish permanent residency at the hotel.
- (12) The hotel shall maintain and follow all building, mechanical, zoning, or licensing codes. In addition to all the required applicable building codes, property maintenance laws, and state health laws, each guestroom shall maintain the following minimum requirements:
  - a. A proper entry door, windows, beds, and bedding;
  - b. Toilet room;
  - c. Lavatory;
  - d. Bathtub or shower;
  - e. Heating and air conditioning;
  - f. Smoke detector and fire sprinkler;

- g. Clothes closet or alcove with clothes rod or clothes rack permanently affixed or luggage rack or luggage support counter; and
- h. 24-hour free emergency telephone access to the front desk and to 911 services.

(b) *Maintenance of records.* Every hotel shall keep a register of persons who board or lodge in the hotel. The record is a written documentation of information about a guest that may be maintained electronically, in a book, or on cards:

- (1) The record shall be kept on the licensed premises in the guest reception or guest check-in area or in an office adjacent to that area.
- (2) No person shall alter, deface, or erase the record so as to make the information recorded in it illegible or unintelligible, or hinder, obstruct, or interfere with any inspection of record under this section.

(c) *Inspection of licensed premises.* To ensure compliance with this chapter, random inspections of the hotel may occur. Unless in the case of an emergency, notice of inspection shall be given 24 hours prior to the inspection by personal service, posting, phone, or email.

(d) *Inspection of maintained records.* The maintained video, written, and electronic records shall be made available to any law enforcement officer or other authorized city official upon a reasonable request.

(e) *Cooperation with investigation.* If a guest or employee of a hotel makes an emergency call for service or reports any suspicious or illegal activity going on at the hotel to law enforcement, all individuals related to the hotel shall cooperate with law enforcement during the ongoing investigation.

(Ord. No. 1674, § 1(317.04), 4-8-2024; Ord. No. 1686, § 1(317.04), 12-2-2024)

#### **Sec. 311.05. Penalty for violation.**

(a) Any license violation may be penalized by issuance of a fine, imposition of reasonable license conditions, suspension of the license, or revocation of the license. Such a penalty may only be imposed following full notice of the allegations, the proposed penalty, and an opportunity to be heard regarding the allegations and the imposition of the penalty.

- (1) *Notice of revocation.* Upon a final decision issued by the city council, the city manager shall post a copy of the notice of revocation of license to operate the hotel.
- (2) *Removal or tampering with posted notice.* A posted notice of revocation of license to operate may only be removed by an authorized city official.
- (3) *Surrender following revocation.* The hotel shall cease all operation within 15 days of posting the notice of revocation of license to operate and surrender its license to operate to the city.
- (4) *Reissuance of license after revocation.* A license to operate that is revoked shall not be reissued for a period of one year from the date of such revocation, unless the period



of revocation is either delayed or shortened by the city council due to voluntary mitigation action by the owner or operator, and such mitigation action is approved by the city council.

(b) The license to operate shall be subject to fine, suspension, revocation, or the imposition of license conditions for any of the following reasons:

- (1) Failure to comply with the minimum standards of operation as outlined in this chapter, including failure to comply with license conditions;
- (2) Noncompliance with federal law or regulations, state law or regulations, and this Code;
- (3) Imposition of a fee for repeat nuisance service calls under chapter 508;
- (4) Arrests related to illegal activity which occurred on the licensed premises;
- (5) Any violations of the state health codes;
- (6) A serious nuisance-related call which demonstrates a lack of control by owner or operator over the licensed premises;
- (7) Failure to maintain the licensed premises to all building, fire, mechanical, zoning or licensing codes, including, but not limited to, maintaining utility services; or
- (8) Failure to follow correction orders issued related to the building, fire, mechanical, zoning or licensing codes; or
- (9) An interested person has one or more criminal convictions that relate to the hotel or has been convicted of a felony that relates to the licensed activity and has failed to demonstrate rehabilitation as described in Minn. Stat. ch. 364. This subsection shall not apply to corporations, limited liability companies, or partnerships, but shall apply to all officers, directors of any such corporations and members of any such limited liability companies, and partners of any such partnerships;
- (10) Failure to notify the city of an additional interested person within 30 days of the individual becoming an interested person;
- (11) Failure to pay taxes, assessments, or other amounts due to the city, including the local lodging tax as required by chapter 308.

(Ord. No. 1674, § 1(317.05), 4-8-2024; Ord. No. 1686, § 1(317.05), 12-2-2024)

#### **Sec. 311.06. Enforcement.**

Enforcement of this chapter shall be directed by the city manager who may delegate such enforcement to the appropriate department.

(Ord. No. 1674, § 1(317.06), 4-8-2024; Ord. No. 1686, § 1(317.06), 12-2-2024)

## CHAPTER 312. RECYCLING COLLECTION

### **Sec. 312.01. License for recycling contractor.**

No person shall act as a recycling contractor in the city without first obtaining the appropriate license issued by the city. Any person desiring a license to collect recyclables in the city shall submit a completed license application form along with a license fee in the amount provided in the city fee schedule and the required certificate of insurance.

(Code 1995, § 403.04; Ord. No. 1098, 8-12-1991)

### **Sec. 312.02. Requirements for license.**

(a) *License fee.* Payment of the license fee as prescribed from time to time by city council resolution shall be required prior to issuance of such license.

(b) *Liability insurance.* Before a recycling contractor license shall be issued, the applicant shall provide a certificate of liability insurance for all vehicles in at least the sum of \$600,000.00 for bodily injury damages and \$200,000.00 for property damages.

(c) *Workers' compensation insurance.* Before a recycling contractor license shall be issued, the applicant shall file with the city a certificate indicating statutory workers' compensation coverage or evidence of self-insured status approved by the state.

(Code 1995, § 403.05; Ord. No. 1098, 8-12-1991)

### **Sec. 312.03. Expiration of license.**

All licenses shall expire annually on December 31.

(Code 1995, § 403.06; Ord. No. 1098, 8-12-1991)

### **Sec. 312.04. Revocations.**

A licensee's failure to comply with the provisions of this Code or any of the conditions attached to the license shall be grounds for license revocation, without refund of the license fee.

(Code 1995, § 403.07; Ord. No. 1098, 8-12-1991)

### **Sec. 312.05. Licensee's equipment.**

Licensees shall use equipment so constructed that the recyclables will not spill during transport. The equipment shall be kept clean and shall not be allowed to stand in any street or public place longer than is necessary to collect recyclables. The licensee shall also ensure that the collection site is left free of litter.

(Code 1995, § 403.08; Ord. No. 1098, 8-12-1991)

**CHAPTER 313. SHORT-TERM RENTAL LICENSES****Sec. 313.01. Purpose.**

The purpose of this chapter is to ensure that the non-owner-occupied short-term rentals of dwelling units is conducted, operated, and maintained so as not to become a nuisance to the surrounding neighborhood or an influence that fosters blight and deterioration or creates a disincentive to reinvest in the community. The operation of a short-term rental property is a business enterprise that entails responsibilities required of the owner, local agent, and guests.

(Code 1995, § 909.01; Ord. No. 1596, 2-8-2021)

**Sec. 313.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Family* means one of the following:

- (1) Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care; or
- (2) Up to four people not so related; or
- (3) Any group of people, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency, or for other reasons; or
- (4) Any individual who is the owner, living and maintaining a common household and using a common cooking and kitchen facility.

*Local agent* means the owner's representative who resides in any of the following state counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington, and is authorized by the owner to make or order repairs or services for the property if in violation of the city or state codes.

*Rent* includes money or services in exchange for occupation of the unit.

*Short-term rental* means a non-owner-occupied dwelling unit rented for a period of 30 consecutive days or less. Rentals may not be made more often than one every seven days between October 1 and May 1 and rentals may not be made more often than one every ten days between May 1 and October 1. The use of recreational vehicles, campers or other similar vehicles as rentals shall be prohibited. Short-term rental periods of up to 30 consecutive days require a license under this chapter. Rental periods for more than 30 days require one of the following: a lodging license with an extended stay permit under chapter 311; registration as a rental property under this chapter; or a rental license under this chapter.

*Unit* means all or a portion of a residential property that is arranged, designed, used, or intended to be used as separate living quarters and which is leased to an individual or group. (Code 1995, § 909.02; Ord. No. 1596, 2-8-2021; Ord. No. 1657, § 1, 2-12-2024)

**Sec. 313.03. License required.**

(a) It shall be unlawful for any person to hereafter occupy, allow to be occupied, or let to another person for occupancy any residential property within the city for which an application for a short-term rental license has not been properly made, filed, and issued by the city or after the time that a license is suspended or revoked. Applications for licensure shall be as required by chapter 301, and shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

- (1) Name, street address, email and phone number of the property owner.
- (2) The name, street address, email and phone numbers, of a local agent authorized to make or order repairs or services for the property, if in violation of city or state codes, if the person is different than the owner.
- (3) The street address of the short-term rental property.
- (4) The type of units within the rental property (single-family, twin-home, townhome, condo, duplex, triplex or fourplex).
- (5) The number of bedrooms in the unit.
- (6) Certification and attestation that the maximum occupancy per unit is either four or less unrelated adults or one family pursuant to section 906.06.

(b) No license will be issued to any property that is within 500 feet of another property holding a license under this chapter. Properties holding a license under this chapter on January 1, 2024, are not subject to this restriction.

(Code 1995, § 909.03; Ord. No. 1596, 2-8-2021; Ord. No. 1626, § 1, 2-13-2023; Ord. No. 1657, § 2, 2-12-2024)

**Sec. 313.04. Expiration of license.**

(a) *Term.* All licenses issued under this chapter are effective upon issuance and shall expire one year (365 days) from date of issuance. All required renewal license application materials shall be received and submitted prior to the expiration date.

(b) *Late fee.* Any renewal license applications submitted after expiration will be considered late and subject to fee penalties.

(c) *Violation.* Any license not renewed after expiration, that continues short-term rentals in the property, will be considered a violation of this chapter. Renters will not be allowed to occupy a property if the renewal license is not issued within five days after expiration.

(Code 1995, § 909.04; Ord. No. 1596, 2-8-2021; Ord. No. 1626, § 2, 2-13-2023; Ord. No. 1657, § 3(1), 2-12-2024)

**Sec. 313.05. Fees; lodging tax.**

(a) There shall be a license fee and late renewal fee as established by the city fee schedule. All fees and fines shall be charged to and payable by the property owner.

(b) Pursuant to Minn. Stat. § 469.190, local lodging taxes shall be collected on all rentals less than 30 days in length in accordance with chapter 308. Payment must be made monthly to the city's finance department on forms provided by the city.

(c) Short-term rentals in violation of this chapter may be subject to license suspension or revocation and administrative fines, in addition to any other fees or penalties per section 313.10 or other applicable sections of this title.

(Code 1995, § 909.05; Ord. No. 1596, 2-8-2021; Ord. No. 1626, § 3, 2-13-2023; Ord. No. 1657, § 3(2), 2-12-2024)

**Sec. 313.06. Manner of licensure.**

(a) An owner of a property that after the effective date of the ordinance from which this chapter is derived wishes to convert the property into a short-term rental property, shall apply for and license the property prior to its conversion.

(b) If there is a change in the type of occupancy from the type stated on the license form, an amended license form shall be filed within 30 days of the change.

(c) When a previously licensed property is sold, the new owner, if continuing to offer short-term rental, shall apply for a license within 30 days of the sale and may not allow occupancy as a short-term rental until a license has been obtained.

(d) Valid short-term rental license holders shall not be required to register the rental per this chapter if they enter into rental lease periods in excess of 30 consecutive days.

(e) The city manager may administratively deny a license under this chapter if the property has been issued fines for repeat nuisance violations per chapter 508.

(f) If a person is found to have engaged in rentals that require a license under this chapter, but no license has been obtained, upon application for licensure the license shall not become effective for 90 days.

(Code 1995, § 909.06; Ord. No. 1596, 2-8-2021; Ord. No. 1626, § 4(1), 2-13-2023; Ord. No. 1657, § 4, 2-12-2024)

**Sec. 313.07. Notice to renter; notice to neighboring properties; posting.**

(a) The owner or its agent must post, in accordance with the instructions provided by the city, in each short-term rental unit a current copy of the short-term rental license provided by the city upon issuance of license. This license shall specifically include the following minimum information:

- (1) The street address of the registered property; and

(2) The name, street address, email address and telephone numbers of the owner, the local agent or both as applicable; and

(3) The expiration date of the license.

(b) The owner or its agent must post in each short-term rental unit a current copy of chapters 404, 405, and 602 or alternative form as approved by the city.

(c) Upon issuance of license and annual renewal of the license, within ten days of city council approval, the owner or its agent must notify all residential properties of one to four units within 300 feet, with a copy to the city, of the following:

(1) The statement: "The property located at (insert address) obtained a short term rental license from the city on (insert date). As a requirement of the license, notification must be provided to property owners within 300 feet so that the license holder's contact information can be provided should any questions or concerns arise.";

(2) The address of the licensed property and what type of property is being used for short term rental (single-family home, twin-home, townhome, condo, apartment, duplex, triples, or fourplex;

(3) The name, email address and telephone number of the owner or local agent responsible for the short term rental property; and

(4) A copy of the license issued by the city.

(Code 1995, § 909.07; Ord. No. 1596, 2-8-2021; Ord. No. 1657, § 5, 2-12-2024)

#### **Sec. 313.08. Exemptions.**

(a) Individual sleeping rooms within an otherwise owner-occupied residence.

(b) Rentals when the owner is present for the duration of the rental.

(c) Rentals that exist solely due to "rent-back" provision of property sales.

(d) Month-to-month rental leases that originated from a lease period in excess of 30 consecutive days.

(e) Accessory dwelling units permitted under title 10 when the accessory dwelling unit is not detached from the principal dwelling unit.

(f) Lodging establishments licensed under chapter 311.

(Code 1995, § 909.08; Ord. No. 1596, 2-8-2021; Ord. No. 1657, § 6, 2-12-2024)

#### **Sec. 313.09. License suspension and revocation.**

(a) A short-term rental license may be revoked or suspended by the city council at any time under the provisions of this chapter, or section 301.09, for grounds, including, but not limited to, the following:

(1) Two or more confirmed violations of this section within 180 days, except for a single violation as outlined in subsection (b) of this section.

- (2) False or misleading information given or provided in connection with a license application.
- (3) Failure to maintain the residential rental property in a manner that meets pertinent provisions of this Code, including, but not limited to, chapters 405 and 906.
- (4) Violations committed or permitted by the owner or the owner's agent, or committed or permitted by the tenant or the tenant's guests or agents, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the premises, including, but not limited to, the following:
  - a. Minn. Stat. §§ 609.75 through 609.76, which prohibit gambling;
  - b. Minn. Stat. §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
  - c. Minn. Stat. §§ 152.01 through 152.025 and 152.027, subds. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
  - d. Minn. Stat. § 340A.401, which regulates the unlawful sale of alcoholic beverages;
  - e. Minn. Stat. § 609.33, 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;
  - f. Minn. Stat. §§ 97B.021, 97B.045, 609.66 through 609.67, and 624.712 through 624.716 and chapter 103 of this Code, which prohibit the unlawful possession, transportation, sale or use of weapon;
  - g. Minn. Stat. § 609.72, which prohibits disorderly conduct;
  - h. Minn. Stat. §§ 609.221, 609.222, 609.223, 609.2231 and 609.224, regarding assaults in the first, second, third, fourth and fifth degree.
  - i. Chapters 404, 405, 508, 906, 1004, 1005, and 1013.
- (5) Failure to provide monthly records as required by section 313.12(a).
  - (b) Upon recommendation by the police chief, the city manager is authorized to administratively suspend a license after a single violation that reasonably posed or poses a threat to public safety.
  - (c) License suspension shall be for a term not less than 180 days for the first suspension and 365 days for the second suspension. Depending on the gravity of the offense, the council may impose longer suspension timeframes than noted in this subsection.
  - (d) License revocation shall be considered by the city council when violations occur under subsection (a) or (b) of this section or when two prior suspensions occurred under the same licensee.
  - (e) In order to reinstate a suspended license, the applicant shall apply following the same process as if applying for a new short-term rental license. Reinstatements following suspension will only be considered when the circumstances leading to the suspension have



been remedied, the suspension penalty imposed by the city council has been satisfied, the licensee has submitted a mitigation plan outlining policies and procedures to prevent violations from occurring in the future, and upon city council approval. Reinstatement after suspension may be denied by the city council if the licensee cannot satisfactorily meet the requirements in this subsection.

(f) If a license is revoked, reinstatement may only be considered by the city council if there is an ownership change. Ownership change to a family member of the prior owner, or entity affiliated with the prior owner shall not constitute compliance with this requirement.

(g) Repeat nuisance service call fees shall be applied pursuant to chapter 508.  
(Code 1995, § 909.09; Ord. No. 1596, 2-8-2021; Ord. No. 1626, § 4(2), 2-13-2023; Ord. No. 1657, § 7, 2-12-2024)

#### **Sec. 313.10. Violation.**

(a) *Misdemeanor.* Any person who maintains a short-term rental property without having the property licensed, or after the short-term rental license for the property has been revoked, or who permits new occupancy in violation of this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day each violation continues or exists, constitutes a separate offense.

(b) *Administrative fine.*

- (1) In addition to, or in lieu of, charging a misdemeanor, the city may impose administrative fines in an amount set in the city fee schedule. Each day each violation continues or exists, constitutes a separate offense.
- (2) Upon the failure to pay an administrative fine, the city may post the dwelling unit as illegal for occupancy as a short-term rental.

(c) *Prohibited occupancy.* Pursuant to subsection (b)(2) of this section, the dwelling unit or portion of, may not be occupied by anyone other than the primary homestead owner and that person's immediate family until:

- (1) The administrative fine has been paid; and
- (2) A short-term rental license is obtained or the city is satisfied that the dwelling unit will not be used as a short-term rental dwelling unit; and
- (3) Completion of any abatement, written compliance order, legal action from a citation or action per chapters 405 and 906.

(Code 1995, § 909.10; Ord. No. 1596, 2-8-2021; Ord. No. 1626, § 5, 2-13-2023; Ord. No. 1657, § 8, 2-12-2024)

#### **Sec. 313.11. Appeals.**

(a) An appeal pertaining to any violation, suspension, or revocation decision addressed in this chapter may be filed by a short-term rental property owner.

- (1) The appeal shall be submitted to the city manager within ten calendar days after the making of the order or decision being appealed.

- (2) The appeal shall state the specific grounds upon which the appeal is made.
- (3) The appeal shall be accompanied by the fee set forth in the city fee schedule.

(b) When an appeal is filed, a public meeting regarding the matter shall be held before the city council, acting as the board of adjustments and appeals, at a regular meeting held within 30 calendar days of the receipt of the appeal. The board of adjustments and appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicants may be considered by the board of adjustments and appeals at its sole discretion if that information serves to clarify information previously considered by the police chief or community development director.

(c) Appeals filed under this section shall require notification to properties within 300 feet of the subject property.

(Code 1995, § 909.11; Ord. No. 1596, 2-8-2021; Ord. No. 1657, § 9, 2-12-2024)

#### **Sec. 313.12. Maintenance of records.**

(a) Maintenance of records. License holder shall keep a register of persons who rent the licensed premises. The record is a written documentation of the dates and duration of rentals. The record may be maintained electronically, in a book, or on cards. If maintained electronically, the record shall be printable. A copy of the register must be submitted by the license holder with submission of the monthly lodging tax.

(b) All records, files and documents pertaining to the short-term rental license program shall be maintained in the city office and made available to the public as allowed or required by applicable laws, rules, codes, statutes or ordinances.

(Code 1995, § 909.12; Ord. No. 1596, 2-8-2021; Ord. No. 1657, § 10, 2-12-2024)

#### **Sec. 313.13. Authority.**

Nothing in this chapter shall prevent the city from acting under any applicable rule, standard, statute or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this chapter shall prevent the city from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this chapter, including an order prohibiting the occupancy of such rental units, until violations of this chapter have been remedied by the property owner or designated agent.

(Code 1995, § 909.13; Ord. No. 1596, 2-8-2021)

#### **Sec. 313.14. Applicable laws.**

Short-term rental property shall be subject to all applicable rules, standards, statutes and ordinances governing use, maintenance and occupancy of the dwelling or dwelling unit; and this chapter shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes or ordinances.

(Code 1995, § 909.14; Ord. No. 1596, 2-8-2021)

**Sec. 313.15. Rules, policies, procedures.**

The city council may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this chapter. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this chapter.

(Code 1995, § 909.15; Ord. No. 1596, 2-8-2021)

**Sec. 313.16. No warranty by the city.**

By enacting the ordinance from which this chapter is derived and undertaking to enforce this chapter, neither the city, the city council, or its officers, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the city. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the short-term rental license.

(Code 1995, § 909.16; Ord. No. 1596, 2-8-2021)

**CHAPTER 314. MISCELLANEOUS LICENSES****Sec. 314.01. Riding horse.**

The application for a riding horse license shall be made to the city manager and granted by the city council for the license of each particular horse. The license shall be suspended or revoked by the city council upon any breach of the conditions of license set forth in section 501.19(c).

(Code 1995, § 501.21; Ord. No. 349, 12-1-1961; Ord. No. 734, 9-9-1974; Ord. No. 1379A, 11-17-2008)

**CHAPTER 315. LOCAL SALES AND USE TAX****Sec. 315.01. Authority.**

Pursuant to Minnesota Laws 2023, chapter 64, article 12, section 45, the state legislature has authorized the city to impose a local sales and use tax to provide revenues to pay the costs of collecting and administering the tax to the state commissioner of revenue and to finance the capital and administrative costs related to the funding of designated projects as defined in Minnesota Laws 2023, chapter 64, article 12, section 45, and approved by the voters at the November 5, 2024, referendum.

(Ord. No. 1688, § 1(317.01), 3-17-2025)

**Sec. 315.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commissioner* means the state commissioner of revenue or a person to whom the commissioner has delegated functions.

*Designated projects* means the planning, construction and any other capital costs plus the costs of collecting and administering the tax and the costs of issuing any bonds including interest is collected for construction of a new maintenance facility as authorized by Minnesota Laws 2023, chapter 64, article 12, section 45, and approved by the voters at the November 5, 2024, referendum.

*State sales and use tax laws and rules* means those provisions of the state revenue laws applicable to state sales and use tax imposition, administration, collection, and enforcement, including Minn. Stat. chs. 270C, 289A and 297A, and Minn. Rules ch. 8130, as amended from time to time.

(Ord. No. 1688, § 1(317.02), 3-17-2025)

**Sec. 315.03. Tax imposed; amount of tax; coordination with state sales and use tax laws and rules.**

A local sales tax is imposed in the amount of 0.5 percent on the gross receipts from sales at retail sourced within city limits which are taxable under the state sales and use tax laws and rules. A local use tax is imposed in the amount of 0.5 percent on the storage, use, distribution or consumption of goods or services sourced within city limits which are taxable under the state sales and use tax laws and rules. All of the provisions of the state sales and use tax laws and rules apply to the local sales and use tax imposed by this chapter. The local sales and use tax imposed by this chapter shall be collected and remitted to the commissioner on any sale or purchase when the state sales tax must be collected and remitted to the commissioner under the state sales and use tax laws and rules and is in addition to the state sales and use tax.

(Ord. No. 1688, § 1(317.03), 3-17-2025)

**Sec. 315.04. Effective date of tax; transitional sales.**

Except as otherwise provided herein, the local sales and use tax imposed by this chapter shall apply to sales and purchases made on or after July 1, 2025. The local sales and use tax imposed by this chapter shall not apply to:

- (1) The gross receipts from retail sales or leases of tangible personal property made pursuant to a bona fide written contract, which unconditionally vests the rights and obligations of the parties thereto, provided that such contract was enforceable prior to July 1, 2025, and that delivery of the tangible personal property subject thereto is made on or before July 1, 2025.
- (2) The gross receipts from retail sales made pursuant to a bona fide lump sum or fixed price construction contract, which unconditionally vests the rights and obligations of the parties thereto and which does not make provision or allocation of future taxes, provided that such contract was enforceable prior to July 1, 2025, and that delivery of the tangible personal property used in performing such construction contract is made before January 1, 2026.

- (3) The purchase of taxable services, including utility services, if the billing period includes charges for services furnished before and after July 1, 2025, but the local sales and use tax imposed by this chapter shall apply on the first billing period not including charges for services furnished
  - (4) Lease payments for tangible personal property and motor vehicles that includes a period before and after July 1, 2025, but the local sales and use tax imposed by this chapter shall apply on a prorated basis to lease payment amounts attributable to that portion of the lease payment period on or after July 1, 2025, and on the entire lease payment for all lease payment periods thereafter.
- (Ord. No. 1688, § 1(317.04), 3-17-2025)

**Sec. 315.05. Tax clearance; issuance of licenses.**

(a) The city may not issue or renew a license for the conduct of a trade or business within the city if the commissioner notified the licensing division of the city that the applicant owes delinquent city taxes as provided in this chapter, or penalties or interest due on such taxes. City taxes include sales and use taxes provided in this chapter. Penalties and interest are penalties and interest due on taxes included in this definition.

(b) Delinquent taxes do not include a tax liability if:

- (1) An administrative or court action which contests the amount or validity of the liability has been filed or served;
- (2) The appeal period to contest the tax liability has not expired; or
- (3) The applicant has entered into a payment agreement and is current with the payments.

(c) The term "applicant" means an individual if the license is issued to or in the name of an individual, or the corporation or partnership if the license is issued to or in the name of a corporation or partnership.

(d) A copy of the notice of delinquent taxes given to the licensing division of the city shall also be sent to the applicant taxpayer. In the case of renewal of a license, if the applicant requests in writing, within 30 days of receipt of the notice of hearing, then a contested hearing shall be held under the same procedures as provided in Minn. Stat. ch. 270A for the state sales and use tax imposed under Minn. Stat. ch. 297A; provided, further, that if a hearing must be held on the state sales and use tax, hearings must be combined.

(Ord. No. 1688, § 1(317.05), 3-17-2025)

**Sec. 315.06. Deposit of revenues; costs of administration; termination of tax.**

(a) All of the revenues, interest, and penalties derived from the local sales and use tax imposed by this chapter collected by the commissioner and remitted to the city shall be deposited by the finance director in the city treasury and shall be credited to the fund

established to pay the costs of collecting the local sales and use tax imposed by this chapter and to finance the capital and administrative costs directly related to completing the designated projects.

(b) The local sales and use tax imposed by this chapter shall terminate at the earlier of 16.25 years after it is first imposed or when the city council determines that \$64,200,000.00, plus an amount sufficient to pay the costs related to issuing bonds and interest on the bonds, has been received from the local sales and use tax imposed by this chapter to pay for all the capital and administrative costs directly related to completing the designated projects. Any funds remaining after payment of all such costs and retirement or redemption of the bonds shall be placed in the general fund of the city. The local sales and use tax imposed by this chapter may terminate at an earlier time if the city council so determines by ordinance. In any event, the local sales and use tax imposed by this chapter may terminate earlier if so directed by the commissioner.

(Ord. No. 1688, § 1(317.06), 3-17-2025)

**Sec. 315.07. Agreement with the commissioner.**

The city may enter into an agreement with the commissioner regarding each party's respective roles and responsibilities related to the imposition, administration, collection, enforcement, and termination of the local sales and use tax imposed by this chapter. Any such agreement shall not abrogate, alter, or otherwise conflict with the state sales and use tax laws and rules, this chapter, or Minnesota Laws 2023, chapter 64, article 12, section 45. (Ord. No. 1688, § 1(317.07), 3-17-2025)

## **CHAPTER 316. CANNABIS AND HEMP BUSINESS REGULATIONS**

**Sec. 316.01. Purpose and findings.**

(a) The purpose of this chapter is to protect the public health, safety, welfare in the city by implementing regulations pursuant to Minn. Stat. ch. 342 related to cannabis and hemp businesses within the city.

(b) The city finds and concludes that these regulations are appropriate and lawful, that the proposed amendments will promote the community's interest in reasonable stability in the development and redevelopment of the city for now and in the future, and that the regulations are in the public interest and for the public good.

(Ord. No. 1684, § 1(318.01), 11-25-2024)

**Sec. 316.02. Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act* means Minn. Stat. ch. 342, as may be amended from time to time.

*Applicant* means an entity with a license issued by the OCM that is applying for an initial registration or for registration renewal.

*Cannabis business* means as that term is defined in Minn. Stat. § 342.01.

*Cannabis retailer* means every retail cannabis business that is licensed under the Act and required to register with the city under Minn. Stat. § 342.22.

*Hemp business* shall have the definition in Minn. Stat. § 342.01.

*Lower-potency hemp retailer* means every lower-potency hemp edible retail business that is licensed under the Act and required to register with the city under Minn. Stat. § 342.22.

*Medical cannabis combination business* means as that term is defined in Minn. Stat. § 342.01.

*OCM* means the office of cannabis management.

*Potential licensee* means an applicant that has not received a license from the OCM.

*Residential treatment facility* means any facility licensed or regulated by the state department of human services that provides 24-hour-a-day care, lodging, or supervision outside a person's home and which also provides chemical dependency or mental health services.

*School* means any kindergarten, elementary school, middle school, or secondary school, as defined by Minn. Stat. § 120A.05.

(Ord. No. 1684, § 1(318.02), 11-25-2024)

### **Sec. 316.03. Pre-license certification of cannabis businesses.**

(a) The city manager is authorized to certify whether a proposed cannabis business complies with the city's zoning ordinances, this section, and, if applicable, state fire code and building code. Pre-license certification does not indicate whether the limit on the number of retail registrations has been reached or guarantee approval of a future application for registration under this chapter.

(b) Potential licensees are responsible for making all necessary zoning applications prior to the city receiving the request for certification from the OCM. If a potential licensee fails to obtain necessary zoning approvals prior to the city receiving a request for certification, the city will inform the OCM that the potential licensee does not meet zoning and land use laws. If, at the time the city receives a request for zoning certification, there are no further intended alterations to the building where the business is to be conducted, the city will also certify compliance with building and fire code regulations, provided that the potential licensee has obtained inspections prior to the city's receipt of a request for certification from the OCM. Building and fire code inspections will be valid for one year from completion.

(c) No cannabis business may be located within 100 feet of a school or daycare or within 500 feet of a residential treatment facility.

(Ord. No. 1684, § 1(318.03), 11-25-2024)



**Sec. 316.04. Retail registration required.**

Before making retail sales to customers or patients, all cannabis retailers and lower-potency hemp retailers must register with the city. Making retail sales to customers or patients without an active registration is prohibited.

(Ord. No. 1684, § 1(318.04), 11-25-2024)

**Sec. 316.05. Cannabis retailer registration limits.**

(a) Limit on number of cannabis retailer registrations.

- (1) The city will issue one registration per 12,500 residents in the city.
- (2) The number of registrations available will be calculated by dividing the state demographer's estimate of the city's population by 12,500 and rounding up to the nearest whole number.
- (3) The city will update the number of registrations available based on the most recent data available from the state demographer on January 1 and June 1 each year.
- (4) If the number of registrations available in the city decreases for any reason, businesses with current registrations will be allowed to maintain and renew their registrations, but no new registration will be issued.
- (5) Registrations issued to businesses with a license preapproval will count toward the city's registration limit.

(b) The following businesses are not subject to the cap on registration under subsection (a) of this section:

- (1) Lower-potency hemp retailers; and
- (2) Medical cannabis combination businesses.

(Ord. No. 1684, § 1(318.05), 11-25-2024)

**Sec. 316.06. Processing registration.**

Applications for registration will be processed on a first-come, first-served basis based on the city receiving a complete application and payment of all fees. Applications will be considered complete when all materials in section 316.07, including all required information, are received by the city. An application for, or approval of, a pre-license certification under this chapter is not considered to be an application for registration.

(Ord. No. 1684, § 1(318.06), 11-25-2024)

**Sec. 316.07. Application for registration.**

All applicants for initial registration or renewal registration must submit a registration application or renewal form provided by the city. The form may be amended from time to time by the city manager but must include or be accompanied by:

- (1) The name of the property owner;

- (2) The name and date of birth of the applicant;
  - (3) The address and parcel ID for the property for which the registration is sought;
  - (4) Certification that the applicant complies with the requirements of this chapter;
  - (5) A copy of a valid state license or written notice of OCM license preapproval;
  - (6) Required fees. At the time of initial application, and prior to the city's consideration of any renewal application, each cannabis retailer must pay, as established in the city fee schedule, the following fees:
    - a. At the time of initial registration:
      1. An initial registration fee. The initial registration fee will pay for the costs of registration and the cost of the first year of operation.
      2. The renewal fee for the second year of operation.
    - b. At the time of the first annual renewal (prior to the second year of operation), no fee will be due.
    - c. At the time of the second annual renewal, and each year thereafter, the renewal fee must be paid prior to the city issuing any renewal registration.
    - d. Initial registration fees and renewal registration fees are nonrefundable.
- (Ord. No. 1684, § 1(318.07), 11-25-2024)

**Sec. 316.08. Preliminary compliance check.**

An initial cannabis retailer or lower-potency hemp retailer registration shall not be issued unless, prior to opening for operations following approval of an application for initial registration, the applicant has passed a preliminary compliance check conducted by the city to ensure compliance with this chapter and any other regulations established pursuant to Minn. Stat. § 342.13.

(Ord. No. 1684, § 1(318.08), 11-25-2024)

**Sec. 316.09. Basis for denial.**

The city shall not issue a registration or renewal for any cannabis retailer or lower-potency hemp retailer if any of the following conditions are true:

- (1) The applicant has not submitted a complete application.
- (2) The applicant does not comply with the requirements of this chapter.
- (3) The applicant does not comply with applicable zoning and land use regulations.
- (4) If applicable, the applicant is found to not comply with the requirements of the Act, this chapter, the building code, or the fire code at the preliminary compliance check.
- (5) The applicant is not current on all property taxes and assessments at the location where the retail establishment is located.

- (6) If applicable, the maximum number of registrations pursuant to section 316.05 have been issued by the city.
- (7) The applicant does not have a valid license from the OCM.  
(Ord. No. 1684, § 1(318.09), 11-25-2024)

**Sec. 316.10. Issuance of registration or renewal.**

The city shall issue the registration or renewal if the applicant meets the requirements of this chapter, including that none of the reasons for denial in this chapter are true.  
(Ord. No. 1684, § 1(318.10), 11-25-2024)

**Sec. 316.11. Registration nontransferable.**

A registration is not transferable to another person, entity, or location.  
(Ord. No. 1684, § 1(318.11), 11-25-2024)

**Sec. 316.12. Enforcement.**

(a) *Generally.* The city may impose a fine or suspend a registration under this chapter on a finding that the registered business has failed to comply with an applicable statute, regulation, or ordinance, including a violation of this chapter.

(b) *Notice and right to hearing.* Prior to imposing a fine or suspending any registration under this chapter, the city shall provide the registered business with written notice of the alleged violations and inform the registered business of its right to a hearing on the alleged violation.

- (1) Notice shall be delivered in person or by regular mail to the address of the registered business and shall inform the registered business of its right to a hearing. The notice will indicate that a response must be submitted within ten days of receipt of the notice, or the right to a hearing will be waived.
- (2) After receipt of a request for a hearing, the registered business will be given an opportunity for a hearing before the city's hearing officer, as defined in section 102.01, before final action to fine or suspend a registration. The hearing officer shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to fine or suspend the registration only upon written findings. Within ten days of the hearing officer's order, the decision may be appealed to the city council.
- (3) If no request for a hearing is received within ten days following the service of the notice, the matter shall be submitted to the city council for imposition of the fine or suspension.

(c) *Emergency.* If, in the discretion of the city, a registered business poses an imminent threat to the health or safety of the public, the city may immediately suspend the registration and provide notice of the right to hold a subsequent hearing as prescribed in subsection (b) of this section.

(d) *Reinstatement.* The city may reinstate a registration if it determines that the violations have been resolved. The city shall reinstate the registration if the OCM determines the violations have been resolved.

(e) *Automatic revocation.* Any revocation of a license issued by the OCM related to a registration under this chapter shall result in automatic revocation of that registration under this chapter.

(f) *Report.* All enforcement actions under this chapter will be reported to the OCM.  
(Ord. No. 1684, § 1(318.12), 11-25-2024)

### **Sec. 316.13. Penalties.**

(a) *Misdemeanor.* Any person who violates this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day each violation continues or exists constitutes a separate offense.

(b) *Administrative fine.* Any person who violates this chapter is subject to administrative fines in an amount set in the city fee schedule. Each day any violation continues or exists constitutes a separate offense.

(c) *Violation of this chapter shall be grounds for enforcement against any business license issued by the city.*  
(Ord. No. 1684, § 1(318.13), 11-25-2024)

### **Sec. 316.14. Operating regulations—Cannabis retailers.**

(a) *Compliance checks.* The city shall complete, at a minimum, one compliance check per calendar year of every registered business to assess if the business meets age verification requirements, as required under Minn. Stat. § 342.22, subd. 4(b,) and this chapter. Any failures under this section are a basis for enforcement action and must be reported to the OCM.

(b) *Hours of operation.* Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to between the hours of 8:00 a.m. and 10:00 p.m., Monday through Saturday, and 10:00 a.m. and 9:00 p.m. on Sunday.

(c) *Display of license and registration.* All licenses and registrations must be posted and displayed in plain view of the general public on the premises.

(d) *Advertising.* Signage is subject to the city's sign code, chapter 1010, with the addition of the following: cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business.

(Ord. No. 1684, § 1(318.14), 11-25-2024)

**Sec. 316.15. Operating regulations—Lower-potency hemp retailers.**

(a) *Compliance checks.* The city shall complete, at a minimum, one compliance check per calendar year of every registered business to assess if the business meets age verification requirements, as required under Minn. Stat. § 342.22, subd. 4(b), and this chapter. Any failures under this section are a basis for enforcement action and must be reported to the OCM.

(b) *Display of license and registration.* All licenses and registrations must be posted and displayed in plain view of the general public on the premises.

(c) *Advertising.* Signage is subject to the city's sign code, chapter 1010.  
(Ord. No. 1684, § 1(318.15), 11-25-2024)

**CHAPTER 317. TEMPORARY CANNABIS EVENT REGULATIONS**

**Sec. 317.01. Purpose and findings.**

(a) The purpose of this chapter is to protect the public health, safety, welfare in the city by implementing regulations pursuant to Minn. Stat. ch. 342 related to temporary cannabis events within the city.

(b) The city finds and concludes that these regulations are appropriate and lawful, that the proposed amendments will promote the community's interest in reasonable stability in the development and redevelopment of the city for now and in the future, and that the regulations are in the public interest and for the public good.

(Ord. No. 1683, § 1(319.01), 11-25-2024)

**Sec. 317.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Cannabinoid product* means a cannabis product, a hemp derived consumer product, or a lower-potency hemp edible as defined in Minn. Stat. § 342.01.

*Residential treatment facility* means any facility licensed or regulated by the state department of human services that provides 24-hour-a-day care, lodging, or supervision outside a person's home and which also provides chemical dependency or mental health services.

*School* means any kindergarten, elementary school, middle school, or secondary school, as defined by Minn. Stat. § 120A.05.

*Special services* means the exclusive allocation of city resources, including, but not limited to, city personnel, equipment, rights-of-way, property or facilities for use in conjunction with a specific event or activity, as requested by the host or sponsor of the event, or as requested by or on behalf of any person attending the event, or deemed necessary by city staff in order to maintain public safety. Special services shall include, but not be limited to, any of the following:

- (1) Street closures;
- (2) Requiring police officers to stop or reroute traffic;
- (3) Special police protection;
- (4) Stationing emergency vehicles at or in the immediate vicinity of the event;
- (5) Exclusive use of city streets or property as a staging area or for event parking;
- (6) Additional street cleaning and garbage removal services;
- (7) Special signage, such as temporary no parking signs;
- (8) The use of any city building, equipment or other property for any purpose other than the normal operations of the facilities; or
- (9) The city otherwise providing exclusive services.

*Temporary cannabis event* means a special event, held on public or private property, hosted by an individual or an organization holding a temporary cannabis event organizer license issued under Minn. Stat. § 342.39.

*Temporary cannabis event organizer* means an individual or an organization licensed by the state to hold a temporary cannabis event, as described in Minn. Stat. §§ 342.39 and 342.40.

(Ord. No. 1683, § 1(319.02), 11-25-2024)

### **Sec. 317.03. Temporary cannabis event; permit required.**

Any person or organization desiring to hold a temporary cannabis event in the city must first obtain a temporary cannabis event permit.

(Ord. No. 1683, § 1(319.03), 11-25-2024)

### **Sec. 317.04. Permit application.**

(a) *Form.* Any person or organization desiring to hold a temporary cannabis event must apply for a permit using the application provided. Incomplete applications will be returned to the applicant with details on how to make the application complete. In addition to other relevant information, the application must contain the following:

- (1) The applicant name's, address, phone number.

- (2) The address of the proposed temporary cannabis event.
- (3) The name of the property owner, if different from applicant, and signature of property owner authorizing use of property for the temporary cannabis event.
- (4) A copy of the application for a temporary cannabis event organizer license submitted to the office of cannabis management under, and meeting the requirements of, Minn. Stat. § 342.39, subd. 2.
- (5) A diagram of the temporary cannabis event showing:
  - a. The location and description of sanitary facilities meeting federal and state requirements;
  - b. The location and description of solid waste disposal facilities meeting state and local regulations;
  - c. The location and description of mobile food vending to be offered at the temporary cannabis event; proof of license and permit for vending must be submitted at least seven days prior the event and kept on site for immediate inspection.
- (6) A security plan. In addition to meeting the requirements of Minn. Stat. § 342.40, subd. 3, the city may require the applicant employ, at their own expense, additional security personnel necessary to protect maximum number of persons permitted to attend the event and to preserve order in and around event site as determined by the city. No permit shall be issued unless the city police and fire departments have approved the security plan.
- (7) An emergency plan. The applicant shall provide the city with an emergency plan that details procedures for managing or responding to emergencies as required by the state fire code. In addition, for events where there is a possibility for more than 1,000 people to congregate, the applicant shall provide trained crowd managers. The minimum number of crowd managers shall be established at a ratio of one crowd manager to every 250 persons. Where approved by the fire code official, the ratio of crowd managers may be permitted to be reduced only where the facility is fully equipped with an approved automatic sprinkler system or based upon the nature of the event. The emergency plan and amount of crowd managers must be approved by the fire department.
- (8) A parking and traffic plan. The city may require the applicant to submit a parking and traffic plan and provide, install, and remove all traffic control equipment if necessary. The applicant is required to pay all costs for traffic control measures and traffic control personnel.
- (9) A description of any special services, city personnel, city equipment and city property which the applicant requests the city to provide, including the applicant's estimate of the number and type needed, and the basis on which the estimate is made. Notwithstanding the foregoing, the city retains sole discretion to determine the number and type of special services required for the event.



(10) Whether the temporary cannabis event intends to permit on-site consumption.

(11) If the applicant proposes to use sound amplification or a public address system or if there will be any playing of any music or musical instruments, the identity of the designated individual responsible for monitoring sound levels and the name and contact information for a person on-site during the event that will be able to respond to noise complaints.

(b) *Time for filing.* A temporary cannabis event permit application must be filed with the city at least 30 days in advance of the date in which the temporary cannabis event is to occur.

(c) *Permit fee.* An applicant for a temporary cannabis event permit must pay a nonrefundable permit fee in the amount established by the city fee schedule.

(Ord. No. 1683, § 1(319.04), 11-25-2024)

#### **Sec. 317.05. Permit application review.**

(a) *Special services.* The city shall determine whether special services may be necessary and the cost for such special services.

(b) *Review.* When a temporary cannabis event will not require any special services, the city manager may review and approve the permit application administratively. In cases where a temporary cannabis event requires special services, the application will be presented to the city council for review.

(c) *Imposition of conditions.* The city manager may impose reasonable restrictions on the issuance of a temporary cannabis event permit.

(d) *Permit denial.* The city may deny an application for a temporary cannabis 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 agree to abide or comply with all of the conditions and terms of the temporary cannabis event permit, including payment of all costs and expenses;
- (4) The temporary cannabis event would substantially or unnecessarily interfere with traffic in the city, would interfere with access to the fire station or fire hydrants, or would interfere with access to businesses or residences in the immediate vicinity of the event and there are not sufficient city resources available at the time of the event to mitigate the disruption;

- (5) The temporary cannabis event is of the size or nature that requires the diversion of so many law enforcement officers to properly police the event, site and contiguous areas that allowing the temporary cannabis event would unreasonably deny law enforcement protection to the remainder of the city and its residents;
- (6) The proposed date and time of the temporary cannabis event conflicts with a previously scheduled event and there are not available at the time of the proposed temporary cannabis event sufficient city resources to provide services for both events without substantially or unnecessarily interfering with police, fire, water, public works, or other services to the city as a whole;
- (7) The location of the temporary cannabis event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way;
- (8) The temporary cannabis event would likely endanger the public safety or health;
- (9) The temporary cannabis event would substantially or unnecessarily interfere with police, fire, water, public works, or other services to the city as a whole and there are not available at the time of the proposed event sufficient city resources to mitigate the disruption;
- (10). The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled; and
- (11) The applicant has on prior occasions made material misrepresentations regarding the nature and extent of special services required for a temporary cannabis event in the city or has violated the terms of a prior temporary cannabis event permit.

(e) *Right of appeal.* If the temporary cannabis event permit application has been denied, the applicant may appeal the decision to the city council. The applicant must provide the city manager with written notice of appeal within five business days of the date of denial.

(Ord. No. 1683, § 1(319.05), 11-25-2024)

#### **Sec. 317.06. Special services fee.**

The applicant must pay the costs of all special services used during the temporary cannabis event. Such costs will be established in the city fee schedule. At the discretion of the city manager, the applicant may be required to pay a special services fee deposit based on the estimated costs of the special services to be provided at the temporary cannabis event. Such deposit must be paid at least ten business days before the temporary cannabis event. If no deposit has been made, or in the event that the costs exceed the deposit, the balance owed must be paid within 30 days.

(Ord. No. 1683, § 1(319.06), 11-25-2024)

#### **Sec. 317.07. Indemnification and insurance.**

(a) If the temporary cannabis event requires special services, or is to be held on city property, prior to the issuance of a temporary cannabis event permit, the permit applicant 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 temporary cannabis event, except any claims arising solely out of the negligent acts or omissions of the city, its officials, employees and agents.

(b) Liability insurance required. The applicant 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 temporary cannabis event. A certificate of insurance must be filed with the city prior to issuance of the temporary cannabis 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 temporary cannabis event. Any company hired or working on behalf of the applicant or sponsor must also present the city with a certificate of insurance naming the city, its officials, its employees, and agents as additional insureds.

(c) Minimum limits. Insurance coverage must be a commercial general liability policy. The minimum limits must be at least \$2,000,000.00 for any single occurrence. If on-site consumption is permitted at the temporary cannabis event, the policy must also include an endorsement for such consumption. The city may require additional endorsements depending upon the type of temporary cannabis event and the proposed activities. The liability policy must include the city as an additional insured.

(d) Waiver or reduction of required limits. The city may waive or reduce insurance requirements of this section under the following circumstances:

- (1) The applicant or officer of the sponsoring organization signs a verified statement that the insurance coverage required by this section is impossible to obtain; or
- (2) The city determines that the insurance requirements are in excess of the reasonable risk presented by the proposed temporary cannabis event.

(Ord. No. 1683, § 1(319.07), 11-25-2024)

**Sec. 317.08. Temporary cannabis event regulations.**

(a) Location restrictions. Temporary cannabis events:

- (1) May not be held on city-owned property or school property;
- (2) If held outdoors, may not be held on property within 500 feet of a residential property or a residential treatment facility;
- (3) May be held at any single location more than four times in a calendar year.

(b) A temporary cannabis event may not be held for longer than three consecutive days;

(c) Hours restrictions. Temporary cannabis events shall only be held between the hours of 7:00 a.m. and 10:00 p.m.

(d) On-site consumption of edible cannabinoid products and lower-potency hemp products is permitted.

(e) No person holding a permit for a temporary cannabis event shall allow another to, and no participant in a temporary cannabis event shall, camp overnight at the location of a temporary cannabis event, except for a reasonable number of persons required to maintain security.

(f) No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions contained in section 404.02. If amplified music and/or speaking is utilized, the following requirements must be met:

- (1) The applicant must have designated a person affiliated with the temporary cannabis event that is responsible for monitoring sound levels and has authority to ensure that sound does not exceed 80 decibels as measured 50 feet from the property line, or 50 feet from the source, whichever is more restrictive.
- (2) The amplified music and/or speaking can only be for a period of four hours or less between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday, and 9:00 a.m. and 9:00 p.m. on weekends and legal holidays. Amplified speakers are required to be positioned in a way to limit noise to the surrounding residential areas.
- (3) The applicant must have provided a name and contact information for a person on-site of the event that will be able to respond to noise complaints and ensure that noise generated at the site complies with this chapter.

(g) Smoking and vaping prohibited. No person shall smoke or vape any product, including cannabis flower, cannabis products, and lower-potency hemp products, or use any cannabis or lower-potency hemp related or electronic delivery devices at a temporary cannabis event.

(h) Cleanup. The applicant shall, at no cost to the city, immediately clean up, remove, and dispose of all litter or materials of any kind that is placed or left on the premises because of the event, or be charged the hourly rate of the employee for cleanup.

(i) Notice to residents. The applicant must provide a ten-day notice to residents within 500 feet of the event. For events that occur over a course or a route, the applicant shall attempt to notify the public. The city will provide the applicant the mailing list. If amplified music and/or speaking will be utilized, such notification must include the name and contact information of the person on-site during the event that will be able to respond to noise complaints.

(j) All temporary cannabis events must follow all requirements of Minn. Stat. § 342.01 et seq., and all city policies related to special events.  
(Ord. No. 1683, § 1(319.08), 11-25-2024)

**Sec. 317.09. Enforcement.**

(a) Misdemeanor. Any person who violates this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day each violation continues or exists, constitutes a separate offense.

(b) Administrative fine. Any person who violates this chapter is subject to administrative fines in an amount set in the city fee schedule. Each day each violation continues or exists constitutes a separate offense.

(c) Violation of any provision of this chapter shall also be grounds for revocation of the temporary cannabis event permit, denial of any future application for a temporary cannabis event permit, and action against any city-issued business license held by the temporary cannabis event organizer.

(Ord. No. 1683, § 1(319.09), 11-25-2024)

## Title 4

### **PUBLIC HEALTH AND SAFETY**

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**CHAPTER 401. SOLID WASTE COLLECTION****Sec. 401.01. Purpose.**

It is the intent of the city, by means of this chapter, to establish a system of complete regular garbage, other refuse, special wastes and yard waste collection throughout the city. The system is intended to ensure that the disposal of such materials is accomplished in a sanitary and environmentally acceptable manner and that the health of the residents of the city is properly safeguarded.

(Code 1995, § 402.01; Ord. No. 1097, 8-12-1991)

**Sec. 401.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial establishment* means any premises where a commercial or industrial enterprise of any kind is carried on and shall include, but not be limited to, motels, office buildings, manufacturing plants, clubs, nursing homes, churches and schools.

*Curbside* means the area of public right-of-way between the property line and the curb or edge of the street, but not on the street.

*Garbage* means animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.

*Multiple residential dwelling* means any building containing more than four dwelling units, except townhouses, with individual kitchen facilities for each unit.

*Other refuse* means ashes, rags, brush and tree trimmings less than six inches in diameter, non-recyclable glass, cans, paper, boxes and similar wastes.

*Recyclables* means materials which may be recycled or reused through recycling processes.

*Residential dwelling* means any building containing one to four dwelling units (single-family, duplex, triplex and fourplex) and any building with up to eight dwelling units contiguous to each other (townhouses) sharing no more than two common walls, such building to be of the row house type as contrasted to multiple dwelling apartment structures.

*Solid waste* means garbage, other refuse, special wastes, yard wastes and other discarded solid material resulting from residential, industrial and commercial operations from community activities.

*Solid waste hauler* means a collector or transporter of solid waste.

*Special waste* means large appliances, furniture, oversized materials, including mattresses and carpeting, automotive parts, including tires and batteries, scrap metal, brush

and tree trimmings more than six inches in diameter, tree stumps, Christmas trees, construction and demolition debris and other materials collected, processed and disposed of as a separate waste stream.

*Yard waste* means lawn clippings, leaves, weeds, garden wastes and soft bodied plants.

*Zone* means a residential area in which garbage, other refuse, special waste and yard waste is collected on the same day, the boundaries and day of collection of which are established by the city manager.

(Code 1995, § 402.02; Ord. No. 1097, 8-12-1991; Ord. No. 1559, 7-9-2018)

**Sec. 401.03. Collection required.**

Every single residential dwelling, multiple residential dwelling, commercial establishment and any 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 city manager for environmentally sound alternatives.

(Code 1995, § 402.09; Ord. No. 1097, 8-12-1991)

**Sec. 401.04. Residential dwelling zones.**

The city shall be divided into zones by the city manager for solid waste collection from residential dwellings. Solid waste from those residential dwellings within each zone shall be collected on the same day.

(Code 1995, § 402.10; Ord. No. 1097, 8-12-1991)

**Sec. 401.05. Date and time of collection.**

Licensees may collect solid waste during the times as provided for refuse handling in section 404.03(c).

(Code 1995, § 402.11; Ord. No. 1097, 8-12-1991)

**Sec. 401.06. Preparation for collection.**

Garbage, other refuse, yard waste and special waste must be separated for solid waste collection as follows:

- (1) *Garbage and other refuse.* Garbage and other refuse shall be placed in containers that are watertight with a tight-fitting lid and impervious to insects, rodents, vermin and the absorption of moisture.
- (2) *Yard waste.* Yard waste shall be separately placed for collection.
- (3) *Special waste.* Special waste shall be separately placed out for collection.

(Code 1995, § 402.12; Ord. No. 1097, 8-12-1991)

**Sec. 401.07. Placement of containers.**

(a) *Residential dwellings.* Garbage containers, and other refuse, yard waste, and special waste containers at residential dwellings shall be out of public view except on the day of pickup. Such solid waste containers may be placed at curbside for collection (unless walk-up arrangements have been made with the hauler) prior to 7:00 a.m. At no time shall such solid waste containers remain on curbside for longer than 24 consecutive hours. Completely closed hauler-provided containers may be stored behind the front line of the primary structure, but not in the street-facing side yard of a corner lot, and when so stored shall be considered out of public view.

(b) *Multiple residential dwellings and commercial establishments.* Garbage containers, and other refuse, yard waste, and special waste containers at multiple residential dwellings and commercial establishments shall be out of public view.

(Code 1995, § 402.13; Ord. No. 1097, 8-12-1991; Ord. No. 1559, 7-9-2018)

**CHAPTER 402. RECYCLING COLLECTION****Sec. 402.01. Purpose.**

It is the intent of the city, by means of this chapter, to establish a system of curbside recycling as a public utility for residential dwellings and multiple residential dwellings in the city.

(Code 1995, § 403.01; Ord. No. 1098, 8-12-1991; Ord. No. 1280, 3-31-2003; Ord. No. 1560, 7-9-2018)

**Sec. 402.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial establishment* means any premises where a commercial or industrial enterprise of any kind is carried on and shall include, but not be limited to, motels, office buildings, manufacturing plants, clubs, nursing homes, churches and schools.

*Curbside* means the area of public right-of-way between the property line and the curb or edge of the street, but not on the street.

*Curbside recycling* means the regularly scheduled collection of targeted recyclables by a recycling contractor selected by the city.

*Multiple residential dwelling* means any building containing more than four dwelling units, except townhouses, with individual kitchen facilities for each unit.

*Recyclables* means materials which may be recycled or reused through recycling processes, including targeted recyclables.

*Recycling contractor* means a collector or transporter of recyclables.

*Residential dwelling* means any building containing one to four dwelling units (single-family, duplex, triplex and fourplex), and any building with units contiguous to each other (townhouses) sharing no more than two common walls and not having a centralized refuse and recycling pickup location, such building to be of the row house type as contrasted to multiple dwelling apartment structures.

*Targeted recyclables* means aluminum or other metal food and beverage cans, food and beverage glass containers, newsprint, corrugated cardboard, magazines, designated plastic containers and other materials designated by the city manager.

(Code 1995, § 403.02; Ord. No. 1098, 8-12-1991; Ord. No. 1280, 3-31-2003; Ord. No. 1560, 7-9-2018)

#### **Sec. 402.03. Scavenging for recyclables.**

It is unlawful for any person to scavenge or otherwise collect recyclables at the curb or from recyclable containers without a license from the city.

(Code 1995, § 403.03; Ord. No. 1098, 8-12-1991)

#### **Sec. 402.04. Recycling service.**

The city shall contract with a recycling contractor to serve as the exclusive curbside collector of targeted recyclables from residential dwellings and multiple residential dwellings. In such contract, the city council shall determine the schedule and frequency of the collection.

(Code 1995, § 403.10; Ord. No. 1098, 8-12-1991; Ord. No. 1280, 3-31-2003)

#### **Sec. 402.05. Hours of collection.**

Licensees may collect recyclables during times as provided for refuse handling in section 404.03(c).

(Code 1995, § 403.11; Ord. No. 1098, 8-12-1991)

#### **Sec. 402.06. Placement of containers for collection.**

(a) *Residential dwellings.* Recycling containers shall be located out of the public view except on the day of pickup. Recycling containers must be placed at curbside for collection prior to 7:00 a.m. on collection day. At no time shall containers remain on curbside for longer than 24 consecutive hours. Completely closed hauler-provided containers may be stored behind the front line of the primary structure, but not in the street-facing side yard of a corner lot, and when so stored shall be considered out of public view.

(b) *Multiple residential dwellings and commercial establishments.* Containers shall be located out of the public view.

(Code 1995, § 403.12; Ord. No. 1098, 8-12-1991; Ord. No. 1280, 3-31-2003; Ord. No. 1560, 7-9-2018)

**Sec. 402.07. Recycling fee.**

(a) *Fee.* All residential dwellings and multiple residential dwellings shall pay a recycling fee in the amount provided in the city fee schedule. The fee shall be charged quarterly as part of the city utility bill and shall be due along with the utility bill.

(b) *Penalty.* Each quarterly billing for a recycling fee not paid when due shall incur a penalty charge of ten percent of the amount past due.

(c) *Action to collect.* Any amount due, including penalties, for recycling fees delinquent in excess of 90 days past due of any year shall be certified to the county auditor for collection with real estate taxes in the following year.

(Code 1995, § 403.13; Ord. No. 1098, 8-12-1991; Ord. No. 1280, 3-31-2003; Ord. No. 1560, 7-9-2018)

**CHAPTER 403. AIR POLLUTION CONTROL****Sec. 403.01. Adoption of state air quality standards.**

The air quality standards of the state pollution control agency as set forth in Minn. Rules 7009.0010 to 7009.9000, Ambient Air Quality Standards, are adopted by reference as if fully set forth in this section.

(Code 1995, § 404.01; Ord. No. 625, 7-20-1970)

**Sec. 403.02. Open burning.**

(a) *Prohibited.* Except as provided in subsection (b) of this section, all open burning is prohibited in the city.

(b) *Exceptions.* Recreational campfires, fires for the purpose of bona fide fire department training, as approved by the fire chief, and open burning of trees resulting from extensive storm damage, at a central collection site, when approved by the fire chief. The following requirements shall apply to all recreational fires:

- (1) For permanent enclosures, the minimum distance to a structure or property line shall be 25 feet. Permanent enclosures include fire pits dug into the ground or made out of stone, steel, or other noncombustible material for keeping a fire.
- (2) For portable enclosures, the minimum distance to a structure or property line shall be 15 feet. Portable enclosures include portable, out-door, solid-fuel-burning fireplaces that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
- (3) The maximum permitted size shall be three feet in diameter.
- (4) Permitted fuels are charcoal or one-inch minimum diameter wood.

- (5) Trash, debris, grass, tree trimmings, leaves, or similar materials shall not be allowed.
- (6) Recreational fires shall be used for cooking, social or recreational purposes.
- (7) The maximum duration shall be four hours.
- (8) No combustible materials shall be placed within a three-foot radius of fire.
- (9) The fire shall be constantly attended by a responsible adult.
- (10) A means of extinguishing the fire shall be present (such as a garden hose or a fire extinguisher).
- (11) The maximum permitted height of the fire shall be four feet from the ground level.
- (12) No recreational fire shall be allowed when winds are in excess of ten miles per hour.

(c) Permits required. It shall be the duty of the fire chief or fire marshal to investigate requests for and to issue open burning permits for the purposes stated in subsection (b) of this section.

(d) Prairie grass/vegetative ground cover burning permits. The fire chief or fire marshal may issue burning permits to allow the burn-off of prairie grass and vegetative ground cover on the following terms:

- (1) Notice of the issuance of the permit shall be given to property owners within 350 feet of the subject property at least three days prior to the burn.
- (2) Conditions may be imposed by the fire chief or fire marshal, including, but not limited to, a condition that the city fire department may conduct or supervise a burn where safety considerations warrant it.
- (3) The permittee shall pay the fee as established by the city fee schedule.

(e) When open burning, a recreational fire or a portable outdoor fireplace creates or adds to a hazardous situation, or a required permit has not been obtained, the fire marshal, fire inspector, or fire chief is authorized to order extinguishment in the fire codes official's sole discretion.

(Code 1995, § 404.02; Ord. No. 1352, 8-27-2007; Ord. No. 1513, 11-7-2016)

## CHAPTER 404. NOISE CONTROL

### **Sec. 404.01. General prohibition.**

No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions contained in section 404.02.

(Code 1995, § 405.01; Ord. No. 927, 6-30-1983)

**Sec. 404.02. Specific restrictions.**

(a) *Horns, audible signaling devices, etc.* No person shall sound any audible signaling device on any vehicle except as a warning of danger.

(b) *Exhaust.* No person shall discharge the exhaust or permit the discharge of exhaust of any steam engine, stationary internal combustion engine, motorboat, motor vehicle or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises, and complies with all applicable state laws and regulations.

(c) *Defective vehicles or loads.* No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.

(d) *Loading, unloading, unpacking.* No person shall create loud and excessive noise in loading, unloading or unpacking any vehicle.

(e) *Radios, phonographs, paging systems, etc.* No person shall use, operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent or at a distance of 50 feet if the source is located in a structure or building, shall be prima facie evidence of a violation of this chapter.

(f) *Participation in noisy parties or gatherings.* No person shall participate in any party or other gathering of people giving rise to noise disturbing the peace, quiet or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

(g) *Loudspeakers, amplifiers for advertising, etc.* No person shall operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment.

(h) *Amplified sound from motor vehicles.* It shall be a violation of this chapter to play, operate or permit the playing, use of 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 alley, which is audible by any person from a distance of 50 feet or more from the motor vehicle. When sound violating this section is produced or reproduced by any such 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 section is guilty of the violation.

(i) *Animals.* The provisions of chapter 501 shall govern unreasonable noises created by animals.

(j) *Schools, places of assembly, etc.* No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning or place of assembly when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents.

(k) *Air conditioning units.* No person shall place, maintain or operate an air conditioning unit in such a manner so as to unreasonably disturb the peace, quiet and comfort of persons using adjacent properties.

(Code 1995, § 405.02; Ord. No. 927, 6-30-1983; Ord. No. 1315, 2-14-2005)

#### **Sec. 404.03. Hourly restrictions of certain operations.**

(a) *Recreational vehicles.* No persons shall, between the hours of 9:00 p.m. and 7:00 a.m., drive or operate any minibike or other recreational vehicle not licensed for travel on public highways.

(b) *Domestic power equipment.* No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power maintenance equipment, except between the hours of 7:00 a.m. and 9:00 p.m. on any weekday, or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or legal holiday. Snow removal equipment is exempt from this provision.

(c) *Refuse handling.* No person shall collect or remove garbage or refuse in any residential district except between the hours of 7:00 a.m. and 9:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or legal holiday.

(d) *Construction activities.* No person shall engage in or permit construction activities involving the use of any kind of electric, diesel or gas powered machine or other power equipment except between the hours of 7:00 a.m. and 9:00 p.m. on any weekday, or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or legal holiday.

(e) *Snowmobiles.* Snowmobiles shall be operated only at times allowed by section 604.03. (Code 1995, § 405.03; Ord. No. 927, 6-30-1983; Ord. No. 1553, 6-4-2018)

#### **Sec. 404.04. Exemptions.**

(a) Any construction or maintenance activity in which the city is considered the owner or the project engineer on the project is exempt from this chapter, subject to the following:

- (1) All work shall be done during normal working hours as described in section 404.03 unless circumstances or conditions require work be done outside of these hours or if

it is determined that there is significant benefit to surrounding properties or the general public by performing work outside of these hours. Only the following projects are exempt:

- a. Sewer lining projects which take more than 12 hours per segment.
  - b. Water main or valve replacement work which would impact significant amount of residents or business during normal working hours.
  - c. High traffic areas where a lane closure or full road closure is required, but doing so during normal working hours would create a significant impact on the general public, residents and businesses surrounding the work area.
- (2) Work outside of normal working hours as described in section 404.03 is limited to a maximum of two days per project segment as notified in subsection (b) of this section.

(b) If work will be performed outside of normal working hours as described in section 404.03, the city shall notify the residents/businesses within 500 feet of the project as far in advance as practical. At minimum residents shall be notified seven days in advance of the work via a mailed letter. The city manager, mayor and council shall also be notified. The letter, at minimum, shall indicate the necessity of the work, schedule of the work, the scope of the work, the impacts and the mitigation techniques that will be used to minimize impacts.

(Code 1995, § 405.035; Ord. No. 1548, 4-9-2018)

#### **Sec. 404.05. Noise variances.**

Any person may apply to the city council for a variance from the requirements of this chapter prior to doing those acts. The applicant shall provide a certified list of property owners within 350 feet of the sites where the activity is to occur. The council procedure for public hearings shall be as set forth in chapter 107. For good cause shown, the city council may, in its sole discretion, either grant or deny the variance. If the variance is granted, the council may impose reasonable conditions to it.

(Code 1995, § 405.04; Ord. No. 1175A, 11-25-1996)

#### **Sec. 404.06. Enforcement and impact statements.**

(a) *Civil remedies.* In addition to criminal penalties, this chapter may be enforced by injunction, action for abatement or other appropriate civil remedies.

(b) *Noise impact statements.* The city council may require any person applying for a change in zoning classification, permit or license for any structure, operation, process, installation, alteration or project that may be considered a potential noise source to submit a noise impact statement. The city council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

(Code 1995, § 405.05; Ord. No. 927, 6-30-1983)

## CHAPTER 405. NUISANCES

### Sec. 405.01. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned vehicle* means a motor vehicle that:

- (1) Has been illegally parked on public property for a period of more than 48 hours;
- (2) Has been parked on private property without the consent of the person in control of the property for a period of more than 48 hours; and
- (3) Has been voluntarily surrendered by its owner to the city or to a moving contractor hired by the city for its removal.

*Animals, domestic*, means animals kept within the home as pets such as; fish, dogs, cats, household birds and similar animals.

*Animals, non-domestic*, means animals, which are kept outside the home for purposes of food or pleasure such as; cattle, hogs, horses, sheep, llamas, goats or other similar animals.

*Front yard area* means all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property extended to the side property lines. The front side of the property shall be determined as specified in title 11.

*Groundcover* means vegetation and landscaping that covers the ground surface or topsoil and has the effect of reducing erosion.

*Graffiti* means any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, painted, drawn or otherwise placed on any exterior surface of a building wall, fence, sidewalk, curb, dumpster or other such temporary or permanent structures on public and private property and which has the effect of defacing the property.

*Inoperable condition* means as applied to vehicles means a vehicle which has no substantial potential use consistent with its usual function, and may include a vehicle that:

- (1) Has a missing or defective vital component part.
- (2) Is stored on blocks, jacks or other supports.
- (3) Is so loaded as to obstruct the view of a driver to the front or sides of the vehicle or as to interfere with a potential driver's control over the driving mechanism of the vehicle.

*Junk vehicle* means an inoperable motor vehicle which is; in inoperable condition, partially dismantled, used for sale of parts, a source of repair or replacement parts for other

vehicles, or kept for scrapping, dismantling or salvage of any kind. Unless such vehicle is kept in an enclosed garage, an abandoned vehicle shall also be considered a junk vehicle for the purpose of this chapter.

*Natural areas* means natural, restored, or recreated woodlands, savannahs, prairies, meadows, bogs, marshes, and lake shores.

*Natural landscaping* means planned landscaping designed to replicate a locally native plant community by using a mix of plants, shrubs, and trees native to the area.

*Nuisance* means any act, substance, matter emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, waterway, excavation, building, structure, lot, grounds, or other property located within the city. The term "nuisance" shall include, but not be limited to, those enumerated below:

- (1) Maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, comfort or repose of members of the public; or
- (2) Interfering with, obstructing or rendering dangerous for passage, any public road or right-of-way, street, alley or highway or waters used by the public; or
- (3) In any way rendering the public insecure in life or in use of property; or
- (4) Any other act or omission declared by law to be a public nuisance specifically provided.

*Occupant* includes any person living in or in control of any dwelling unit upon property wherein a nuisance is determined to be present.

*Peddling and soliciting* means the practice of going 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 or property or services.

*Service station* means a business involving the sale of motor fuel or the repair of motor vehicles.

*Unauthorized vehicle* means a vehicle that is subject to removal pursuant to Minn. Stat. § 168B.035 or 168B.04, subd. 2 but is not an abandoned or junk vehicle.

*Vehicle* means any vehicle as defined in state statutes but excluding the following:

- (1) Snowmobiles; or
- (2) "All-terrain vehicles," as defined in state statutes.

*Vital component parts* means those parts of the motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

(Code 1995, § 407.01; Ord. No. 1162, 7-10-1995; Ord. No. 1384, 7-13-2009; Ord. No. 1577, 9-9-2019)

**Sec. 405.02. Nuisances affecting public comfort or repose.**

The following are hereby declared to be public nuisances affecting public comfort or repose:

- (1) *Backyard composting.* All composting consisting of yard waste or kitchen waste which have been left unattended and which cause offensive odors, attract rodents or pests or are unsightly, or do not meet the requirements of chapter 406.
- (2) *Building maintenance and appearance.*
  - a. Buildings, fences, and other structures, which have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood.
  - b. Any building, fence or other structure not complying with chapter 906 or the following:
    1. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.
    2. All cornices, moldings, lintels, bay or dormer windows and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
    3. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
    4. Chimneys, antennae, air vents and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly where applicable to an exterior wall or exterior roof.
    5. All foundations shall be structurally sound in good repair.
- (3) *Debris.* An accumulation of tin cans, bottles, trash, uprooted tree stumps, logs, limbs, brush, cut vegetative debris, or other debris of any nature or description and the throwing, dumping or depositing of any dead animals, manure, garbage, waste, decaying matter, ground, sand, stones, ashes, rubbish, tin cans or other material of any kind onto public or private property.
- (4) *Graffiti.* Any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, painted, drawn or otherwise placed on any exterior surface of a building wall, fence, sidewalk, curb, dumpster or other such temporary or permanent structures on public and private property and which has the effect of defacing the property.

- (5) *Keeping of non-domestic animals.* The keeping of animals other than those commonly called poultry or bees.
- (6) *Noises.* All noises in violation of chapter 404.
- (7) *Parking and storage.* The outside parking or storage on residentially-zoned property of vehicles, materials, supplies or equipment in violation of the provisions set forth below:
  - a. *Non-permanent structures.* No person may place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses, or other similar nonpermanent structures outside continuously for longer than 24 hours in the front yard area of residentially-zoned property.
  - b. *Storage on property.* No person may place, store or allow the placement or storage of the following in the front yard or unscreened street-facing side yard of a corner lot of any residential zoned area:
    - 1. Trailers of any type, unless completely placed on an improved surface as defined in this Code and stored no closer than five feet of a property line; or
    - 2. Boats or watercraft of any type in excess of 20-foot length; or
    - 3. Vehicles of any type in inoperable condition; or
    - 4. Vehicles of any type that are posted as "for sale"; or
    - 5. Recreational vehicles as defined by state statutes, unless stored completely on an improved surface, as defined in this Code and meeting a five-foot setback requirement to a property line and no portion of the vehicle may be stored on or over the public right-of-way.
  - c. *Storage of materials.* No person may place, store or allow the placement or storage of pipe, lumber, steel, machinery or similar materials. This includes all vehicles, equipment or materials used in connection with a business, outside on residentially-zoned property, except for temporary storage of such materials for use in the construction or remodeling of a structure on the property when a valid city-issued building permit exists.
  - d. *Vehicle parking, general.* No person shall cause, undertake, permit or allow the outside parking and storage of vehicles in residentially-zoned property unless it complies with the following requirements:
    - 1. Vehicles shall be on an improved surface as defined in this Code.
    - 2. Vehicles must be owned by a person who is a legal resident of that property and continuously maintain current registration and licensure.
  - e. *Large/commercial vehicles.* No person owning, driving or in charge of any vehicle with a manufacturers rated capacity of more than one ton, as specified

in state law, may cause or permit that vehicle to be parked outside or stand continuously for more than two hours on a property or public street within a residential zone in the city, with the exception of the following:

1. Any motor truck, pickup truck, or similar vehicle being used by a public utility, moving company, or similar company, which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle; or
2. Any vehicle which is actually making a pickup or delivery at the location where it is parked.

Parking for any period of time beyond the period of time reasonably necessary to provide such excepted service or to make such a pickup or delivery and in excess of the two-hour limit shall be unlawful.

- f. *Street parking, trailers and recreational vehicles.* No trailer (of any size), boat supported on a trailer, or recreational vehicle (with dual rear tires or dual rear axle) may be parked on a public street or right-of-way within the city for:

1. More than four consecutive days; or
2. More than four total days in any calendar month.

Parking in one location for over two hours in a 24-hour period qualifies as a day for purposes of this subsection (7)f.

- (8) *Service stations.* Operation of a service station if conducted in a manner that includes any of the following:

- a. The sale, or display in aid of sale, of any motor vehicle.
- b. The use of service station premises for storage of damaged or abandoned motor vehicles for in excess of seven days without a directive of the police chief.
- c. The storing of or accumulation of any of the following items on the premises in view of adjacent properties:
  1. Used oil cans; or
  2. Discarded auto parts; or
  3. Discarded tires; or
  4. Any other items of similar nature.
- d. Allowing tires to be sold or displayed for sale within view of adjacent properties, unless the same are displayed in a rack and only during business hours.

- (9) *Smoke and fumes.* Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities.

- (10) *Vibrations.* All unnecessary and annoying vibrations.



(11) *Weeds and vegetation.*

- a. All noxious weeds in all locations. Also, turf grasses, nuisance weeds and rank vegetative growth not maintained at a height of eight inches or less in locations closer than 40 feet from:
  1. An occupied principal structure;
  2. Any property line with an occupied structure on abutting property; or
  3. A public road pavement edge.
- b. Subsection (11)a of this section shall not apply to:
  1. Natural areas, public open space or parklands, as determined by the city forester or naturalist designated by the city manager.
  2. Yard areas with natural landscaping that follow the city policy for natural landscaping.

(12) *Yard cover.* Yard area of a lot shall not be bare soil, shall be covered by a groundcover and shall be maintained as set forth in subsection (11) of this section.

(Code 1995, § 407.02; Ord. No. 207, 11-9-1955; Ord. No. 499, 8-8-1966; Ord. No. 1092, 6-10-1991; Ord. No. 1136, 2-28-1994; Ord. No. 1288, 8-4-2003; Ord. No. 1337, 5-22-2006; Ord. No. 1384, 7-13-2009; Ord. No. 1466, 4-21-2014; Ord. No. 1577, 9-9-2019)

**Sec. 405.03. Nuisances affecting public health and safety.**

The following are declared to be nuisances affecting public health and safety:

- (1) *Carcasses.* Carcasses of animals not buried or destroyed within 24 hours after death.
- (2) *Dangerous buildings.* All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their replacement value or which are so situated as to endanger the safety of the public, or by order of the building official.
- (3) *Dangers attractive to children.* All dangerous, unguarded machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.
- (4) *Diseased animals.* All diseased animals running at large.
- (5) *Explosives.* 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.
- (6) *Holes and excavations.* Any well, hole or similar excavation that is left uncovered, unprotected or in such other condition as to constitute a hazard to a person on the premise where it is located.
- (7) *Interference with radio or TV.* All unnecessary interference and disturbance of radios or television sets caused by defective electrical appliances and equipment or improper operation of any defective electrical appliances and equipment.

- (8) *Interfering with drainage.* 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.
- (9) *Junk.* The outside piling, storing or keeping of old machinery, furniture, household furnishings or appliances or component parts thereof, rusting metal inoperable/unusable equipment, or other debris visible on private or public property.
- (10) *Low wires, tree limbs, other vegetation.* All wires, tree limbs and other vegetation which are located close enough to the surface of the public non-motorized pathway, street or alley as to constitute an impediment to the safe passage of pedestrians, bicyclists or permitted vehicles.
- (11) *Material from air.* Throwing, dropping or releasing printed matter, paper or any other material or objects over the city from an airplane, balloon or other aircraft or in such a manner as to cause such material to fall or land in the city.
- (12) *Obstruction of streets, crowds.* Any 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 the free use of public streets or sidewalks, except where permitted by the city.
- (13) *Peddling and soliciting.*
  - a. Engaging in peddling or soliciting, if conducted in the following manner:
    - 1. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way; or
    - 2. Creating a threat to the health, safety and welfare of any individual or the general public; or
    - 3. Doing so before 9:00 a.m. or after 7:00 p.m.; or
    - 4. Making any false or misleading statements about the product or service being offered, including untrue statements of endorsement; or
    - 5. Remaining on the property of another when requested to leave; or
    - 6. Otherwise act in a manner a reasonable person would find obscene, threatening, intimidating or abusive.
  - b. Entering the property of another, unless invited to do so by the property owner or tenant prior to entrance onto the property, for the purpose of conducting business as a peddler or solicitor when the property is marked with a sign or placard meeting the following criteria:
    - 1. Sized at least four inches long and four inches wide; and
    - 2. Having print at least 48-point in size or one half inch tall; and
    - 3. Stating "no trespassing" or "no peddlers or solicitor," or "peddlers and solicitors prohibited" or other comparable statement.

- c. Removing, defacing or otherwise tampering with any sign or placard displayed in accordance with subsection (13)b of this section by a person other than the property owner or tenant.
  - (14) *Radio aerals*. Radio aerals strung or erected in any manner except that provided by law.
  - (15) *Repairing vehicles or tires in streets*. Making repairs to motor vehicles or tires in public streets or alleys, excepting only emergency repairs when such repairs will not unduly impede or interfere with traffic.
  - (16) *Snow on non-motorized pathways*. On all properties with off-the-road, non-motorized pathways, except non-tax-exempt low density residential properties, ice and snow that is not removed from the non-motorized pathway within 12 hours after snow and ice have ceased to be deposited thereon.
  - (17) *Storage of wood*. The storage of any wood or wood product used or intended to be used as firewood on residential properties within the city unless wood piles are erected, located and maintained in a safe and orderly fashion:
    - a. In neat and secure stacks elevated six inches off the ground;
    - b. A maximum height allowed for a wood pile is six feet; and
    - c. Fire wood shall only be stored in a side or rear yard.
  - (18) *Traffic visibility*. Maintaining conditions on any property that violate the requirements of section 1011.06.
  - (19) *Trash in streets*. Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds, grass or other material in the streets, non-motorized pathways, alleys or gutters.
  - (20) *Unauthorized signs*. Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets, alleys or on sidewalks.
- (Code 1995, § 407.03; Ord. No. 925, 5-9-1983; Ord. No. 1162, 7-10-1995; Ord. No. 1293, 8-11-2003)

**Sec. 405.04. Vehicles constituting a public nuisance.**

(a) *Abandoned, junk, unauthorized and inoperable vehicles create hazard*. Abandoned, junk, unauthorized and inoperable vehicles are declared to be a public nuisance creating hazard to the health and safety of the public because they invite plundering, create fire hazards, attract vermin, and present physical dangers to the safety and well-being of children and other citizens. The accumulation and outside storage of such vehicles is in the nature of rubbish, litter and unsightly debris and is a blight on the landscape and a detriment to the environment. It shall be unlawful for a person to pile, store or keep wrecked, junked, inoperable, unauthorized or abandoned vehicles on private or public property.

(b) *Vehicles impeding traffic flow.* Any vehicle, whether occupied or not that is found stopped, standing or parked in violation of any ordinance or state statute; or that is reported stolen; or that is found impeding firefighting, snow removal or plowing or the orderly flow of traffic is declared to be a public nuisance.

(c) *Vehicles impeding road and utility repair.* Any vehicle which is impeding public road or utility repair, construction or maintenance activities after reasonable notice of the improper activities has been given to the vehicle owner or user at least 12 hours in advance, is declared to be a public nuisance.

(d) *Vehicles without current registration.* Except where expressly permitted by state law, any vehicle or other equipment, which requires registration for operation in the state, shall be deemed to be junked, inoperable, unauthorized or abandoned if said vehicle does not have attached thereto a valid registration issued by the proper state agency.

(e) *Abatement of vehicles.*

(1) *Impounding.* Any police officer or other duly authorized person may order any vehicle constituting a public nuisance to be immediately removed or impounded. The impounded vehicle shall be surrendered to the duly identified owner only upon payment of the required impound, towing and storage fees.

(2) *Sale.* Notice and sale of any vehicle impounded under this chapter shall be conducted in accordance with Minn. Stat. ch. 168B governing the sale of abandoned motor vehicles.

(Code 1995, § 407.04; Ord. No. 1162, 7-10-1995; Ord. No. 1288, 8-4-2003; Ord. No. 1577, 9-9-2019)

#### **Sec. 405.05. Public nuisance unlawful.**

It shall be unlawful for any person, firm, corporation or association to maintain any public nuisance as defined in this chapter, and it shall further be unlawful to do any act which act is defined as a public nuisance in this chapter.

(Code 1995, § 407.05; Ord. No. 320, 6-9-1961)

#### **Sec. 405.06. Enforcement.**

The city council authorizes the community development director to administer and enforce this chapter, except that nuisances impacting the public right-of-way, sanitary or storm sewer shall be administered and enforced by the public works director. Either director may institute, in the name of the city, any appropriate actions or proceedings against a violator as provided by law and in accordance with the community development department or public works department enforcement policy.

(Code 1995, § 407.06; Ord. No. 1354, 10-22-2007; Ord. No. 1577, 9-9-2019; Ord. No. 1659, § 1, 2-26-2024)

**Sec. 405.07. City abatement of public nuisances.**

(a) *Notice.* When an officer charged with enforcement determines that a public nuisance is being maintained or exists on premises within the city, and determines that the city abatement process is appropriate, the officer shall notify, in writing, the owner or occupant of the premises of a description of the nuisance and order that such nuisance be terminated or abated. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated.

(b) *Service of notice.* Notice may be served by any or all of the following methods:

- (1) In person;
- (2) By regular or certified mail; or
- (3) By posting on site or premises.

(c) *Noncompliance.* If the notice is not complied with within the time specified, the enforcing officer shall immediately report that fact to the city council. The enforcing officer shall also provide notice to the owner or occupant of the premises that the city council will consider the matter and may provide for abating the nuisance by the city. The notice shall state the date on which the city council will consider the matter. Notice by the enforcing officer shall be given at least ten days before the date stated in the notice of when the city council will consider the matter.

(d) *Action of city council.* Upon notice from the enforcing officer of noncompliance, the city council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the city.

(e) *Immediate threat.* If the nuisance poses an immediate threat to the health or safety of the public, the city may abate the nuisance immediately with no hearing. Following such an abatement, the city will provide notice to the owner that contains the following:

- (1) A description of the nuisance;
- (2) The action taken by the city;
- (3) The reason for the immediate action;
- (4) The costs incurred in abating the nuisance;
- (5) The owner's responsibility to pay such costs;
- (6) The right to request a hearing before the city council challenging the imposition of the costs and subsequent assessment if such costs remain unpaid; and
- (7) The deadline by which to request such hearing.

(Code 1995, § 407.07; Ord. No. 1016, 6-8-1987; Ord. No. 1337, 5-22-2006; Ord. No. 1354, 10-22-2007; Ord. No. 1659, § 2, 2-26-2024)

**Sec. 405.08. Recovery of cost.**

(a) *Personal liability.* The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city manager, or other official designated by the city council, shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the office of the city manager.

(b) *Assessment.* If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, impacts the public right-of-way, sanitary or storm sewer, or unsound or insect infected trees, the city manager shall, on or before September 1 following abatement of the nuisance, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then spread the charges against such property under that statute and other pertinent statutes for certification to the county auditor for collection along with current taxes the following year, or in annual installments not exceeding ten, as the city council may determine in each case.

(Code 1995, § 407.08; Ord. No. 1016, 6-8-1987; Ord. No. 1659, § 3, 2-26-2024)

**Sec. 405.09. Accelerated abatement process for certain nuisances.**

Notwithstanding the provisions of section 405.07, city officers charged with enforcement of this chapter shall follow the accelerated procedure described below for abating accumulations of snow and ice under section 405.03(16), tall grasses, nuisance weeds and other vegetative growth under section 405.02(11); cut vegetative debris under section 405.02(3); and graffiti under section 405.02(4).

- (1) *Notice of violation.* When the officer charged with enforcement determines that a nuisance proscribed under section 405.03(16) or 405.02(11) is being maintained or exists on premises in the city, written notice shall be served in person; or by posting on premises; or by regular or certified first-class mail to the property owner or occupant. The notice shall specify the nuisance to be abated, that the nuisance must be abated within five working days, and that if the nuisance is not abated within five working days, that the city will have the nuisance abated and the cost of abatement certified against the property for collection with taxes.
- (2) *Abatement by city.* If the owner or occupant fails to comply with the notice, within five days, the city shall provide for abatement of the nuisance. The officer charged with enforcement shall keep records of the cost of abatement and shall provide this information to the city manager for assessment against the property pursuant to section 405.08.

(Code 1995, § 407.09; Ord. No. 1228, 7-12-1999; Ord. No. 1337, 5-22-2006)

**Sec. 405.10. Public nuisance deviation.**

(a) A deviation request pertaining to nuisances occurring on public or private property as addressed in section 405.02(7)a, b or d may be filed by a property owner or occupant with the following requirements:

- (1) Shall be submitted on forms supplied by the city; and
- (2) Shall include a specific description detailing the reason for the deviation request; and
- (3) Shall be delivered to the community development director within the timeframe given in the notice provided pursuant to section 405.07(a); and
- (4) Shall be accompanied by the fee set forth in the city fee schedule; and
- (5) Submission of evidence, including written approval of the otherwise prohibited activity, by 75 percent of the adjacent property owners within 100 feet of the subject property or prohibited activity.

(b) Deviation requests will be considered, approved or denied by the community development director. The community development director shall notify the applicant and all property owners, identified under 405.10(a)(5), within five business days the decision to approve or deny the request and the process available for appeal.

(c) Deviation approvals may be granted with or without conditions, including, but not limited to, a time limited duration at the discretion of the city. Violations to any approved public nuisance deviation shall be grounds for immediate revocation of the approved deviation. Additional nuisance activity or violation to this Code may be grounds for the revocation of an approved deviation.

(Code 1995, § 407.10; Ord. No. 1577, 9-9-2019)

**Sec. 405.11. Deviation appeal.**

(a) Deviation denials or revocations may be appealed to city council by the applicant. If an appeal is filed it must:

- (1) Be submitted on forms supplied by the city; and
- (2) Be delivered to the city manager within ten days of the denial or revocation.

(b) When an appeal is filed, a public meeting regarding the matter shall be before the city council, acting as the board of adjustments and appeals, at a regular meeting held within 30 calendar days of the receipt of the appeal. The board of adjustments and appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicants may be considered by the board of adjustments and appeals at its sole discretion if that information serves to clarify information previously considered by the community development director.

(Code 1995, § 407.11; Ord. No. 1527, 5-22-2017; Ord. No. 1577, 9-9-2019)



## CHAPTER 406. RESIDENTIAL COMPOSTING

### Sec. 406.01. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Composting* means a microbial process that converts plant materials to a usable organic soil amendment or mulch.

(Code 1995, § 409.01)

### Sec. 406.02. Applicability.

Rules set forward in this chapter are applicable only to parcels designated single-family residential under chapter 1004.

(Code 1995, § 409.02)

### Sec. 406.03. Compost containers.

Composting shall be conducted within a composting area or composting container not to exceed five feet in length, width, or height. Lots of up to 10,000 square feet in area may have up to two composting areas or containers per lot and lots greater than 10,000 square feet in area may have up to three composting areas or containers per lot. Compost containers shall be constructed or made of a durable material; including, but not limited to, sturdy woven wire fencing, rot-resistant wood, or a commercially purchased composting unit that will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner.

(Code 1995, § 409.03)

### Sec. 406.04. Location on property.

Compost containers shall be located in the rear yard no closer than five feet to any rear or side property line and no closer than 20 feet to any habitable building, other than the resident's own home.

(Code 1995, § 409.04)

### Sec. 406.05. Compost materials.

Material such as grass clippings, leaves, soft-bodied plant materials, straw, sawdust, fruit or vegetable scraps, flowers, lake plants, coffee grounds, eggshells, and commercially available compost ingredients may be placed in compost containers. Material such as meat, bones, fat, oils, grease, dairy products, brush greater than one-fourth inch in diameter, human or pet waste, plastics or synthetic fibers shall not be placed in compost containers.

(Code 1995, § 409.05)

**Sec. 406.06. Maintenance.**

Compost materials shall be managed to minimize odor generation and to promote effective decomposition of the materials in a safe, secure and sanitary manner.

(Code 1995, § 409.06)

**Sec. 406.07. Abatement.**

All compost containers or compost materials not in compliance with this chapter shall be declared a nuisance and are subject to abatement as provided in chapter 405.

(Code 1995, § 409.07; Ord. No. 1384, 7-13-2009)

**CHAPTER 407. WILDLIFE MANAGEMENT****Sec. 407.01. Purpose.**

It is the purpose of this chapter to manage wildlife within the city and eliminate intentional feeding of wild animals for the following reasons:

- (1) Management of wildlife in urban areas is important to the health of residents and the animals.
- (2) Population management of wildlife is necessary to ensure a stable balance of resources and the reduction in nuisances for residents.
- (3) Intentional feeding causes unwanted concentrations of wild animals. Intentional feeding results in an increased potential of public safety problems, including car/animal crashes and the spreading of diseases.

(Code 1995, § 411.01)

**Sec. 407.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Wild animal* means any animal that is not normally domesticated in the state, including, but not limited to, raccoons, turkeys, coyotes, deer, feral cats, foxes, skunks and waterfowl.

(Code 1995, § 411.02)

**Sec. 407.03. Feeding of wild animals prohibited.**

(a) Except as herein provided, no person shall intentionally feed wild animals within the city.

(b) Intentional feeding is defined as distributing one gallon or more within one 24-hour period of grain, vegetables, fruits, nuts, hay, or a salt lick on the ground or a location less than five feet above the ground or any other location or in any other manner that regularly attracts wild animals.

(c) The provisions of this section shall not apply to the following:

- (1) Persons maintaining incidental living food sources such as fruit trees and other live vegetation.
- (2) Persons feeding common small backyard birds using self-enclosed feeding devices or containers at least five feet above the ground.
- (3) Persons that cannot physically place materials five feet or higher from the ground as long as they comply with the other standards contained in subsection (b) of this section.
- (4) City employees or agents, county, state, the federal government or veterinarians who in the course of their official duties have wild animals in their custody or under their management.
- (5) Persons caring for animals at the city wildlife rehabilitation center.
- (6) Persons bringing wildlife into the city for educational purposes.

(d) Violation of this chapter provision will be subject to an administrative fine of \$100.00 for the first violation, \$200.00 for the second violation, and \$300.00 for each subsequent violation within a 24-month period. This section does not prohibit, prevent, or bar any other applicable remedies available at law for any conduct described in this section, including, but not limited to, nuisance abatement, civil injunction or criminal prosecution.

(e) The community development department is authorized to implement and enforce the provisions of this section. The community development director shall promulgate rules, regulations, or policies consistent with all provisions herein.

(f) Any person or persons against whom an administrative fine is imposed under subsection (d) of this section may appeal such administrative penalty pursuant to chapter 102.

(Code 1995, § 411.03)

#### **Sec. 407.04. Deer management plan.**

(a) The city shall develop and maintain a deer management program to manage the number of deer that may be adequately supported by suitable habitat within the city. At a minimum, the deer management plan shall contain the following:

- (1) Provision of education to residents on the best management practices for coexisting with the deer population.
- (2) A bi-annual deer population count, as weather permits, using methodology endorsed or utilized by the county.
- (3) Determination of the amount of suitable deer habitat utilizing state department of natural resources information and resources.
- (4) Tracking of the location of vehicle/deer accidents.

(b) Notwithstanding other provisions of this Code, for purposes of managing the deer population in accordance with the adopted deer management program, deer hunts may from time to time be approved by the city council, including the timing, location, method, and safety precautions among other provisions, for such hunts.

(Code 1995, § 411.04)

## **CHAPTER 408. BURIAL OF THE DEAD**

### **Sec. 408.01. Lands designated as cemeteries.**

The city council shall make an inventory of all cemeteries and crematoriums existing in the city prior to October 1, 1989, and, by resolution, determine the boundaries of each and thereafter preserve records of which lands are cemeteries. No other lands shall be considered cemeteries until proper permits are issued under section 408.02.

(Code 1995, § 401.04; Ord. No. 1072, 2-26-1990)

### **Sec. 408.02. Permit required.**

No cemetery, place of burial or crematorium of the dead human person shall be established or set apart, nor shall any existing cemeteries or crematoriums be enlarged without a permit issued by the city council after payment of a fee as provided in the city fee schedule.

(Code 1995, § 401.01; Ord. No. 1072, 2-26-1990; amd. 1995 Code; Ord. No. 1379A, 11-17-2008)

### **Sec. 408.03. Burial prohibited outside cemetery.**

No burial of any dead body or any part of the dead body of a human being, or any other disposition of such dead body shall be made in any place which is not a duly dedicated cemetery. Burial shall be in the manner required by state law.

(Code 1995, § 401.02; Ord. No. 412, 3-9-1964)

## **CHAPTER 409. GREEN TO-GO PACKAGING**

### **Sec. 409.01. Purpose.**

It is the intent of the city council, by means of this chapter, to:

- (1) Promote waste reduction in order to:
  - a. Lower the amount of greenhouse gases emitted during the incineration and landfilling of non-recyclable and compostable food and beverage packaging and non-packaging items.
  - b. Assist the city in reaching the waste reduction goals established by the state and the county.

- (2) Promote waste prevention by:
    - a. Encouraging the use of reusable food and beverage packaging when possible.
    - b. Reducing or eliminating products that create waste such as single-use, disposable food and beverage packaging and non-packaging items that cannot be recycled or composted and must be disposed of by incinerating or landfill.
  - (3) Promote waste recycling by maximizing the amount of single-use food and beverage packaging and non-packaging items that can be recycled or composted.
  - (4) Minimize contamination in organics and recycling.
- (Ord. No. 1681, § 1(412.01), 10-21-2024)

**Sec. 409.02. Definitions.**

The following words have the meaning ascribed to them, unless the context clearly indicates a different meaning:

*Certified compostable* means that a material or product will biodegrade without leaving a residue or any toxicity in the soil. Any compostable plastic or lined paper must meet the ASTM standards for compostable products, as certified by the Biodegradable Products Institute or other similar independent certification bodies.

*Commercially compostable* means that certified compostable materials will biodegrade at a commercial site used to compost organic materials where the environment is carefully controlled and regulated to facilitate optimal degradation.

*Food and beverage packaging* means packaging used to serve food and beverage products intended for immediate consumption, including cups, plates, bowls, serving trays, to-go containers, clamshells, wrappers, and lids.

*Food establishment* means a retail operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.

*Green to-go packaging* means and includes any of the following:

*Compostable packaging* means packaging that is separable from solid waste by the generator or prior to collection for the purpose of composting. Compostable packaging must be made of unlined paper (unless lining is certified compostable), certified compostable plastic that meets ASTM standards that are acceptable at the county composting facility or other cellulose-based packaging capable of being decomposed through composting or anaerobic digestion.

*Recyclable packaging* means food or beverage packaging that is separable from solid waste prior to collection for the purpose of recycling. Recyclable packaging must be accepted by the local material recovery facilities (MRF) receiving and processing the materials and have existing robust recycling markets as determined by the county. The

term "recyclable packaging" includes glass bottles, aluminum cans and plastic food and beverage packaging. Plastic food and beverage packaging must be acceptable as determined by the county.

*Reusable packaging* means food or beverage packaging that is capable of being refilled at a retail location or returned to the distributor for reuse at least once as a container for the same food or beverage.

*Mobile food unit* means a food establishment that is inside, on or otherwise attached to a vehicle.

*Non-packaging food service items* means items that are not packaging, but are used to consume food, including straws and utensils.

*Single-use* means an item designed and intended for a single use.  
(Ord. No. 1681, § 1(412.02), 10-21-2024)

### **Sec. 409.03. Regulations.**

(a) No person owning, operating, or conducting a food establishment or any person or organization providing free food or beverage products within the city in a manner which would require a permit or license from the city or the state may provide any food and beverage packaging which is not green to-go. Presence of food and beverage packaging other than green to-go will be presumed to be noncompliant with this chapter.

(b) To reduce contamination in recycling and organics, all food establishments must implement the following:

- (1) Single-use cups and containers that are utilized with lids must have lids of the same category of packaging.
- (2) Recyclable packaging must only have recyclable lids.
- (3) Compostable packaging must only have compostable lids.

(c) Compostable cups must be labeled to clearly indicate to the consumer that the cup is compostable. Labeling must include at least one of the following:

- (1) The words "certified compostable," "commercially compostable" or other language which meet ASTM standards. "Made from plants," "bio-based," or "biodegradable" are not acceptable alternatives on their own.
- (2) The logo of a third-party certification or testing body indicating the cup meets commercially compostable standards, as approved by the city.

(d) All food establishments must implement the following in relation to non-packaging food service items:

- (1) Single-use utensils, including, but not limited to, forks, spoons, and knives must be compostable.

- (2) Single-use straws of any kind will only be provided to consumers upon request. Front-of-house straw dispensers, which allow customers to self-serve, meet this requirement.
  - (e) A food establishment which utilizes single-use compostable and/or recyclable food packaging to serve consumers on-site must have on-site collection for green to-go packaging.
    - (1) A food establishment that does not utilize single-use packaging to serve consumers on-site is exempt from the requirement to have on-site collection for green to-go packaging.
    - (2) A food establishment that does not have dine-in seating for consumers is exempt from the requirement to have on-site collection for green to-go packaging.
    - (3) If a mobile food unit or other food establishment is being hosted by an entity as part of an event or regular business, the hosting entity must provide on-site collection for green to-go packaging.
  - (f) Containers for the on-site collection of green to-go packaging must be co-located with garbage containers.
    - (1) If garbage receptacles are available to consumers, then receptacles for separating green to-go packaging must also be made available to consumers in the same location.
    - (2) If garbage receptacles are not available to consumers and are instead placed in areas for use by staff only, then receptacles for separating green to-go packaging are only required in those locations.
  - (g) A food establishment must arrange for the collection of green to-go packaging by a licensed solid waste collector for delivery to an appropriate transfer station or processing facility.
- (Ord. No. 1681, § 1(412.03), 10-21-2024)

**Sec. 409.04. Exclusions and exceptions.**

Notwithstanding any other provisions to the contrary, this chapter does not apply to:

- (1) Manufacturers, brokers, distributors, or warehouse operators who conduct or transact no retail food or beverage business;
- (2) Food and beverage service provided through patient care at hospitals and nursing homes;
- (3) Food and beverage service provided through licensed caterers;
- (4) Food packaging pre-packaged by a manufacturer, producer, or distributor;
- (5) Plastic films less than ten mils in thickness;



- (6) Any packaging, which is not considered green to-go packaging, but for which there is not a commercially available or economically practical alternative as determined by the city. The city will maintain a list of types of packaging exempted under this subsection which will be available from the public works department.

(Ord. No. 1681, § 1(412.04), 10-21-2024)

**Sec. 409.05. Enforcement.**

(a) A violation of this chapter is punishable as an administrative offense pursuant to section 102.01.

(b) The administrative offenses provided for in this chapter are in addition to any other legal or equitable remedy available to the city for violation of this Code.

(c) At the time a violation occurs, a warning notice will be given in writing. The food establishment will be given 60 calendar days to take corrective action prior to any enforcement action under this chapter.

(Ord. No. 1681, § 1(412.05), 10-21-2024)



Title 5

**POLICE REGULATIONS**

**Chapter 501. Animal Control**

- Sec. 501.01. Definitions.
- Sec. 501.02. Confinement of animals.
- Sec. 501.03. Certain animals declared nuisances.
- Sec. 501.04. Complaints.
- Sec. 501.05. License required.
- Sec. 501.06. Issuance of tags.
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**CHAPTER 501. ANIMAL CONTROL****Sec. 501.01. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal control authority* means any governmental entity which is responsible for animal control operations in its jurisdiction.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under section 501(c)(3) of the federal Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue of animals and the placement of those animals in permanent homes, and which does not breed animals.

*Animal shelter* means any not-for-profit organization which has tax-exempt status under section 501(c)(3) of the federal Internal Revenue Code, which:

- (1) Accepts animals into a physical facility;
- (2) Is devoted to the rescue, care, and adoption of stray, abandoned, unwanted or surrendered animals;
- (3) Places animals in permanent homes or with animal rescue organizations; and
- (4) Does not breed animals.

*At large* means off the premises of the owner and not under the control of the owner, a member of the owner's immediate family or a person designated by the owner, and in the case of a dog, by a leash, cord or chain not more than six feet in length. The person in charge must be of sufficient age to adequately control the dog. A dog under control solely by means of command or signal shall be considered under control only if in the presence of the owner or some other person of suitable age and discretion and on the owner's premises or the premises of another who has given consent to the owner.

*Cat* means a mammal that is wholly or in part the species *Felis domesticus*.

*Certificate of source* means a document from an animal control authority, animal rescue organization, or animal shelter which shall provide a brief description of the dog or cat, and shall list the name, address, and telephone number of the source (animal control authority, animal rescue organization, or animal shelter) of the dog or cat.

*Dog* means a mammal that is wholly or in part the species *Canis familiaris*.

*Electronically tagged animal* means a pet that has been implanted with a microchip or other electronic device that uniquely identifies the animal and its owner when the device is scanned by the city's equipment.

*Owner* means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

*Pet store* means any retail establishment, or operator thereof, which displays, sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers companion animals in the city. The term "pet store" does not apply to animal control authorities, animal shelters, or animal rescue organizations.

*Pet store operator* means a person or business entity who owns or operates a pet store.

*Service animals* means an animal specially trained to assist a person with disabilities. Service animals are required to be licensed in accordance with this chapter.

*Sterilized animal* means an animal that has been spayed or neutered.  
(Code 1995, § 501.01; Ord. No. 1078, 6-25-1990; Ord. No. 1168, 8-12-1996; Ord. No. 1355, 11-19-2007)

#### **Sec. 501.02. Confinement of animals.**

No animal shall be allowed by its owner to run at large and every animal in heat shall be confined during such entire period and until such animal shall not attract other animals due to being in heat.

(Code 1995, § 501.02; Ord. No. 1078, 6-25-1990)

#### **Sec. 501.03. Certain animals declared nuisances.**

Any animal which shall, by any noise, disturb the peace and quiet of any other person, any animal which habitually barks or cries for extended or unreasonable periods of time, or any animal which damages plantings or structures or deposits fecal matter on public or private property of others is hereby declared to be a nuisance. The keeping of any such animal also constitutes an administrative offense under section 102.01(c), for which an administrative penalty may be issued.

(Code 1995, § 501.03; Ord. No. 1078, 6-25-1990; Ord. No. 1355, 11-19-2007)

#### **Sec. 501.04. Complaints.**

(a) Any person aggrieved by an animal nuisance may make a written complaint to the police department, or such other persons designated by the city manager, stating the acts complained of, the name and address of the owner of the animal and the name and address of the person making the complaint. The police department shall then promptly notify the person owning or keeping the animal and shall order the nuisance abated within five days. If such animal nuisance is not abated within that time, a charge may be made against the owner or keeper of the animal and any person found to have violated the provisions of this section shall be guilty of a misdemeanor.

(b) If a police officer, community service officer or reserve officer deems it necessary, the officer may take the animal immediately to the impound to stop the nuisance.

(Code 1995, § 501.04; Ord. No. 1078, 6-25-1990)

**Sec. 501.05. License required.**

(a) A license shall be obtained by the owner of any dog or cat kept or maintained within the corporate limits of the city that is three months of age or older. The license must be obtained within 30 days of acquiring the animal or within 30 days of becoming a city resident. This requirement shall not apply to pets whose owners are temporary visitors within the city for 30 days or less.

(b) Licenses may be obtained from the city or from any entity designated by the city to issue pet licenses and remit license fees as established in the city fee schedule.

(c) The license application shall be made on forms provided by the city, and shall require, at a minimum, the owner's address and phone number, and proof of current rabies vaccination for the pet.

(d) Types of licenses; fees.

(1) *Two-year license.*

- a. The two-year pet license shall be the minimum requirement of this chapter. A two-year license shall be issued upon completion of the required application and payment of the required fee as established by the city fee schedule for a period of time not to exceed two years. As a condition of validity of an issued two-year license, the owner will maintain certification by a licensed veterinarian of the animal's current rabies vaccination. Two-year licenses must be renewed by the holder within 30 days of the expiration of the license. Renewal will be granted upon proof of current rabies vaccination and payment of the required fee as established by the city fee schedule.
- b. Fees for two-year licenses shall be as established by the city fee schedule, and at a minimum shall include differential fees based on the status of the animal as being non-sterilized, non-sterilized and electronically tagged, sterilized, or sterilized and electronically tagged, with generally higher fees for animals that are non-sterilized and not electronically tagged so as to provide incentive for sterilizing and electronically tagging animals.

(2) *Lifetime license.*

- a. Lifetime pet licenses shall be issued by the city for sterilized animals as an alternative to two-year licenses. A lifetime license shall be issued upon completion of the required application, payment of the required fee as established by the city fee schedule, and in the case of electronically tagged animals, registration with the city of the unique identifying information related to the electronic device and demonstration that the implanted device can be read by the city's equipment. As a condition to continued validity of an issued lifetime license, the owner will submit to the city every two years proof of the animal's current rabies vaccination.



- b. Fees for lifetime licenses shall be as established by the city fee schedule and at a minimum shall include differential fees based on the status of the animal as being sterilized, or sterilized and electronically tagged, with generally higher fees for animals that are not electronically tagged so as to provide incentive for the electronic tagging of animals.
  - c. Lifetime licenses may be revoked by the city without refund of fees paid if the animal's rabies vaccinations are not kept current. When a lifetime license has been revoked, a new lifetime license may be obtained through the procedures and with payment of the fees as established by the city fee schedule.
- (3) *Special two-year multiple dog license.*
- a. Special two-year multiple dog licenses may be issued by the city for three or four sterilized dogs to be kept at a licensed premises upon completion of the required application and payment of the required fee, subject to the following conditions:
    - 1. Written approval from the occupants of at least 75 percent of the residential properties abutting the licensed premises;
    - 2. Maintenance of a yard on the premises that is fenced in such a manner as to restrain dogs on the premises from leaving the yard; and
    - 3. That a nuisance is not created on the premises by the excessive barking of the dogs or the existence of unsanitary conditions.
  - b. Special two-year multiple dog licenses must be renewed by the holder within 30 days of the expiration of the license, which renewal may be granted upon proof of current rabies vaccination and payment of the required fee. The police chief may deny requests for renewal based upon complaints received during the preceding year. Denial of renewal may be appealed by written request for a hearing before the city council, which must be submitted within ten days of the denial. Fees for special two-year multiple dog licenses shall be as established by the city fee schedule. Special multiple dog licenses will not be granted for non-sterilized dogs and will not be issued on a lifetime basis.
    - 1. *Fee adjustments.* When a license is issued for an non-sterilized pet that is less than six months old at the time of issuance, and the pet is subsequently sterilized within three months of the issuance of the license, upon proof of the sterilization the city will refund the owner the difference between the fee paid for the license and the required fee for a sterilized animal. Upon the written recommendation of a licensed veterinarian that due to age or health reasons the animal should not be sterilized, the city may in that case charge the license fee for a sterilized animal rather than that for a non-sterilized animal.
    - 2. *Maintenance of current address.* All license holders shall notify the city within ten days of any address change within the corporate limits of the city and any change of ownership of a licensed animal.

(Code 1995, § 501.06; Ord. No. 1355, 11-19-2007)

**Sec. 501.06. Issuance of tags.**

Upon the payment of the license fee and presentation of a rabies vaccination certificate, the city shall issue a license tag to the animal owner. Duplicate tags will be issued upon payment of a replacement fee as provided in the city fee schedule. Animal tags shall not be transferred from one animal to another.

(Code 1995, § 501.07; Ord. No. 1078, 6-25-1990; Ord. No. 1355, 11-19-2007)

**Sec. 501.07. Affixing tags.**

Every owner of any animal required to be licensed is required to provide the animal with a collar to which the license and vaccination tags must be affixed, and the collar, with tags attached, must be worn by such animal at all times.

(Code 1995, § 501.08; Ord. No. 1078, 6-25-1990)

**Sec. 501.08. Records.**

The city shall keep a record of all animal licenses issued with the name, address and telephone number of the person to whom the license is issued and name, age, description of the animal and dates of rabies vaccination.

(Code 1995, § 501.09; Ord. No. 1078, 6-25-1990)

**Sec. 501.09. Impounding of dogs and cats at large or without tags.**

(a) Any dog or cat found running at large or without valid tags displayed, off the owner's premises, may be seized and may be impounded. All animals found to be a nuisance under section 501.03 may be impounded. Any police officer may impound any dog found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such dog or other animals, if known. In case the owner is unknown, the officer shall post notice at the city hall office that if the dog or other animal is not claimed within the time specified in this section, it will be sold or otherwise disposed of.

(b) All animals impounded shall be kept with humane treatment and sufficient food and water for their comfort. They shall be held for at least five regular business days, as defined by Minn. Stat. § 347.14, subd. 2, unless:

- (1) The animal is a dangerous dog as defined in Minn. Stat. § 347.50, subd. 2, in which case it shall be held and disposed of as provided in Minn. Stat. §§ 347.54 and 347.541; and
- (2) The animal is a cruelly-treated animal under Minn. Stat. § 343.235, in which case it shall be kept for ten days, unless sooner reclaimed by the owner or returned to the owner or unless the owner requests a hearing and posts security as provided in Minn. Stat. § 343.235.

(Code 1995, § 501.10; Ord. No. 1078, 6-25-1990; Ord. No. 1355, 11-19-2007)

**Sec. 501.10. Redemption.**

Any dog or cat may be redeemed from the pound by the owner upon the payment to the pound master of an impound and daily care fee. Proof of rabies vaccination and current animal license must be presented by the owner.

(Code 1995, § 501.11; Ord. No. 1078, 6-25-1990)

**Sec. 501.11. Permissible return of unrestrained animal.**

Notwithstanding the provisions of section 501.09, if a licensed animal is found at large and its owner can be identified and located, such animal need not be impounded, but may, instead, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this chapter, including, but not limited to, the issuance of an administrative penalty in the amount determined.

(Code 1995, § 501.12; Ord. No. 1078, 6-25-1990; Ord. No. 1355, 11-19-2007)

**Sec. 501.12. Disposition of unclaimed dogs or cats.**

Any dog or cat which is not claimed within the period prescribed in section 501.09 after impounding may be sold, for not less than the amount provided in section 501.10, to anyone desiring to purchase the dog or cat, unless said dog or cat is requested by a licensed education scientific institution. All such funds shall be paid to the city and placed in the general fund. Any dog or cat which is not claimed by the owner, rehomed, or sold shall be humanely destroyed.

(Code 1995, § 501.13; Ord. No. 1078, 6-25-1990; Ord. No. 1355, 11-19-2007)

**Sec. 501.13. Impoundment establishment.**

The city council, by resolution, shall designate one or more establishments that will receive custody of animals seized pursuant to this chapter, which establishments shall comply with all state law and regulations pertaining to establishments having custody of seized animals.

(Code 1995, § 501.14; Ord. No. 1078, 6-25-1990; Ord. No. 1355, 11-19-2007)

**Sec. 501.14. Muzzling.**

When the prevalence of 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 to confine it securely on their premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation, and any dog running at large during the time fixed in the proclamation may be destroyed by the police without notice to the owner.

(Code 1995, § 501.15; Ord. No. 1078, 6-25-1990)

**Sec. 501.15. Dangerous animals.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Dangerous animal* means any animal that has:

- (1) Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) Killed a domestic animal without provocation while off the owner's property; or
- (3) Been found to be potentially dangerous, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

*Great bodily harm* has the meaning given it under Minn. Stat. § 609.02, subd. 8.

*Hearing officer* means an impartial employee appointed by the city, or an impartial person retained by the city, to conduct a hearing under this chapter.

*Potentially dangerous animal* means any animal that:

- (1) When unprovoked, bites a human or domestic animal on public or private property;
- (2) When unprovoked, chases or approaches a person, including a person on a bicycle, or other wheeled conveyance (such as a skateboard, scooter or the like) upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
- (3) Has a known propensity, tendency, or disposition to attack unprovoked, based upon report, complaint or call for service causing injury or otherwise threatening the safety of humans or domestic animals.

*Proper enclosure* means securely confined indoors or in a securely locked pen or kennel suitable to prevent the animal from escaping and to provide protection for the animal from the elements, to include adequate food and water. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal 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 barriers which prevent the animal from exiting. Such enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel for a dog shall meet the following minimum specifications:

- (1) Shall have a minimum overall floor size of 32 square feet.
- (2) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one and one-quarter-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.

- (3) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.
- (4) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

*Substantial bodily harm* has the meaning given it under Minn. Stat. § 609.02, subd. 7a.

(b) *Dangerous animal registration.*

- (1) No person may own a dangerous animal in the city unless the animal is registered as provided in this section.
- (2) The city will, upon application by the owner, issue a certificate of registration to the owner of a dangerous animal if the owner presents evidence that:
  - a. A proper enclosure exists for the dangerous animal;
  - b. A warning sign provided by the city, to inform children that there is a dangerous dog on the property, has been placed on the animal owner's property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The city may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.
  - c. The owner has procured a surety bond issued by a surety company authorized to do business in the state, in a form acceptable to the city in at least the sum of \$300,000.00 payable to any person injured by the animal or, alternatively, the owner has in place a policy of insurance providing the same protection
  - d. The owner of a dangerous animal must have had an identification microchip implanted in the dangerous animal, and the city has been provided with the name of the microchip manufacturer and identification number of the microchip must be 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.
- (3) Dangerous animal designation review. Beginning six months after an animal is declared dangerous; an owner may request annually that the animal control authority review the designation. The owner must provide evidence that the animal's behavior has changed due to the animal's 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 animal's behavior has changed, the authority may rescind the dangerous animal designation.

- (4) Exemption. Animals 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 animal;
  - b. Who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
  - c. Who was committing or attempting to commit a crime.
- (5) Tag. The dangerous animal registered under this section must have a tag containing the uniform dangerous dog symbol, identifying the animal as dangerous, which is affixed to the animal's collar at all times.

(c) *Regulation of potentially dangerous animals.*

- (1) An owner of an animal that has been determined to be potentially dangerous may be required to comply with any or all of the following:
  - a. The owner may be required to complete animal obedience classes.
  - b. The owner shall keep the animal, while on the owner's property, in a proper enclosure. If the potentially dangerous animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash, which may not exceed six feet in length. The chain or leash must be under the control of an individual 18 years of age or older.
  - c. The owner shall be required to provide proof of current vaccinations.
  - d. The owner of a potentially dangerous animal must have had an identification microchip implanted in the potentially dangerous animal, and the city has been provided with the name of the microchip manufacturer and identification number of the microchip must be 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.
- (2) Potentially dangerous animal designation review. Beginning six months after an animal is declared potentially dangerous, an owner may request annually that the animal control authority review the designation. The owner must provide evidence that the animal's behavior has changed due to the animal's 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 animal's behavior has changed, the authority may rescind the potentially dangerous animal designation.

(d) *Regulation of dangerous animals.*

- (1) An owner of a dangerous animal shall keep the animal, while on the owner's property, in a proper enclosure. If the dangerous animal is outside the proper

enclosure, the animal must be muzzled and restrained by a substantial chain or leash, which may not exceed six feet in length. The chain or leash must be under the control of an individual 18 years of age or older.

- (2) An owner of a dangerous animal must renew the registration of the animal annually until it is deceased. Renewal of registration must include proof of up-to-date rabies vaccinations.
- (3) An owner of a dangerous animal must notify the city in writing of the animal's death or its transfer to a new location within 30 days of death or transfer and must execute an affidavit of death or transfer as requested by the city.
- (4) An owner of a dangerous animal must have the animal sterilized at the owner's expense. The owner must provide proof of sterilization of the animal to the city. If the owner does not have the animal sterilized within 30 days of the dangerous animal determination, the animal control authority shall seize the animal and have the animal sterilized at the owner's expense.
- (5) The owner of a dangerous animal who rents property from another, must notify the property owner, prior to signing the lease agreement and at the time of any lease renewal that the person owns a dangerous animal that will also reside at the property.
- (6) A person that transfers a dangerous animal must notify the new owner that the animal has been identified as dangerous, and must also notify the city in writing, providing the new owner's name, address and telephone number.
- (7) The city shall seize a dangerous animal if, after 14 days after the owner has notice that the animal is dangerous, the animal is not validly registered as a dangerous animal or the owner has not secured the required liability insurance or surety coverage. The city may seize a dangerous animal if any other of the requirements contained in this chapter have not been met. A seized animal may be reclaimed upon payment of impounding and confinement costs and proof that the requirements of this chapter have been met. An animal not reclaimed within seven days will be destroyed, and the owner will be liable for all costs incurred in confining and disposing of the animal. A person claiming an interest in a seized animal may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure.
- (8) Beginning six months after an animal is declared a dangerous animal; an owner may request annually that the city review the designation. The owner must provide evidence that the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the city finds sufficient evidence that the animal's behavior has changed, the city may rescind the dangerous animal designation.



- (9) a. Notwithstanding anything in this chapter to the contrary, the city may seize and destroy an animal that has:
1. Inflicted substantial or great bodily harm on a human on public or private property without provocation;
  2. Inflicted multiple bites on a human on public or private property without provocation;
  3. Bit multiple human victims on public or private property in the same attack without provocation; or
  4. Bit a human on public or private property without provocation in an attack where more than one animal participated in the attack.
- b. Destruction of the animal may occur after the animal owner has been notified of the intended destruction and, at least seven days to request a hearing challenging the decision to destroy the animal. If a hearing is requested, the hearing shall be before a hearing officer.

- (10) Law enforcement; exemption. Nothing contained in this chapter shall apply to dogs used for law enforcement purposes by a law enforcement agency.

(e) *Determination of status.* Whether an animal is "dangerous" or "potentially dangerous," as either term is used herein, shall be determined by the police chief in consultation with the city attorney. The owner and persons that have suffered injury or damage due to the animal shall be given written notice of the determination.

(f) *Notice of dangerous animal determination.* The owner of the animal and persons that have suffered injury or damage from the animal shall be given written notice of the determination of the animal as dangerous. The notice shall provide:

- (1) A description of the animal; the authority for and purpose of the dangerous animal declaration, and seizure, if applicable; the time, place, and circumstances under which the animal was declared dangerous; and the telephone number and contact person where the animal is kept;
- (2) That the owner of the animal may request a hearing concerning the dangerous animal declaration; failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing;
- (3) That if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of subsections (d)(1) and (3) of this section, and until such time as the hearing officer issues an opinion;
- (4) That if the hearing officer affirms the dangerous animal declaration, the owner will have 14 days from the date of the determination to comply with all other requirements of this section;

- (5) That all actual costs of the care, keeping, and disposition of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and
  - (6) A form for notifying the city of an appeal and requesting a hearing under this section.
  - (g) *Appeal of dangerous or potentially dangerous animal determination.*
  - (1) The owner of an animal determined to be dangerous or potentially dangerous may appeal the dangerous animal determination.
  - (2) The written notice of appeal must be received by the city within 14 days from the date of the dangerous or potentially dangerous animal determination.
  - (3) The hearing on the appeal of a dangerous or potentially dangerous animal determination shall be before a hearing officer. The hearing officer shall be the animal humane society's director of humane investigations.
  - (4) The hearing shall take place within 14 days of the receipt of the notice of appeal.
  - (5) In the event that the dangerous or potentially dangerous animal determination is upheld by the hearing officer, actual expenses of the hearing, up to a maximum of \$1,000.00, will be the responsibility of the animal's owner.
  - (6) The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the city.
- (Code 1995, § 501.16; Ord. No. 307 (third series), eff. 3-15-2002; Ord. No. 1334, 4-10-2006; Ord. No. 1391, 3-29-2010; Ord. No. 1420, 11-14-2011)

**Sec. 501.16. Attack by an animal.**

It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other animal whether or not the owner is present.

(Code 1995, § 501.17; Ord. No. 1078, 6-25-1990)

**Sec. 501.17. Summary destruction of certain animals.**

When an officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to city residents because it is infected with rabies or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy said animal.

(Code 1995, § 501.18; Ord. No. 1078, 6-25-1990)

**Sec. 501.18. Kennels.**

Except as provided in section 501.05, no person shall maintain a kennel (more than two dogs over three months of age), also known as an animal shelter as defined in section 1001.07, without first securing a license and paying the associated license fee pursuant to

the city fee schedule. This kennel license fee shall be in addition to the license fee prescribed in preceding sections for each dog kept in such a kennel. The kennel restriction shall not apply to veterinary hospitals licensed under chapter 301.

(Code 1995, § 501.19; Ord. No. 1078, 6-25-1990; Ord. No. 1355, 11-19-2007)

**Sec. 501.19. Riding horses.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Riding horse* means any horse which is used primarily for riding.

(b) *License required.* No person shall keep any riding horse within the city for over 30 days unless a license for such animal has been first secured.

(c) *Condition of license.* A license shall be granted to any applicant for a riding horse on the following conditions:

- (1) Said riding horse shall be used in such a manner so as not to annoy or disturb city residents.
- (2) Said riding horse will be kept in an inconspicuous place and not allowed to run at large.

(d) *Minimum area and fencing.* No license shall be issued for any riding horse unless the horse shall be kept in an adequately fenced pasture of a minimum size of three acres, but no more than three horses can be kept in such three-acre pasture at any one time. For each horse in excess of three, an additional one acre of fenced pasture shall be provided.

(e) *License fee.* The license fee for each riding horse is as established by the city fee schedule.

(f) *Term of license.* The license granted by the city council under this section shall be for the life of each horse and need not be renewed annually.

(g) *Issuing and affixing tags.* Upon the granting of a license by the city council, the city manager shall issue to the licensee a tag indicating that a license has been issued and said tag shall be affixed to the riding horse so licensed.

(Code 1995, § 501.21; Ord. No. 349, 12-1-1961; Ord. No. 734, 9-9-1974; Ord. No. 1379A, 11-17-2008)

**Sec. 501.20. Cleanup.**

The owner or attendant of any animal must carry cleanup utensils when taking the animal off personal property and must clean up all feces of the animal off personal property and dispose of such feces in a sanitary manner.

(Code 1995, § 501.22; Ord. No. 1078, 6-25-1990)

**Sec. 501.21. Wild animals.**

(a) *Purpose.* It shall be unlawful to keep any wild animal within the city limits, except as permitted pursuant to the provisions of this section.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Wild animal* means any animal, mammal, amphibian, or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristic, is inherently dangerous to human beings. Examples of wild animals, without limitation, are:

- (1) Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except domesticated house cats.
- (2) Any member of the family Canidae, such as wolves, hybrid wolves, coyotes, dingoes, and jackals, except domesticated dogs.
- (3) Any crossbreed, such as crossbreeds between dogs and coyotes, or dogs and wolves, but not including crossbred domesticated animals.
- (4) Any venomous snake, such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.
- (5) Any skunk, raccoon, fox or protected animal.
- (6) Any bear, ape, monkey in excess of five pounds, or badger.
- (7) Any other animal, bird or reptile which is commonly considered wild and not domesticated.

(c) *Permits; exceptions.*

- (1) Any person desiring to keep an animal prohibited by this section may apply for a permit from the city. Such permit may be issued for a period not to exceed 30 days and shall specify conditions under which such animals shall be kept; provided, however, that no such permit shall be issued unless such prohibited animal is being kept by a person keeping such animal for a public zoo as a volunteer or docent. A public zoo or other institution engaged in a permanent display of animals and any bona fide research institution or veterinary hospital may be issued a permanent permit, provided applicable zoning requirements are met.
- (2) The following animals are exceptions to this section:
  - a. Nonvenomous snakes, domesticated birds, hamsters, mice, rabbits, lizards, spiders and other similar small animals capable of being kept in cages.
  - b. Rats, if purchased from a bona fide pet store.
  - c. Medically prescribed companion animals.

- d. Birds and birds of prey if kept pursuant to a valid federal fish and wildlife service permit.
- (3) Wildlife rehabilitators may only possess wild animals with a state department of natural resources permit. Such animals will be kept in a manner as to not create unsanitary conditions or unreasonable noise.
- (d) *Impounding of wild animals.* Any wild animal kept in violation of this section may be impounded by the city. The animal may be destroyed or sold five days following notice to the owner of such animal of its impoundment and the provisions of this section. Any person reclaiming any such animal shall pay the costs of impounding and boarding at the time of its release.
- (e) *Existing wild animals.* Anyone keeping or maintaining any wild animal at the time this section is adopted has 30 days in which to comply with the provisions of this section. (Code 1995, § 501.23; Ord. No. 1141, 6-13-1994)

**Sec. 501.22. Owner obligation for proper care.**

No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal or cause or permit any animal fight. No owner shall abandon any animal.

(Code 1995, § 501.24; Ord. No. 1078, 6-25-1990; Ord. No. 1355, 11-19-2007)

**Sec. 501.23. Pet stores.**

- (a) The city council makes the following findings:
  - (1) The city council finds that a significant number of puppies and kittens sold at pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for; and
  - (2) The city council finds that the documented abuses endemic to mass breeding facilities include over-breeding; inbreeding; minimal to no-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; lack of adequate exercise; no or limited screening of genetic diseases; inadequate transportation and shipping protocols of puppies and kittens; and indiscriminate disposal of breeding dogs and cats who have reached the end of their profitable breeding cycle; and
  - (3) The city council finds that inhumane conditions in mass breeding facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet stores due to both a lack of education on the issue and misleading tactics of pet stores in some cases.

These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

- (4) The city council finds that current federal and state regulations do not properly address the sale of dogs and cats in pet stores, while the city does not possess adequate resources to safeguard the health and well-being of dogs and cats at the point of sale; and
- (5) The city council finds that due in large part to pet overpopulation, numerous dogs and cats are euthanized. Restricting the retail sale of puppies and kittens is likely to increase demand from animal shelters and rescue organizations; and
- (6) The city council finds that across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not the sale of commercially bred dogs or cats. Many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and
- (7) The city council finds that this chapter will not adversely impact consumers' ability to obtain a dog or cat of their choice directly from an animal shelter, or breed-specific rescue organization, or from a breeder where the consumer can see directly the conditions in which the dogs or cats are bred or can confer directly with the breeder concerning those conditions; and
- (8) The city council finds that it is in the best interest of the city to adopt reasonable regulations to help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more human environment in the city.

(b) No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs.

(c) Nothing in this section shall prohibit pet stores from collaborating with animal shelters, animal rescue organizations, and animal control authorities to offer space for such entities to showcase adoptable dogs and cats inside pet stores. Such animals shall not be younger than eight weeks old. Dogs that are showcased for adoption shall not be kept overnight at a pet store.

(d) A pet store shall post and maintain a certificate of source in a conspicuous place on or within three feet of each dog's or cat's kennel, cage, or enclosure.

- (1) A certificate of source shall be provided to the adopter of any dog or cat.
- (2) Certificate of source records for each dog or cat shall be maintained by a pet store for at least one year from the last date that a dog or cat appeared in the store.
- (3) Pet stores shall make certificates of source immediately available for review upon the request of a peace officer or animal control authority, or a humane agent pursuant to Minn. Stat. § 343.06 acting on behalf of the city.

(4) Falsification of a certificate of source shall be deemed a violation of this section.

(e) A violation of this section shall constitute an administrative offense under section 102.01(c) and subject the pet store operator to the procedures therein and penalties contained as provided in the city fee schedule.

(Code 1995, § 501.25; Ord. No. 1519, 3-13-2017)

**Sec. 501.24. Enforcement.**

Any community service officer, reserve officer or police officer may enter upon private land where there is reasonable cause to believe this chapter is being violated.

(Code 1995, § 501.26; Ord. No. 1078, 6-25-1990; Ord. No. 1355, 11-19-2007; Ord. No. 1453, 10-21-2013)

**CHAPTER 502. GENERAL OFFENSES**

**Sec. 502.01. Offenses involving property.**

(a) *Tampering with outdoor warning system.* No person not duly authorized by the city manager shall use, operate, alter, interfere or tamper with any of the sirens, switch boxes, installations or equipment of the outdoor warning system of the city.

(b) *Damage to political signs.* No person shall damage or remove legal political signs without proper authority.

(Code 1995, § 502.02; Ord. No. 244, 5-10-1958; Ord. No. 403, 9-9-1963; Ord. No. 1054, 1-23-1989; Ord. No. 1618, 10-24-2022)

**Sec. 502.02. Offenses involving public health and safety.**

(a) *Abandoned ice boxes.* No person shall leave in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an airtight snap lock or other device without first removing the snap lock or doors from the ice box, refrigerator or container.

(b) *Dumping of solid waste.* No person shall dump or deposit solid waste at any place within the city.

(Code 1995, § 502.03; Ord. No. 244, 5-10-1958; Ord. No. 1388, 2-22-2010)

**Sec. 502.03. Offenses involving public officials.**

(a) *Disobeying order of police officer.* No person shall fail or refuse to comply with any lawful order or direction of any police officer within the city.

(b) *Obstructing council and city employees.*

(1) *False statements.* Make or submit any false report, petition or statement to the city council, any city employee or any committee or commission established by the city council while in the performance of their duties.



- (2) *Interference.* Interfere with or obstruct the city council, any city employee or any committee or commission established by the city council while in the performance of their duties.

(c) *Fire violations.* No person shall give or make or cause to be given or made an alarm of fire without probable cause, or neglect or refuse to obey a reasonable order of the chief at a fire or interfere with the fire department in the discharge of its duties. No person other than a member of the fire department shall leave any vehicle standing within 300 of a fire. No person shall drive a vehicle of any kind over a fire hose line on a street whether the same is in service at the time or not.

(Code 1995, § 502.04; Ord. No. 244, 5-10-1958; Ord. No. 403, 9-9-1963; Ord. No. 556, 8-14-1967; Ord. No. 685, 11-21-1972; Ord. No. 690, 1-15-1973)

## CHAPTER 503. WEAPONS

### **Sec. 503.01. Discharge or display prohibited.**

No person shall shoot or discharge any gun of any description whether it is loaded with powder, loaded or blank cartridges, or any other explosive or bullet, pellet or shot. This section shall not apply to ceremonial honor guards displaying or discharging guns loaded with blank cartridges and acting pursuant to written authorization of the police chief.

(Code 1995, § 503.01; Ord. No. 1272, 10-14-2002)

### **Sec. 503.02. Handguns prohibited.**

No person shall carry any revolver or handgun in any holster or otherwise upon the person, whether it is concealed or not concealed, except under such conditions and in such places as comply with state and federal law.

(Code 1995, § 503.02; Ord. No. 1291, 8-11-2003; Ord. No. 1291, 8-11-2003)

### **Sec. 503.03. Transporting weapons prohibited.**

Except as otherwise provided by state law, no person shall transport in or upon any motor vehicle any firearm, air gun, gas gun or spring gun, unless it is completely unloaded and contained in a gun case, or unless unloaded and contained in the trunk of the vehicle, or bow and arrow unless unstrung and contained in the trunk of the vehicle with the trunk door closed.

(Code 1995, § 503.03)

### **Sec. 503.04. Exception.**

This chapter shall not apply to any law enforcement officer or other persons whose duty, as prescribed by law, may be to serve warrants or make arrests, or to persons whose business or occupation may require the carrying of weapons for protection and who have complied with the provisions of section 503.02.

(Code 1995, § 503.09)

**Sec. 503.05. Use of bow and arrow.**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Bow and arrow* means a bowed shaft of material such as metal, wood or plastic, the ends of which are pulled into a bow formation by a string, cord, wire or any other type of material and used for the purpose of propelling an arrow by means of the power developed in pulling the string against the tension of the bow and further provided that the arrow used is pointed or is equipped with a pointed head of metal, plastic or other material capable of penetrating an object when propelled by the bow.

(b) It is unlawful for any person to shoot a bow and arrow except in a park or playground within an area designated for that purposes, in a school program, on school grounds and supervised by a member of its faculty, in a community class, in a city council authorized deer hunt pursuant to section 407.04, or on a bow and arrow range specifically authorized by the police chief.

(Code 1995, § 503.10; Ord. No. 1353, 10-15-2007)

**CHAPTER 504. CURFEW FOR MINORS****Sec. 504.01. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authorized adult* means any person who is at least 18 years of age and authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time.

*Emergency errand* means an errand necessary to avoid or seek help for harm or peril that is immediate, overwhelming or physical, provided the minor could not have avoided the necessity of the errand by taking advance precautions.

*Minor* means any unemancipated person under the age of 18 years.

*Parent* means any person having legal custody of the minor as natural or adoptive parent, as legal guardian, or as a person to whom legal custody has been given by order of the court.

*Public place* means any public street, highway, roadway, park, public recreation, entertainment or civic facility or other place open to the public within the city.

(Code 1995, § 505.01; Ord. No. 1154, 10-10-1994)

**Sec. 504.02. Prohibited acts.**

(a) It shall be unlawful for any minor under the age of 16 years to be in a public place within the city during the period beginning at 10:00 p.m. and ending at 5:00 a.m. every day of the week.

(b) It shall be unlawful for any minor who is 16 or 17 years of age to be in any public place within the city during the period beginning at 12:00 midnight and ending at 5:00 a.m. every day of the week.

(c) It shall be unlawful for a parent or authorized adult of a minor to knowingly, or by inefficient control, permit such minor to be in any public place within the city during the hours prohibited by subsections (a) and (b) of this section under circumstances not constituting an exception to this chapter as set forth herein. The term "knowingly" includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a minor under such person's care.

(d) 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 permit any minor to remain in such place during the hours prohibited by subsections (a) and (b) of this section under circumstances not constituting an exception to this chapter as set forth in section 504.03.

(Code 1995, § 505.02; Ord. No. 1154, 10-10-1994)

**Sec. 504.03. Exceptions.**

(a) The following shall constitute valid exceptions to the operation of the curfew:

- (1) At any time, if a minor is accompanied by such minor's parent or an authorized adult.
- (2) At any time, if a minor is upon an emergency errand.
- (3) At any time, the minor is upon some necessary errand by permission or direction of said parent, guardian or other adult person having the care and custody of said minor, which permission shall be in written form and signed by such parent, guardian or other adult person having the care and custody of the said minor.
- (4) At any time, where the presence of said minor in said place or places is connected with or required by some legitimate business, trade or profession or occupation in which said minor is permitted by law to be engaged.
- (5) If the minor is legally employed, for a period from 45 minutes before or after work, while going directly between such minor's home and place of employment.
- (6) At any time the minor is engaged in interstate travel.
- (7) At any time the minor is exercising First Amendment rights protected by the United States Constitution (or those similar rights protected by Minn. Const. art. I), such as free exercise of religion, freedom of speech, and a right of free assembly.
- (8) At any time the minor is married in accordance with the law or had disability of nonage removed by a court of competent jurisdiction.

- (9) At any time the minor is homeless or uses a public or semi-public place as such minor's usual place of abode.
- (10) At any time the minor is on the boulevard or sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor has not complained to the police department about the minor's presence.
- (11) At any time the minor is attending, or returning by a direct route to such minor's current residence from, a specific activity at a public or semi-public place which is open to the general public and supervised by adults at least 21 years of age; provided, further, that any such activity begins no later than 10:00 p.m.; provided, further, that the minor possesses written permission from such minor's parent or legal guardian authorizing the minor to attend or engage in that specific activity.
- (12) Attending an official school, religious or recreational activity supervised by adults at least 21 years of age and sponsored by the city, a school, church, civic organization or other similar entity, which organization takes responsibility for the minor as an invitee, or going to or returning from, any such activity without any detour; provided further, that the minor possesses written permission from such minor's parent or legal guardian authorizing the minor to attend or engage in that specific activity.

(b) It is a defense to prosecution under section 504.02 that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.  
(Code 1995, § 505.03; Ord. No. 1154, 10-10-1994)

#### **Sec. 504.04. 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, based on any response and other circumstances, no defense in section 504.03 is present.

(Code 1995, § 505.04; Ord. No. 1154, 10-10-1994)

### **CHAPTER 505. FALSE ALARMS**

#### **Sec. 505.01. Purpose.**

The purpose of this chapter is to provide regulations for the use of burglary, fire and safety alarms, including establishment of fees for false alarms.

(Code 1995, § 506.01; Ord. No. 1076, 4-23-1990)

**Sec. 505.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm system* means any alarm installation designed to be used for the prevention or detection of burglary, robbery or fire on the premises which contains an alarm installation. Automobile alarm devices shall not be considered an alarm system under the terms of this chapter.

*Alarm user* means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility where an alarm system is maintained.

*False alarm* means an alarm signal eliciting a response by public safety personnel when a situation requiring a response does not exist and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence of the user of an alarm system or its employees or agents. The term "false alarm" does not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps or violent conditions of nature, nor does it include alarms caused by third persons over whom the user has no control.

*Public safety personnel* means duly authorized city employees.  
(Code 1995, § 506.02; Ord. No. 1076, 4-23-1990)

**Sec. 505.03. User fees.**

(a) *False alarms.* The user of an alarm system who reports multiple false alarms to the police department or fire department in a single calendar year will be charged an administrative fee as established by the city fee schedule.

(b) *Appeal.* An alarm user 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, as appropriate, 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 manager within ten days of receipt of the police chief's or fire chief's decision. The city manager 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.

(Code 1995, § 506.03; Ord. No. 1076, 4-23-1990; Ord. No. 1399, 11-22-2010)

**Sec. 505.04. Payment of fees.**

(a) Payment of user fees provided for herein must be paid to the city 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 ten percent of the user fee.

(b) 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 such property.

(Code 1995, § 506.04; Ord. No. 1076, 4-23-1990)

## CHAPTER 506. CONTROLLED SUBSTANCES

### Sec. 506.01. Prohibited drugs.

(a) *Possession.* Except as authorized by Minn. Stat. § 152.01 et seq., no person shall possess or have in their possession or control any controlled substance.

(b) *Controlled substances defined.* Controlled substances are defined as all of the substances listed in Minn. Stat. § 152.02.

(c) *Automobiles.* A person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on the body or keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, any controlled substance as defined in subsection (b) of this section is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

(d) *Violations.* Any person violating any of the subsections of this section is guilty of a misdemeanor; further, upon a finding of guilty or a plea of guilty to any violation of this section, the court may impose sentence pursuant to the provisions of Minn. Stat. § 152.18, except that such period of probation may be for a period of up to one year.

(Code 1995, § 507.01; Ord. No. 729, 4-29-1974; Ord. No. 1642, § 1(507.01), 9-25-2023)

## CHAPTER 507. SOCIAL HOSTING

### Sec. 507.01. Purpose and findings.

The city council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The city council finds that:

- (1) Events or gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 years are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

- (2) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
  - (3) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
  - (4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent is present and condone the activity, and in some circumstances provide the alcohol.
  - (5) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and this chapter is necessary to help further combat underage consumption.
  - (6) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.
- (Code 1995, § 509.01)

**Sec. 507.02. Authority.**

The ordinance from which this chapter is derived is enacted pursuant to Minn. Stat. § 145A.05.  
(Code 1995, § 509.02)

**Sec. 507.03. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits, including dilutions and mixtures thereof, from whatever source or by whatever process produced.

*Alcoholic beverage* means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

*Event* or *gathering* means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

*Host* means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

*Parent* means any person having legal custody of a juvenile:

- (1) As a natural, adoptive parent, or step-parent;



- (2) As a legal guardian; or
- (3) As a person to whom legal custody has been given by order of the court.

*Person* means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

*Residence or premises* means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

*Underage person* means any individual under 21 years of age.  
(Code 1995, § 509.03)

#### **Sec. 507.04. Prohibited acts.**

(a) It is unlawful for any persons to host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages are present and when the person knows, or reasonably should know, that an underage person will or does consume any alcohol or alcoholic beverage, or possess any alcohol or alcoholic beverage with the intent to consume it, and the person fails to take reasonable steps to prevent possession or consumption by the underage persons.

(b) A person is criminally responsible for violating subsection (a) of this section if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(c) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.  
(Code 1995, § 509.04)

#### **Sec. 507.05. Exceptions.**

This chapter does not apply to:

- (1) Conduct of an underage person specifically authorized by such underage person's parent while present in the parent's household or when the underage person and such underage person's parent are guests in the household of another.
  - (2) Legally protected religious observances.
  - (3) Retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. § 340A.503, subd. 1(a)(1).
  - (4) Situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.
- (Code 1995, § 509.05)

**Sec. 507.06. Enforcement.**

This chapter shall be enforced by any city police officer.  
(Code 1995, § 509.06)

**Sec. 507.07. Penalty.**

Violation of this chapter is a misdemeanor.  
(Code 1995, § 509.08; Ord. No. 1360, 3-3-2008)

**CHAPTER 508. REPEAT NUISANCE SERVICE CALL**

**Sec. 508.01. Purpose and applicability.**

(a) The purpose of this chapter is to permit the city to best protect the public safety, health, and welfare of the entire community. The city finds that repeat service calls to the same property or location for nuisance events or activities, as defined herein, result in an undue drain on city resources and therefore prevent police, public safety, and other city services from appropriately responding to the broader public safety, health, and welfare needs of the city's residents.

(b) The city further finds that repeat nuisance calls for service occur at both residential properties and commercial lodging establishments. In the city's experience, the drain on public safety resources for response to commercial lodging establishments is far greater than that for residential properties. In addition, the city finds that commercial lodging establishments, which by their nature predominantly involve invited guests on a for-profit arrangement, are in a heightened position to resolve repeat nuisance activity without the need for draining city resources.

(c) Therefore, it is the intent of the city, by the adoption of the ordinance from which this chapter is derived, to impose and collect service call fees from the owner or occupant, or both, of property to which city officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the city. The repeat nuisance service call fee is intended to cover cost over and above the cost of providing normal law or code enforcement services and police protection.

(d) This chapter shall apply to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the city.

(e) This chapter shall apply to any repeat nuisance service calls as set forth herein made by a city employee, including a police officer, community service officer, firefighter, or code enforcement employee.  
(Code 1995, § 511.01; Ord. No. 1602, 10-25-2021)

**Sec. 508.02. Nuisance conduct defined.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Nuisance conduct* means any activity, conduct or condition occurring within the city that annoys, injures or endangers the reasonable safety, health, morals, comfort or repose of any member of the public, or will tend to alarm, anger or disturb others. The term "nuisance conduct" includes, but is not limited to, the following:

- (1) Any activity, conduct, or condition defined as a public nuisance under any provision of this Code or state laws;
  - (2) Any activity, conduct, or condition in violation of any provision contained in title 4, 5, 6 or 9;
  - (3) Any conduct, activity or condition constituting a violation of state law prohibiting or regulating prostitution, gambling, controlled substances or use of firearms; or
  - (4) Any conduct, activity, or condition constituting disorderly conduct as defined under Minn. Stat. ch. 609.
- (Code 1995, § 511.02)

**Sec. 508.03. Repeat nuisance service call fee.**

(a) Generally. The city may impose a repeat nuisance call fee upon the owner or occupant of private property, except commercial lodging establishments, if the city has rendered services or responded to the property on three or more occasions within a period of 720 days in response to or for the abatement of nuisance conduct.

(b) Commercial lodging establishments. The city may impose a repeat nuisance service call fee upon the owner or occupant of a commercial lodging establishment if the city has rendered services or responded on ten or more occasions in a month.

(c) The repeat nuisance service call fee shall be as established by the city fee schedule.

(d) Any fees imposed by this section are subject to the exceptions and affirmative defenses in section 508.05.

(Code 1995, § 511.03; Ord. No. 1602, 10-25-2021)

**Sec. 508.04. Notice.**

No repeat nuisance service call fee may be imposed against an owner or occupant (or both with the owner and occupant each being responsible for a separate repeat nuisance service

call fee) of property without first providing such owner or occupant with written notice of the previous nuisance service calls prior to the latest nuisance service call rendered by the city upon which the fee is imposed. The written notice shall:

- (1) Identify the nuisance conduct that has occurred on the property, and the dates of the nuisance conduct activity or condition;
- (2) State that the owner or occupant may be subject to a repeat nuisance service call service fee if an additional nuisance call is rendered to the property for any further nuisance conduct;
- (3) State that the city has the right to seek other legal remedies or actions for abatement of the nuisance conduct; and
- (4) Service of notice. Notices may be served by one (or more) of the following methods:
  - a. In person; or
  - b. By regular or certified mail; or
  - c. By posting on site or premises.

(Code 1995, § 511.04; Ord. No. 1602, 10-25-2021)

**Sec. 508.05. Delinquent payment; fee recovery.**

(a) The repeat nuisance service call fee shall be due within 30 days after a billing statement is mailed by the city to the owner or occupant of the property responsible for the payment of the fee at such person's last known address. If the fee is not paid within such 30-day period, it will be deemed delinquent and a ten percent penalty shall be added to the repeat nuisance service call fee. If the repeat nuisance service call fee becomes delinquent, the city shall have, in addition to all other remedies available at law or in equity for the collection of such fee, the following remedies:

- (1) Seek a monetary judgment and collection thereof from such owner or occupant, or
- (2) Assess the property which was the subject of the nuisance conduct pursuant to Minn. Stat. § 429.101.

(b) Failure of a person to pay a repeat nuisance service call fee shall be grounds for the denial of a license which is related to the nuisance conduct for which the repeat nuisance service call fee was imposed.

(Code 1995, § 511.05)

**Sec. 508.06. Enforcement.**

The city council authorizes the city manager, police chief, fire chief, or the community development director to administer and enforce this chapter.

(Code 1995, § 511.06)

**Sec. 508.07. Right to appeal.**

The fee billing statement shall inform the owner or occupant of their right to request a hearing in accordance with the following:

- (1) The owner or occupant upon whom the fee is imposed must request a hearing within ten business days of the mailing of the billing statement, excluding the day the statement is mailed. The request for a hearing must be in writing and mailed or hand-delivered to the city manager's office.
- (2) The hearing will occur within 14 days of the date of the request. If the owner or occupant fails to request a hearing within the time and in the manner required under this section, the right of such person to a hearing is waived.
- (3) The hearing shall be conducted by a hearing officer selected by the city manager in an informal manner and the state rules of procedure and evidence shall not be strictly applied.
- (4) After considering all evidence submitted, the hearing officer shall make written findings of fact and conclusions regarding the nuisance conduct and the imposition of the repeat nuisance service call fee. The findings of fact and conclusions shall be served upon the owner or occupant by certified mail within ten days of the hearing.
- (5) If the owner or occupant fails to appear at the scheduled hearing, the right of such person to a hearing is waived and the repeat nuisance service call fee shall be payable in accordance with section 508.05.
- (6) If the hearing officer determines that the repeat nuisance service call fee is warranted, the person responsible for the fee shall pay the fee within ten business days following the date that the written findings of fact and conclusions are mailed. If the repeat nuisance service call fee is not paid within the ten-day period, it shall be deemed delinquent and the provisions of section 508.05 pertaining to delinquent payments shall apply.

(Code 1995, § 511.07; Ord. No. 1602, 10-25-2021)

**Sec. 508.08. Legal remedies nonexclusive.**

Nothing in this chapter will be construed to limit the city's other available legal remedies, including criminal, civil, injunctive or others, for any violation of the law which may constitute nuisance conduct.

(Code 1995, § 511.08)

**Sec. 508.09. Exceptions and affirmative defenses.**

(a) *Medical emergencies.* Repeat nuisance service call fees shall not be imposed for any medical-related emergency response except for medical-related emergencies that are violations of Minn. Stat. § 609.78, subd. 4 (misuse of 911).

(b) *Domestic assault incidents.* Repeat nuisance service call fees shall not be imposed against the victim for a response to circumstances involving domestic assault incidents or order for protection violations.

(c) *Victim of nuisance conduct.* A repeat nuisance service call fee shall not be imposed against the victim of the nuisance conduct for which a response nuisance service call was made.

(d) *Rental properties.* At the discretion of the city enforcement officials, repeat nuisance service call fees may be waived against an owner or occupant of rental property who has:

- (1) Commenced eviction proceedings against the tenant or tenants responsible for the nuisance conduct, conditions or characteristics; or
- (2) Entered into and complied with a memorandum of understanding with the city that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.

(e) *Memorandum of understanding.* At the discretion of the city enforcement officials, repeat nuisance service call fees may be waived against an owner or occupant of a property who has entered into and complied with a memorandum of understanding with the city that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.

(Code 1995, § 511.09; Ord. No. 1396, 9-20-2010; Ord. No. 1602, 10-25-2021)

## CHAPTER 509. TRAPPING OF ANIMALS

### **Sec. 509.01. Purpose.**

This chapter is intended to protect the citizens from injury from hazardous devices and to protect domesticated animals, pets and non-nuisance wildlife from damage and destruction that may result from unregulated trapping and snaring.

(Code 1995, § 512.01)

### **Sec. 509.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Body-gripping snare* means a device that is designed or used with the intention to catch and secure or kill an animal by means of a wire or cable loop that closes and applies constant pressure to a part of the animal's body other than the foot or leg.

*Body-gripping trap* means a device that is designed or used with the intention to catch and kill an animal by means of rigid components that apply constant pressure to a part of the animal's body other than the foot or leg.

*Cable-restraint snare* means a device that is designed or used with the intention to catch and secure an animal by means of a wire or cable loop that, while the animal is pulling against it, closes and tightens around a part of the animal's body other than the foot or leg, but which relaxes while the animal is not pulling against it.

*Cage trap* means a trap that is designed or used with the intention to catch and confine an animal inside of a cage, box, or other enclosure without restricting the movement of any part of the animal within the cage, box, or other enclosure.

*Foot snare* means a device that is designed or used with the intention to catch and secure an animal by means of a wire or cable loop that closes and tightens around the animal's foot or leg.

*Glue trap* means a device that is designed or used with the intention to catch and secure an animal by means of an adhesive that holds part of the animal's body to a fixed surface.

*Leg-hold trap* means a device, including, but not limited to, a foothold trap or foot snare, that is designed or used with the intention to catch and secure an animal by the foot or leg.

*Nuisance animal* means a wild animal, as defined under section 501.21, that poses a hazard or danger to persons or property.

*Small nuisance animal* means a mouse, vole, bat, rat, gopher, mole or other wild animal of approximately the same or smaller size that poses a hazard or danger to persons or property.

*Trap* means a device, including, but not limited to, a body-gripping trap, body-gripping snare, cable-restraint snare, foot snare, leg-hold trap, glue trap, or cage trap, that is designed or used with the intention of catching, capturing, snaring, holding, or killing animals.

*Trapping* means the placing or setting of a trap with the intention or predictable result of catching, capturing, snaring, holding, or killing an animal.  
(Code 1995, § 512.02)

### **Sec. 509.03. Trapping prohibited.**

Trapping is prohibited anywhere within the city, including in city parks and on any city-owned property, except as provided in section 509.04.  
(Code 1995, § 512.03)

### **Sec. 509.04. Exceptions.**

(a) Trapping is allowed in the city as follows:

- (1) Trapping by a person of small nuisance animals on private property using a trap designed for a small nuisance animal in a way that does not constitute a danger of significant harm to persons, or to domestic animals, or to wild or feral animals that are not nuisance animals.



- (2) Trapping by a person using a cage trap for the purpose of releasing an animal without significant harm. Cage traps must be tended to at least once every 24 hours.
- (3) Trapping done by the city or on its behalf and employees and or agents of a governmental unit utilizing a cage trap for humane and other purposes.
- (4) Trapping by any necessary means or methods with written permission and instructions from the city manager by
  - a. Scientists in order to identify or study animals, so long as animals are returned to their natural environment without significant harm.
  - b. Persons with a valid trapping license issued by the state.

(b) When other effective and practical means or trapping methods are available, necessary means or methods shall not include those that result in injury or death to target animals, nor those that endanger persons or non-target animals.

(Code 1995, § 512.04)

**Sec. 509.05. Compliance with law.**

Any trapping allowed under this chapter shall be done in accordance with all applicable state and federal laws.

(Code 1995, § 512.05)

**Sec. 509.06. Penalty.**

Violations of this chapter constitute a misdemeanor subject to criminal penalties and an administrative offense under section 102.01(c), subject to the applicable fees set forth in the city fee schedule.

(Code 1995, § 512.06; Ord. No. 1561, 7-9-2018)

**CHAPTER 510. SMOKING AND VAPING ON CITY PROPERTIES**

**Sec. 510.01. Definitions; prohibition at specified city properties.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products* shall have the definitions given to them in Minn. Stat. § 342.01.

*Specified city properties.*

- (1) The term "specified city properties" means all city parks, parking lots adjacent to city parks, and trails within city parks, and on the main city campus, including city hall, the fire station, maintenance facility, skating center and oval, and adjacent parking lots, and the license center strip mall and adjacent parking lot.

- (2) The term "specified city properties" does not include, pursuant to Minn. Stat. § 152.0263, subd. 5, the following:
- a. A private residence, including the person's curtilage or yard;
  - b. Private property not generally accessible by the public; and
  - c. The premises of an establishment or event licensed to permit on-site consumption of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

*Tobacco, tobacco-related device, and electronic delivery device* shall have the definitions given to them in Minn. Stat. § 609.685.

(b) *Prohibition.* No person shall smoke or vape any product, including tobacco and tobacco-related products, cannabis flower, cannabis products, and hemp-derived consumer products, or use any tobacco related or electronic delivery devices at a specified city property. A violation of this subsection shall be a petty misdemeanor and is punishable in accordance with chapter 102.

(Ord. No. 1642, § 2(513.01), 9-25-2023)



Title 6

**VEHICLES AND TRAFFIC**

**Chapter 601. Traffic Rules**

- Sec. 601.01. Adoption of state law.
- Sec. 601.02. Unreasonable acceleration.
- Sec. 601.03. Traffic control devices.

**Chapter 602. Stopping, Standing and Parking**

- Sec. 602.01. Locking required.
- Sec. 602.02. Failure to lock immaterial in certain cases.
- Sec. 602.03. Removal of keys by police officer.
- Sec. 602.04. Parking methods; parking time limits; parking on private property.
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- Sec. 603.03. Motorized vehicles prohibited.

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**Chapter 605. Motorized Golf Carts and All-Terrain Vehicles**

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- Sec. 605.08. Application of traffic laws.
- Sec. 605.09. Suspension or revocation of permit.



**CHAPTER 601. TRAFFIC RULES****Sec. 601.01. Adoption of state law.**

The regulatory provisions and definitions of Minn. Stat. ch. 169, Traffic Regulations, are adopted for purposes of regulating the use of highways, streets, alleys and other portions of the city and are incorporated in and made a part of this chapter as completely as if set out in full.

(Code 1995, § 601.01; Ord. No. 728, 4-19-1974)

**Sec. 601.02. Unreasonable acceleration.**

No person shall start or accelerate any motor vehicle with an unnecessary exhibition of speed on any public or private way within the city. Prima facie evidence of such unnecessary exhibition of speed shall be squealing or screeching sounds emitted by the tires or the throwing of sand or gravel by the tires of said vehicle, or both.

(Code 1995, § 601.03; Ord. No. 552, 8-28-1967)

**Sec. 601.03. Traffic control devices.**

The placement and maintenance of traffic control devices on roads under the jurisdiction of the city is necessary to carry out the provisions in the Minn. Stat. ch. 169, and in order to regulate, warn and guide traffic utilizing city roads. The city has created a traffic safety committee consisting of the city manager, director of public works, and chief of police. The traffic safety committee shall have the following authority:

- (1) To investigate and study all matters relating to vehicular traffic conditions, including, but not limited to, parking, speed, traffic control, and traffic safety hazards.
- (2) To implement and provide for the installation of whatever traffic control devices are necessary to improve and promote traffic safety and properly manage the use of city roads.
- (3) To study and recommend to other road authorities maintaining roadways within the city corrective measures that may be deemed necessary to address traffic issues that may exist as to those authorities' roads within the city.

(Code 1995, § 601.05; Ord. No. 1335, 4-24-2006)

**CHAPTER 602. STOPPING, STANDING AND PARKING****Sec. 602.01. Locking required.**

No person shall leave a motor vehicle, except a commercial motor vehicle, unattended on any street, alley, used car lot or unattended parking lot without first stopping the engine, locking the ignition and removing and taking the key.

(Code 1995, § 602.01; Ord. No. 270, 1-27-1958)

**Sec. 602.02. Failure to lock immaterial in certain cases.**

Any violation of the provisions of section 602.01 shall not mitigate the offense of stealing or tampering with such motor vehicle nor shall violation be used to prevent a recovery in any civil action for theft of such motor vehicle, or the insurance on such vehicle or have any other bearing in any civil action.

(Code 1995, § 602.02; Ord. No. 270, 1-27-1958)

**Sec. 602.03. Removal of keys by police officer.**

When any city police officer shall find a motor vehicle standing in violation of section 602.01, the police officer is authorized and directed to remove the keys left in such vehicle and to deliver such keys to be placed in property/evidence.

(Code 1995, § 602.03; Ord. No. 270, 1-27-1958)

**Sec. 602.04. Parking methods; parking time limits; parking on private property.**

(a) *Manner of parking.* Any vehicle parked at any time in any part of the city shall be parked with the right-hand side parallel to the curb or edge of the street and not more than one foot from the curb or edge of the street leaving at least four feet between parked vehicles except where marks or signs on the streets indicate that cars shall be parked at an angle.

(b) *Double parking.* Vehicles shall not stand two or more abreast in any street except in the case of commercial vehicles when calling for or delivering parcels or merchandise such commercial vehicle may double park for the length of time absolutely and reasonably necessary to load or unload when access to the curb is blocked by other vehicles at the place of delivery.

(c) *Time limitations.* No truck with a capacity of over two tons shall be parked on any street for more than 90 minutes or for the time necessary to load or unload such truck.

(d) *Parking on private property.* No vehicle shall be parked or left standing upon the private property of any person without the consent of the property owner.

(Code 1995, § 602.04; Ord. No. 270, 1-27-1958)

**Sec. 602.05. Fire lanes.**

(a) *Designation of lanes.* When the fire chief determines that it is necessary for fire safety purposes to establish areas of access for firefighting equipment, the fire chief shall designate fire lanes along the curb of public and private roadways adjacent to buildings and within the parking lots of public and private property. Within 30 days of notification of such designation, in writing, by the fire chief, the owner of the property adjacent to such fire lanes shall, at the property owner's expense:

- (1) Post and maintain signs approved by the fire chief reading, in substance, "no parking—fire lane." Such signs shall be posted at each end of the fire lane and at least at every 100-foot interval within the fire lane.
- (2) Paint and maintain the painting of the curbing along the fire lanes in a yellow color.



(b) *Removal of unauthorized vehicle.* No vehicle, except an authorized emergency vehicle, may be parked in a fire lane. Vehicles in violation of this section may be removed, impounded and kept in custody under the direction of the chief of police.

(Code 1995, § 602.07; Ord. No. 905, 5-10-1982; Ord. No. 987, 12-2-1985)

**Sec. 602.06. Temporary prohibitions on vehicular parking or traffic authorized.**

(a) *Maintenance, improvements or emergency.* The public works director or the police chief may temporarily prohibit vehicular parking or traffic upon any public street at such times as the public works department is performing maintenance or making improvements to such streets or at such times that a public safety emergency exists on or near such streets.

(b) *Posting.* No person shall park or drive a vehicle on a public street after it has been posted with signs by the public works director or the police chief temporarily prohibiting vehicular parking or traffic pursuant to this section.

(Code 1995, § 602.08; Ord. No. 817, 5-8-1978)

**Sec. 602.07. No parking after snowfall.**

(a) *Parking restricted.* No person shall park any vehicle, except in compliance with directions of a police officer or in compliance with regulatory parking signs, on any street for a period of 48 hours commencing immediately after any two inches or more continuous snowfall or until snow removal has been completed on any street, whichever occurs first.

(b) *Removal of illegally parked vehicles.* Any vehicle parked in violation of this section is declared to be a nuisance which interferes with snow removal from public streets and any police officer may remove or cause to be removed, summarily, any such vehicle by means of towing or otherwise or such police officer may require the driver or owner to remove such vehicle off the paved, improved or traveled portion of such street.

(c) *Prosecution for violation.* The removal of a vehicle which is parked in violation of this section, either by a police officer or under the direction of a police officer, shall not preclude a prosecution for violation of any provision of this chapter.

(Code 1995, § 602.09; Ord. No. 361, 2-26-1962; Ord. No. 687, 12-18-1972)

**Sec. 602.08. Private and public parking lot use.**

On any private or publicly-owned parking lots within the city, the following rules shall apply:

- (1) The police department may post signs at any entrances to a parking lot from a public street which shall designate one-way traffic for entrance or exit. The driver of any vehicle entering or leaving such lot shall comply with any one-way signs so posted.
- (2) No person shall operate a motor vehicle at a speed greater than is safe and reasonable under the conditions of then existing traffic and in no event exceed a speed of 15 miles per hour.

- (3) Parking on lots shall conform to any stalls or positions for parking designated on the surface of the parking area.
  - (4) The owner of the land on which the parking lot is located may designate certain spaces as for public safety, fire or emergency vehicles only, and no other vehicles may park in said spaces.
  - (5) No vehicle shall be parked or allowed to stand in any area of such parking lot which has been designated or is used for a lane for moving traffic so as to interfere with the movement of traffic.
  - (6) No motor vehicle shall be parked or allowed to stand in such a lot at a curb which is painted yellow.
  - (7) No motor vehicle shall be parked or allowed to stand in such a lot in front of any entrance to any business or establishment open to public patronage.
- (Code 1995, § 602.10; Ord. No. 401, 8-26-1963; Ord. No. 1351, 8-27-2007)

## **CHAPTER 603. BICYCLE ROUTES**

### **Sec. 603.01. Routes established.**

The city has established certain routes for bicycles and additional such routes may be established from time to time by the city council.  
(Code 1995, § 603.01; Ord. No. 668, 6-12-1962)

### **Sec. 603.02. Signs designating routes.**

For each route, there shall be erected appropriate signs on paths, walks or streets informing the public of said bicycle route and informing them of the prohibitions of motorized vehicles on certain routes.  
(Code 1995, § 603.02; Ord. No. 668, 6-12-1962)

### **Sec. 603.03. Motorized vehicles prohibited.**

Except for authorized service vehicles, no person shall operate any snowmobile, trail bike, motorcycle, mini bike or any other vehicle which has a source of power other than the physical effort of the users on any route designated as a bicycle route except those on public streets.  
(Code 1995, § 603.03; Ord. No. 668, 6-12-1962)

## **CHAPTER 604. SNOWMOBILES**

### **Sec. 604.01. Adoption of state law.**

Unless otherwise provided herein, Minn. Stat. § 84.81 to 84.90, inclusive, and Minn. Rules 6100.5000 to 6100.5700, inclusive, official copies of which are on file in the office of the

city manager, are hereby adopted and incorporated herein by reference for the purpose of prescribing regulations for the operation of snowmobiles within the city. When reference is made in this chapter to these statutes and regulations, such reference shall include all subsequent amendments.

(Code 1995, § 604.01; Ord. No. 775, 2-9-1976)

**Sec. 604.02. Limitation of operation.**

Except for loading or unloading, no person shall operate a snowmobile within the city in any of the following places:

- (1) Within 150 feet of any residential building.
- (2) On private property where lawful permission has not been obtained.
- (3) On public streets, boulevards and any other public place except where such snowmobile route has been designated by the city for such use.

(Code 1995, § 604.02; Ord. No. 775, 2-9-1976)

**Sec. 604.03. Hours of operation.**

No person shall operate a snowmobile in the city between the hours of 11:00 p.m. and 7:00 a.m., prevailing time in the county, Sunday through Thursday, and from 1:00 a.m. to 7:00 a.m. on other days, including the day preceding a national holiday.

(Code 1995, § 604.03; Ord. No. 775, 2-9-1976)

**Sec. 604.04. Speed.**

No person shall operate a snowmobile in the city at a speed in excess of limits specifically posted for such use or at a speed in excess of 15 miles per hour within 150 feet of any fisherman, fish house, pedestrian, skier, skater, skating rink, sliding area, ski tow area or other area where such operation would conflict with or endanger other persons or property.

(Code 1995, § 604.04; Ord. No. 775, 2-9-1976)

**Sec. 604.05. Tow bars.**

No person shall operate a snowmobile so as to tow any person, sled or other conveyance except by the use of a rigid tow bar attached to the rear of such snowmobile. Persons towing disabled snowmobiles shall be exempt.

(Code 1995, § 604.05; Ord. No. 775, 2-9-1976)

**Sec. 604.06. Mandatory lights.**

No person shall operate a snowmobile unless such vehicle is equipped with a headlight and taillight that is illuminated at all times during such operation. Snowmobiles equipped with an engine of five horsepower or less shall be exempt.

(Code 1995, § 604.06; Ord. No. 775, 2-9-1976)

**Sec. 604.07. Mandatory pennant.**

No person shall operate a snowmobile unless such vehicle is equipped with a red or orange blaze pennant flag of at least 40 square inches in area and displayed at a height of not less than five feet above the treadway.

(Code 1995, § 604.07; Ord. No. 775, 2-9-1976)

**CHAPTER 605. MOTORIZED GOLF CARTS AND ALL-TERRAIN VEHICLES**

**Sec. 605.01. Operation.**

Persons who are physically disabled as defined in Minn. Stat. § 169.345, subd. 2 are authorized to operate motorized golf carts or all-terrain vehicles on designated roadways or portions of such roadways within the city.

(Code 1995, § 605.01; Ord. No. 1007, 12-8-1986)

**Sec. 605.02. Permit required.**

No person shall operate a motorized golf cart or all-terrain vehicle without obtaining a permit as provided herein.

(Code 1995, § 605.02; Ord. No. 1007, 12-8-1986)

**Sec. 605.03. Application for permit.**

Every application for a permit shall be made to the police chief and shall contain the following information:

- (1) The name, address and age of the applicant.
- (2) The nature of the applicant's physical disability.
- (3) The roadways or portions of such roadways on which the motorized golf cart or all-terrain vehicle will be operated.
- (4) The time of operation of the motorized golf cart or all-terrain vehicle.
- (5) Such other information as the police chief may require.

(Code 1995, § 605.03; Ord. No. 1007, 12-8-1986)

**Sec. 605.04. Term of permit.**

Permit shall be granted for the period of one year and may be renewed annually.

(Code 1995, § 605.04; Ord. No. 1007, 12-8-1986)

**Sec. 605.05. Requirements for permit.**

No permit shall be granted unless the following requirements are met:

- (1) The applicant must demonstrate that applicant is a physically disabled as defined in Minn. Stat. § 169.345, subd. 2.

- (2) The applicant must submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart or all-terrain vehicle on the roadway designated.
  - (3) The applicant must provide evidence of insurance in compliance with the provisions of Minn. Stat. § 65B.48, subd. 5.
- (Code 1995, § 605.05; Ord. No. 1007, 12-8-1986)

**Sec. 605.06. Conditions of permit.**

The police chief shall designate the following conditions for operation of the motorized golf cart or all-terrain vehicle:

- (1) The roadways or portions thereof upon which motorized golf carts or all-terrain vehicles will be permitted to operate.
  - (2) The hours of operation on designated roadways. In no event shall motorized golf carts or all-terrain vehicles be operated on designated roadways for any hours greater than sunrise to sunset, in inclement weather or when visibility is impaired by weather, smoke, fog or any other reason.
  - (3) Any other restrictions imposed in the interests of public safety.
- (Code 1995, § 605.06; Ord. No. 1007, 12-8-1986)

**Sec. 605.07. Slow moving vehicle emblem.**

Motorized golf carts or all-terrain vehicles shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.522 when operated on designated roadways.

(Code 1995, § 605.07; Ord. No. 1007, 12-8-1986)

**Sec. 605.08. Application of traffic laws.**

Every person operating a motorized golf cart or all-terrain vehicle under permit on designated roadways has all rights and duties applicable to the driver of any vehicle under the provisions of Minn. Stat. ch. 169 except when those provisions cannot reasonably be applied to motorized golf carts or all-terrain vehicles and except as otherwise specially provided in Minn. Stat. § 169.045, subd. 7.

(Code 1995, § 605.08; Ord. No. 1007, 12-8-1986)

**Sec. 605.09. Suspension or revocation of permit.**

The police chief may suspend or revoke a permit granted under this chapter upon the finding that the holder has violated any of the provisions of this chapter or Minn. Stat. ch. 169, or if there is evidence that the permittee cannot safely operate the motorized golf cart or all-terrain vehicle on the designated roadways.

(Code 1995, § 605.09; Ord. No. 1007, 12-8-1986)



## Title 7

### **PUBLIC WAYS AND PUBLIC PROPERTY**

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## ROSEVILLE CITY CODE

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**CHAPTER 701. PARKS AND RECREATION****Sec. 701.01. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Park* means any city owned or operated public park, open space, playground or golf course. (Code 1995, § 701.01; Ord. No. 534, 4-24-1967)

**Sec. 701.02. Use of motor or snow vehicles.**

(a) *Operation of vehicles.* Except for authorized service vehicles, no person shall drive or operate any vehicle in any park except on roads, parking areas or such other areas designated by the director of parks and recreation at a speed not to exceed 15 miles per hour.

(b) *Parking of vehicles.* No person shall park any motor vehicle in any park except in designated parking areas.

(Code 1995, § 701.02; Ord. No. 534, 4-24-1967)

**Sec. 701.03. Prohibited conduct and activities.**

The following regulations apply in all parks:

- (1) No person shall light or make a fire except in places provided for such purposes.
- (2) No person shall discharge any firearms or air guns. No person shall discharge or display any fireworks unless a permit is obtained from the city manager.
- (3) No person shall use bows and arrows in parks and playgrounds except in areas designated for that purpose.
- (4) No person shall scatter about or litter the grounds with any form of waste material.
- (5) No person shall throw stones or rubbish of any kind in any lake, pond or watercourse nor bathe, swim or wade except in designated areas.
- (6) No person shall affix or inscribe any handbill or poster on any structure or property in any park or any place, square or highway contiguous to any park.
- (7) No person shall possess, display, consume or use intoxicating liquors as defined in Minn. Stat. § 340A.101, subd. 14. No person shall possess, display, consume or use non-intoxicating malt liquors as defined in Minn. Stat. § 340A.101, subd. 19, except in certain areas of Central Park. The permitted areas in Central Park shall be established by the director of the parks and recreation department pursuant to permits issued on a case-by-case basis and upon conditions imposed by said permits.
- (8) No person shall disturb or interfere with any birds or animals kept or found in such park.

- (9) No person shall be permitted to sell any article, including food or drink, without a permit, lease or concession granted by the city.
  - (10) No person shall play any game of baseball, football or other game except in areas provided for such game.
  - (11) No dogs shall be allowed except on leash, cord, or chain not more than six feet in length. This subsection does not apply to service animals accompanying a disabled person.
  - (12) The owner or attendant of any animal must carry cleanup utensils and clean up and dispose of all feces in a sanitary manner.
  - (13) City parks shall be closed between the hours of 10:00 p.m. and 5:00 a.m. unless otherwise posted. No person shall remain and no motor vehicle shall be left in the park between those hours unless special permission has been granted by the director of parks and recreation.
  - (14) No person shall write upon, mark, deface or destroy in any manner or use in any improper way any property or thing pertaining to or in said parks.
  - (15) All persons shall obey all orders or directions of the director or employees of the parks and recreation department.
  - (16) No person shall break, cut, mutilate, injure, remove or carry away any tree, plant, flower, shrub, rock, soil, sand, fence, bench or any other property.
  - (17) No person shall ride a horse or other animal without a permit from the parks and recreation director.
  - (18) No person shall use SCUBA or other diving equipment.
- (Code 1995, § 701.03; Ord. No. 534, 4-24-1967; Ord. No. 1111, 4-27-1992; Ord. No. 1168, 8-12-1996; Ord. No. 1069, 1-8-1990; Ord. No. 1204, 5-26-1998; Ord. No. 1540, 1-29-2018)

## **CHAPTER 702. PUBLIC WATER MANAGEMENT**

### **Sec. 702.01. State law adopted by reference.**

For the purpose of regulating the operation of motorboats on the public waters within the city, the provisions of Minn. Stat. § 86B.001 et seq. are adopted and by this reference made a part of this chapter as completely as if set forth in full herein.  
(Code 1995, § 702.01; Ord. No. 1187, 9-8-1997)

### **Sec. 702.02. Speed limited.**

No motorboat shall be operated on any public waters at a speed greater than is reasonable and proper having due regard to safety of other boats and persons. On McCarrons Lake, Lake Owasso and Lake Josephine, no motorboat shall be operated at a speed greater than 40 miles per hour.  
(Code 1995, § 702.02; Ord. No. 1207, 8-10-1998; Ord. No. 1341, 7-10-2006)

**Sec. 702.03. Water-skiing or surfboarding.**

Except as provided elsewhere in this chapter, no motorboat shall be used for the purpose of water-skiing, surfboarding or other similar device, on any lake unless such operation is performed in a manner so that neither the boat nor the skier or surfboard rider come within 300 feet of shoreline, docks, swimmers or other boats.

(Code 1995, § 702.03; Ord. No. 1187, 9-8-1997)

**Sec. 702.04. No wake zone.**

Except as provided elsewhere in this chapter, no person shall operate a motorboat or be towed on water skis or a similar device at greater than a slow-no wake speed within 300 feet of shore. Launching or landing a skier by the most direct route to open water shall be exempt from this provision.

(Code 1995, § 702.04; Ord. No. 1187, 9-8-1997)

**Sec. 702.05. Lake Owasso and Lake Josephine restrictions.**

(a) *Applicability.* Notwithstanding any other provision of this Code to the contrary, the restrictions in this section shall apply to the operation and use of motorized watercraft on Lake Owasso and Lake Josephine.

(b) *Definitions.* When used in this chapter, the terms "motorboat," "operate," "slow-no wake," and "watercraft" shall have the meanings set forth in Minn. Stat. § 86B.005.

(c) *No wake.* No person shall operate a motorboat or be towed on water skis or a similar device at greater than a slow-no wake speed within 150 feet of shore. Launching or landing a skier by the most direct route to open water shall be exempt from this provision.

(d) *Safe distance.* Persons operating a motorboat, and those being towed on water skis or a similar device shall, at all times, maintain an adequate distance (considering speed and conditions) from other watercraft, swimmers, swim rafts and docks, so as to avoid an accident. When a swimmer is present, motorboats or persons being towed on water skis or a similar device shall not pass between a swim raft and the nearest shore.

(e) *Exemptions.*

- (1) Authorized resource management emergency and enforcement personnel, when acting in the performance of their duties, shall be exempt from the provisions of this chapter.
- (2) A temporary exemption from these restrictions for a special event may be granted upon approval by the city council and the issuance of a permit by the county sheriff's department.

(f) *Direction of travel.* For Lake Josephine only, except when operating at slow-no wake speeds, motorboats shall only travel in a counterclockwise direction.

(g) *Enforcement.* Primary enforcement of this chapter shall be the responsibility of the county sheriff's department. This, however, shall not preclude enforcement by other licensed peace officers.

(Code 1995, § 702.05; Ord. No. 1207, 8-10-1998)

**Sec. 702.06. Aircraft.**

(a) *Use of aircraft declared a hazard.* The city council finds and determines that there are no public waters (except Lake Owasso) within the city which may be used by aircraft without endangering the property and lives of other persons using the public waters. The city council finds that all public waters in the city are small and heavily used for boating, fishing and swimming by residents and other people generally and that the use of aircraft on the same waters is a hazard to public safety. The city council further finds that by prohibiting aircraft on the public waters, the public use of such waters is greatly increased and the number of persons able to use such waters is proportionately increased.

(b) *Aircraft prohibited from using public waters.* No aircraft shall fly over any public waters (except Lake Owasso) at such a low altitude as to interfere with the existing use of the public waters for boating, bathing or other recreational uses of the waters. No aircraft shall land on public waters, other than Lake Owasso, except in the case of a forced landing.

(Code 1995, § 702.06; Ord. No. 1187, 9-8-1997)

**CHAPTER 703. PUBLIC WAY MANAGEMENT**

**Sec. 703.01. Purpose and intent.**

The purpose of this chapter is to control the location of curb cuts and driveways in order that traffic hazards be reduced, adequate street drainage be maintained and that ingress and egress from properties shall not constitute a hazard or impair the health, safety or public welfare of the city residents.

(Code 1995, § 703.01; Ord. No. 286, 11-24-1959)

**Sec. 703.02. Permit requirements.**

(a) *Permit required.* No driveway shall be constructed or reconstructed at any location where motor vehicles will be provided with access to any public right-of-way without first obtaining a permit for said construction from the community development director after approval by the public works director. The public works director may add conditions to the permit.

(b) *Application.* Any person desiring said permit shall present a written application to the community development director describing the improvements to be made and plans which indicate that the requirements of this chapter will be met. The permit application shall be reviewed by the public works director.

(c) *Permit fees.* Such application shall be accompanied by a fee as established by the city fee schedule.

(d) *Revocation.* The permit may be revoked by the community development director at any time after its issuance for failure to comply with the conditions of the permit or the directions of the community development director respecting the work.  
(Code 1995, § 703.02; Ord. No. 1172, 9-23-1996)

### **Sec. 703.03. General requirements.**

(a) *Licensed contractor required; exception.* All construction work within the right-of-way of a street shall be performed by a licensed contractor who shall be responsible to assure that all relevant code provisions and regulations are rigidly followed. The requirement that the work be done by a licensed contractor may be waived by the community development director if the work is construction or repair of a driveway and the work is performed by the owner of the property and the owner executes a hold harmless agreement indemnifying the city against any claims for damages which might be made against the city arising out of the work performed by the property owner.

(b) *Application of requirements.* These requirements apply to all new driveways as well as to major repairs and changes to old driveways which do not conform to present requirements in addition to new construction.

(c) *Notice to city.* The community development director is to be notified of the date that construction will start at least 24 hours in advance.  
(Code 1995, § 703.03; Ord. No. 1172, 9-23-1996)

### **Sec. 703.04. Driveway and parking lot standards.**

(a) *New commercial uses.* The location and specifications for curb cuts and driveways in accordance with this section shall be a necessary part of the plot plan for the use and structure and must be approved prior to the issuance of a building permit.

(b) *Standards for driveways and parking lots.* The following regulations shall apply to all driveways and aisles in parking lots:

(1) *Maximum width.*

- a. *LDR and LMDR districts.* For single-family and duplex principal structures within the LDR and LMDR districts, the maximum width of any driveway at the property line shall be 26 feet. In addition to the maximum width, at each side of the driveway where the driveway intersects the street, three-foot flares are permitted. The maximum driveway width for all other uses shall be 36 feet and 10-foot flares are permitted.
- b. *All other zones.* Except for the single-family and duplex principal structures, the maximum driveway width for all other types of properties shall be 36 feet as

measured at the property line. In addition to the maximum width, at each side of the driveway for such property where the driveway intersects the street, ten-foot flares are permitted.

- c. *Public safety facilities exemption.* These driveway maximum width regulations shall not apply to publicly owned and operated public safety facilities.
- (2) *Minimum distance.* The minimum distance between edges of driveways at the front property line right-of-way line shall be ten feet except in planned unit developments where the development agreement shall specify the distance.
- (3) *Parking lot aisle.* Any drive aisle in a parking lot in any residential zoning district serving a building containing three or more dwelling units or in any zone other than a residential zoning district shall be a minimum of 24 feet except one-way drive aisles which shall be a minimum of 18 feet.
- (4) *Intersection.* On properties zoned LDR and LMDR, no driveway shall be located within 30 feet of any right-of-way of a street intersection. On properties in all other zones, no driveway shall be located within 40 feet of any right-of-way line of a street intersection. Said distances shall be measured along the property line from the corner right-of-way line.
- (5) *Minimum driveway angle.* The minimum driveway angle from a two-way access street shall be 60 degrees and from a one-way street it shall be 30 degrees.
- (6) *Driveway approaches.* Driveway approaches between the curb and the property line shall be constructed of concrete, asphalt, brick pavers, a strength capable of handling the weight of cars and trucks (generally stamped on bottom of paver) or other hard surface pavement approved by the public works director. If concrete is used for the driveway, where there is no concrete curb or gutter, the concrete driveway shall be held back two feet from the edge of the roadway. The remaining two feet shall be surfaced with hot mixed bituminous material. Prior to starting work, the owner or builder shall obtain a permit from the community development director.
- (7) *Driveways.* Driveways shall be constructed of concrete, asphalt, brick pavers or other hard surface pavement approved by the public works director.
- (8) *Driveway elevation.* The driveway elevation at the property line shall not be more than ten inches nor less than four inches above the centerline of the abutting street with a maximum slope to gutter lines of ten percent plus and a minimum slope of two percent plus.
- (9) *Driveways on private property.* Residential driveways shall be constructed so that the edge of the driveway nearest to the side lot line shall be a minimum of five feet from the side lot line.



(10) *Driveways on county or state roads.* When new principal structures are constructed on lots contiguous to roadways designated as major thoroughfares in the city's comprehensive plan, driveways servicing such lots shall be designed and constructed so as to provide a vehicle turnaround facility within the lot.

(c) *Access to county or state roads.* On properties having frontage on both major and minor roads, access shall be provided via the minor road when feasible in order to reduce the number of curb cuts on major thoroughfares.

(d) *Traffic control.* When commercial land uses are adjacent to residential districts, ingress and egress from the commercial properties on streets leading to or through the residential zones shall not be permitted unless it can be demonstrated that adequate access to public rights-of-way is thereby denied. Traffic control is exercised so as to ensure that the location of driveways shall not constitute a hazard nor be injurious to adjacent residential uses.

(e) *State and county agency requirements.* When the proposed driveway is to be constructed so that it opens into any street designated as either a federal, state, or county trunk road jurisdiction, all additional specifications of the appropriate highway departments will apply.

(Code 1995, § 703.04; Ord. No. 1172, 9-23-1996; Ord. No. 1423, 1-23-2012)

#### **Sec. 703.05. Courtesy benches.**

(a) No courtesy bench may be placed or maintained in a public right-of-way without securing a permit license from the public works director which includes the payment of a two-year license fee as provided in the city fee schedule. The number, size, and locations of all benches shall be in accordance with the Metro Transit bus route plan or be adjacent to a city pathway and in compliance with the following conditions. The term "courtesy bench" means any bench on public property for purposes of providing a location for people to wait or rest. A separate license is required for each courtesy bench at each location.

- (1) *License term and fees.* The term for all licenses shall be two years. Fees for the license will be defined in the city fee schedule.
- (2) *License renewal.* At least 60 days prior to the expiration of license, a lessee may make application of renewal for another licensed term. Failure to make application prior to the expiration of the license term will result in a late fee as provided in the city fee schedule.
- (3) *Change of ownership.* If a courtesy bench owned or controlled by a current licensee is sold or control is transferred, the owner or controller must apply for a new license within 30 days of sale or transfer and must go through the new license application process.
- (4) *Location.* A courtesy bench shall be placed parallel to and no closer than four feet from the roadway curb or the edge of the roadway where no curb exists and shall not obstruct a pathway. A bench may be located on a sidewalk, provided that the

minimum remaining width of the sidewalk after bench installation is six feet. No bench shall be fixed to any city property, including city sidewalks, utility poles and signs, without prior approval of the city.

- (5) *Number.* No more than one courtesy bench may be placed at a roadway intersection in the direction of traffic flow, unless the public works director authorizes more benches in writing after finding that the passenger load justifies more than one courtesy bench at a bus stop. All bus benches shall bear the local telephone number at which the permittee may be reached concerning issues with the bench.
- (6) *Proximity to other structures.* No courtesy bench may be placed within 500 feet of any other bench or within 15 feet of an existing transit shelter on a roadway, unless the public works director authorizes more courtesy benches in writing after finding that the passenger load justifies more than one courtesy bench at a bus stop or closer proximity. Courtesy benches shall not be located within five feet of fire hydrants, driveways, or crosswalks.
- (7) *Size.* The maximum size of a courtesy bench shall be 3 ½ feet high, seven feet long and three feet wide, erected upon a concrete pad, or approved equal, of a maximum eight-foot length and four-foot width.
- (8) *ADA compliance.* All courtesy benches in construction and location must comply with the Americans with Disabilities Act.
- (9) *Color.* A courtesy bench shall be of a single color except a multicolored advertising sign. The bench signage may be affixed to or may be used as the backrest of the courtesy bench. Signage shall be affixed only to the street-side portion of the courtesy bench backrest.
- (10) *Material.* Materials used in constructing courtesy benches must be constructed using durable materials, including, but not limited to, wood, steel, concrete, or plastic.
- (11) *Advertising.* Courtesy benches may display signs as defined in section 1010.02 and must be approved by the director of public works. Such signs do not require a sign permit. Such signs may not contain a dynamic display. The maximum amount of advertising on a courtesy bench shall not exceed eleven square feet and may only be displayed on the front surface of the back rest.
- (12) *Structure maintenance.* When directed by the public works director as necessary to address refuse and litter issues, bench sites shall be equipped with an architecturally complementary trash receptacle. courtesy benches shall be maintained a minimum of once per week with such maintenance to include picking-up litter/debris about the courtesy bench, removing graffiti/stickers, removal of ice and snow in a manner such that each bench shall be fully accessible within 72 hours of a snowfall or other weather event. Courtesy benches shall be inspected weekly for any damaged or broken parts and shall repair or replace damaged or broken parts within 48 hours after damage or breakage is discovered or reported.

- (13) *Liability insurance.* A certificate of liability insurance shall be filed with the city covering claims for damages which might arise out of the use or placement of a bench in the public right-of-way naming the city as an additional insured. The minimum limit of liability shall be \$1,000,000.00.
  - (14) *Revocation of license.* The city may suspend or revoke any license under this chapter pursuant to section 301.09.
  - (15) *Removal.* At the request of the public works director, a courtesy bench shall be removed at the licensee's sole expense in order to permit right-of-way improvements or maintenance. If the location of the courtesy bench is a safety hazard or if it interferes with pedestrian or vehicular traffic on the right-of-way, or if the bus route changes, the licensee must remove the courtesy bench within 30 days of the route change. A courtesy bench shall also be removed 30 days following expiration of the license.
  - (16) *State or county permission.* If the courtesy bench placement is in a state department of transportation or county right-of-way, written permission must be secured from the state department of transportation or the county and filed with the city.
- (b) Applicants and licensees must meet all local, state, and federal requirements applicable to courtesy benches, their placement, and their use for public transit services. (Code 1995, § 703.05; Ord. No. 1267, 7-15-2002; Ord. No. 1665, § 1, 2-26-2024)

**Sec. 703.06. Newspaper vending machines.**

- (a) *Notification to city.* No newspaper vending machine may be placed or maintained in a public right-of-way without the publisher notifying the public works director, in writing, of the location of the vending machine.
- (b) *Placement conditions.* Placement of vending machines shall comply with the following conditions:
- (1) *Distance from roadway.* A newspaper vending machine may be placed no nearer than four feet from the roadway curb or the edge of the roadway where no curb exists and shall not obstruct a pathway.
  - (2) *Maximum size.* The maximum size of a newspaper vending machine shall be four feet high, two feet long and two feet deep.
  - (3) *Number of machines.* No more than one newspaper vending machine per newspaper publisher may be placed within 800 feet of any other newspaper vending machine of that same newspaper publisher.
  - (4) *Attachment to public facility prohibited.* No newspaper vending machine may be attached to a public facility such as a utility pole, roadway sign or fireplug.
  - (5) *Color and identification.* A newspaper vending machine shall be of a single color except for lettering on the machine which shall not exceed four inches in height. Such lettering shall identify the newspaper only and shall not be an advertising sign.

- (6) *Removal.* At the request of the public works director, a newspaper vending machine shall be removed in order to permit right-of-way improvements or maintenance, if its location is a safety hazard or if the vending machine significantly interferes with pedestrian or vehicular traffic on the right-of-way.
- (7) *Residential areas.* No newspaper vending machine may be placed in a public right-of-way adjacent to a property zoned residential and containing four residential units or less.

(Code 1995, § 703.06; Ord. No. 999, 5-12-1986)

**Sec. 703.07. Newspaper receptacles.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Newspaper receptacle* means any outside device, whether tubular, box shaped or otherwise, designed for and used to receive newspapers, advertising flyers or similar printed material delivered by a carrier. The term "newspaper receptacle" includes such devices which may be attached to the sides of buildings, freestanding posts, mailbox posts and other outside structures.

(b) *Limitations.* Newspaper receptacles are prohibited in public rights-of-way except at the roadway curb of each lot. No more than two newspaper receptacles may be attached to a rural delivery mailbox post. On lots where no mailbox post is available or where such placement is impractical, no more than two newspaper receptacles may be placed on a single post, provided that if there is a mailbox on the lot, the newspaper receptacle post shall be located within 18 inches of the mailbox post. In no event will there be more than two newspaper receptacles on any lot.

(c) *Exceptions.*

- (1) When rural mailboxes are located on one side of the street, newspaper receptacles may be placed on the side of the street where the residence is located or on the mailbox post or within 18 inches of the mailbox post in accordance with subsection (b) of this section, regardless of which side of the street the mailbox is located.
- (2) On lots where more than one dwelling unit is located, no more than two newspaper receptacles may be placed for each dwelling unit.

(d) *Color.* All newspaper receptacles permitted by this section shall be a brown or tan color or such other neutral color as provided, in writing, by the public works director. Permitted newspaper receptacles shall not display the name of a newspaper or other advertising message but may display an identifying mark for each publisher using the receptacle not to exceed two inches by two inches in size.

(e) *Permission.* Each publisher which has placed or places a newspaper receptacle pursuant to this section shall provide the occupier of the dwelling to which it is adjacent with a self-addressed postcard, printed in such a manner that the occupier may instruct the publisher to remove the newspaper receptacle. In the event the publisher receives instructions from the occupier to remove the newspaper receptacle, the publisher shall remove the same within ten days of receipt of the instruction.  
(Code 1995, § 703.07; Ord. No. 920, 2-14-1983)

**Sec. 703.08. Street name signs.**

(a) *Erection.* No person other than a city employee or duly authorized agent shall erect any sign purporting to be a street name sign within the corporate limits of the city.

(b) *Maintenance.* The city shall maintain all street name signs within its corporate limits.  
(Code 1995, § 703.08; Ord. No. 337, 9-8-1961)

**Sec. 703.09. Administration.**

(a) *Enforcement.* The public works director is hereby designated as the enforcing officer for this chapter and shall have the power to issue, deny or revoke any permit. The public works director may institute in the name of the city any appropriate actions or procedure against a violator as provided by law.

(b) *Appeals and hearings.* Appeals from the decision of the public works director in relation to the granting and revoking of a permit shall be referred to the city council. Such appeal shall be taken within 20 days from and after the date of such decision by the public works director. Upon a motion from the city council the appeal may be referred to the planning commission. If directed by the city council, the planning commission may hold a public hearing on the appeal. The procedure for said public hearing shall be as set forth in chapter 107. The prosecution for violation of any of the provisions herein shall be held in abeyance pending the determination of the appeal to the city council.  
(Code 1995, § 703.09; Ord. No. 286, 11-24-1959; Ord. No. 1175A, 11-25-1996)

**Sec. 703.10. Obstruction prohibited.**

Obstruction or blocking of city owned non-motorized pathways, sidewalks, or designated bicycle routes, by any means, including, but not limited to, the parking of vehicles or storage of snow, is prohibited.  
(Code 1995, § 703.10; Ord. No. 1186, 8-11-1997)

**CHAPTER 704. STREET AND SIDEWALK CONSTRUCTION**

**Sec. 704.01. Jurisdiction and scope.**

(a) *Jurisdiction.* Pursuant to the applicable statutory authority of the city council to regulate, control and maintain city streets as provided in Minn. Stat. chs. 412, 429 and 471.

(b) *Scope.* The specifications set forth in this chapter shall apply to all streets hereafter constructed within the city and are considered as additional safeguards made necessary through the rapid growth and expansion of the city.

(Code 1995, § 704.01; Ord. No. 217, 6-12-1956)

#### **Sec. 704.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Collector street* means a street which carries traffic from minor streets of residence development and the principal circulating streets within such a development.

*Cul-de-sac* means a short minor street having one open end and being permanently terminated at the other by a vehicular turnaround.

*Marginal access street* means a minor street which is parallel to and contiguous with a thoroughfare and which provides access to abutting properties and protection to local traffic from fast, through-moving traffic on the adjoining thoroughfare.

*Minor street* means a street other than a thoroughfare or collector street which affords local access to abutting properties.

(Code 1995, § 704.02; Ord. No. 217, 6-12-1956)

#### **Sec. 704.03. Grading.**

The full width of the right-of-way shall be graded, including the subgrade of areas to be paved, in accordance with the design and specifications approved by the public works director and in accordance with the most current state department of transportation publication: Standard Specifications for Construction.

(Code 1995, § 704.03; Ord. No. 448, 12-7-1964)

#### **Sec. 704.04. Specifications for pavements.**

All pavements shall be constructed in accordance with the plans approved by the city engineer and all minor streets, cul-de-sac streets and marginal access streets shall be constructed for seven-ton rated capacity and all other roads shall be constructed for nine ton rated capacity, all of such construction to be in accordance with the most current state department of transportation publication: Standard Specifications for Construction.

(Code 1995, § 704.04; Ord. No. 448, 12-7-1964)

#### **Sec. 704.05. Curbs and gutter.**

Concrete curbs and gutters shall be constructed on all asphalt pavements. Either integral curb or concrete curb and gutter shall be constructed on all concrete pavements.

(Code 1995, § 704.05; Ord. No. 448, 12-7-1964)

**Sec. 704.06. Drainage.**

When considered necessary to ensure adequate drainage of any street hereafter constructed in the city, the public works director shall approve the necessary storm drainage facilities to be built with the street.

(Code 1995, § 704.06; Ord. No. 448, 12-7-1964)

**CHAPTER 705. URBAN FOREST MANAGEMENT****Sec. 705.01. Declaration of policy.**

The health of trees in the city is threatened by shade tree pests. The loss or ill health of trees growing upon public and private property substantially depreciates the value of property within the city and impairs the safety, environmental benefits, general welfare and convenience of the public. The provisions of this chapter are adopted as an effort to control and prevent the spread of shade tree pests and to maintain a healthy urban forest, in addition to and in accordance with Minn. Stat. §§ 89.001, 89.01 and 89.51 through 89.64.

(Code 1995, § 706.01)

**Sec. 705.02. Purpose.**

It is the purpose of this chapter to protect and promote the public health, safety and general welfare of the people of the city by:

- (1) Regulating the planting, maintenance and removal of trees, shrubs and herbaceous plants on all public spaces and rights-of-way.
- (2) Allowing the planting, maintenance, removal and trimming of trees, shrubs and herbaceous plants on public lands by written permission of the city.
- (3) Inspecting trees on public and private lands.
- (4) Controlling shade tree pests to protect the trees and to prevent and abate hazardous tree conditions and nuisances within the city on public and private lands.
- (5) Protecting and preserving existing healthy trees.
- (6) Encouraging the planting of trees for the protection and enhancement of the environment.

(Code 1995, § 706.02)

**Sec. 705.03. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boulevard* means that property between the edge of the street and the property line (right-of-way line).



*Easement* means the right to use a defined part of real property held by others for a specific purpose.

*Hazardous tree* means any tree, as determined by the city forester, to cause or have the potential to cause harm to public or private property, following the guidelines set forth by the Minnesota Department Of Natural Resources (MNDNR).

*Herbaceous plants* means non-woody plants.

*Nuisance* means any shade tree pest or hazardous tree in the community threatening to cause significant damage to another shade tree, or public or private property.

*Property line* means the legal boundary of a parcel of land.

*Public tree master plan* means official comprehensive tree management plan, including, but not limited to, a planting guide with regulations outlining acceptable tree species, planting locations, planting techniques and treatments to limit the spread of shade tree pests and maintain healthy trees.

*Public tree permit* means written permission given by the city allowing a persons to plant, trim, treat or remove a tree, shrub, or herbaceous plant on city public land.

*Public utilities* means public water, storm sewer and sanitary lines.

*Right-of-way* means the surface and space above and below a public roadway, highway, street, cartway, bicycle and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes, utility easements and any other real property owned by or under the control of the city.

*Shade tree pest* means any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest, as defined by Minn. Stat. § 89.001.

*Shrub* means a woody plant at maturity less than 20 feet tall with multiple stems at the ground or branching within a few feet above ground.

*Tree* means a woody plant at maturity over 20 feet tall with a single stem and unbranched for several feet above ground.

*Tree topping* means topping and tipping are pruning cuts made indiscriminately on limbs with no regard for placing the cuts near protection zones.

*Tree trimming* means recommended trimming and pruning techniques are outlined in the public tree master plan. Tree topping is not considered an appropriate tree trimming technique and is specifically prohibited on all public lands.  
(Code 1995, § 706.03)

**Sec. 705.04. Tree board.**

The parks and recreation commission shall act in all matters relating to the advisement of issues contained in this chapter and all others relating to urban forest management within the city, pursuant to chapter 204.

(Code 1995, § 706.04)

**Sec. 705.05. Jurisdiction.**

(a) The city shall have the power to plant, care for, maintain, remove, and replace all trees, shrubs, and herbaceous plantings located within any street right-of-way, parks and public places within the city limits.

(b) The city shall have control over the planting, care, maintenance, removal and replacement of all trees, shrubs, and herbaceous plants located on private property that constitute a hazard or threat to the public as set forth in this chapter.

(Code 1995, § 706.05)

**Sec. 705.06. Designation and duties of city forester.**

(a) *Appointment of city forester.* The director of parks and recreation shall act as the city forester to coordinate the activities within the city relating to urban forest management.

(b) *Authority of city forester.* The city forester shall have jurisdiction and supervision over all trees, shrubs, and herbaceous plants located within street rights-of-way, parks and public places of the city, and trees, shrubs and herbaceous plants located on private property that constitute a hazard or threat to the public.

(c) *Duties of city forester.* The city forester may direct the planting, care, maintenance, removal and replacement of any tree, shrub or herbaceous plant on public grounds and on private property where necessary to preserve or restore the healthy and safe condition of such tree, shrub or herbaceous plant or to protect the public from damage or injury. The cost of any such work may be assessed against the property on which the tree, shrub or herbaceous plant is located, pursuant to section 705.12.

(d) *Public tree master plan.* In addition to the other responsibilities under this chapter, the city forester shall review the public tree master plan regarding all aspects of trees, shrubs and herbaceous plants on public property within the city and on private property where such trees, shrubs or herbaceous plants may present a health or safety hazard.

(Code 1995, § 706.06)

**Sec. 705.07. Public tree master plan.**

(a) The public tree master plan shall address the following matters:

- (1) List of acceptable varieties of plant material.
- (2) Prohibited plantings of specific trees, shrubs and herbaceous plants.
- (3) Minimum size of plant material.

- (4) Grade and quality of plant material.
- (5) Method/technique of planting and support.
- (6) Maintenance.
- (7) Recommended trimming and pruning techniques.
- (8) Recommended acceptable treatments.

(b) When approved by resolution of the city council following a review by the city tree board, the public works director and community development director, the public tree master plan and any modifications will be the official city plan. After the adoption of the official plan, no tree planting permit will be issued which does not conform to the public tree master plan.

(Code 1995, § 706.07)

**Sec. 705.08. Regulations for planting or removing trees, shrubs or herbaceous plants on public property.**

(a) *Hazard placement prohibited.* No tree, shrub or herbaceous plant shall be planted, placed or allowed to remain in a place which the city engineer determines could cause a traffic hazard. Enforcement shall be conducted by the city forester and the city engineer.

(b) *Boulevard planting.* Trees, shrubs, or herbaceous plants must be located within the first three feet of the boulevard, measured from the property line. Plant material shall be consistent with the public tree master plan and not in conflict with public plantings based on the judgment of the city forester. Planting will be by permit only.

(c) *Spacing/placement.* Placement of trees, shrubs or herbaceous plants must be consistent with sections 705.07 and 705.08 and the guidelines listed in the public tree master plan.

(d) *Abuse or mutilation.* No person shall on public property and right-of-way:

- (1) Damage, cut, remove, carve, kill or injure trees, shrubs or herbaceous plants.
- (2) Trim, prune, remove, spray or otherwise treat trees, shrubs or herbaceous plants without first obtaining a public tree permit.
- (3) Attach any rope, wire or other contrivance to any tree, shrub or herbaceous plant.
- (4) Cause or permit any wire charged with electricity or any gaseous liquid or solid substance to come in contact with trees, shrubs or herbaceous plants which are located on, or extend over, any public street, boulevard, park or other public place without a permit.

(e) *Public tree permits.*

- (1) No person shall plant, remove or treat trees, shrubs or herbaceous plants on a public boulevard without first obtaining a public tree permit from the city forester.

- (2) The following provisions apply to the issuance of public tree permits for planting, treating or removing trees, shrubs or herbaceous plants on public property, especially the boulevard:
- a. *Application data.* The application required under this section shall state the number of trees, shrubs or herbaceous plants to be planted, the location, size and specific species of each tree or plant.
  - b. *Standards for issuance.* A permit shall be issued after the application has been determined to be in compliance with the public tree master plan and the requirements of this section and related sections by the city forester.
  - c. *Replacement.* As a condition to the granting of a tree removal permit, the city forester may require the applicant to relocate or replace trees, shrubs or herbaceous plants to be consistent with the public tree master plan.
  - d. *Bond requirements.* A posted bond or cash escrow may be required in an amount to be determined by the city forester conditioned upon satisfactory compliance with the terms of the permit.
  - e. *Permit denial.* If a planting or removal permit is denied, the reasons for denial shall be set forth in writing and given to the applicant, within 20 days of receipt of application.
  - f. *Denial appeal.* Any applicant adversely affected by the decision may appeal to the city tree board and, finally, to the city council.
- (f) *Areas not applicable.* The provisions of subsection (d) of this section shall not apply to:
- (1) The removal of trees on public easements/rights-of-way, conducted by, or on behalf of, a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in construction or improvements.
  - (2) The removal of any tree by a public utility when such tree has the reasonable potential of endangering the facility's operation by the utility.
- (Code 1995, § 706.08)

**Sec. 705.09. Duties of private landowners.**

It shall be the duty of any person owning private property to comply with the following:

- (1) *Planting on private property.* No person shall plant or allow to be planted on any privately owned property any tree, shrub or herbaceous plant listed in the public tree master plan as prohibited.
- (2) *Acceptable plant materials.* Acceptable plant materials shall not have characteristics detrimental to the public welfare such as:
  - a. Susceptibility to pests, as determined by the MNDNR, Minnesota Department of Agriculture (MDA) and the city forester;
  - b. Susceptibility to wind damage;

- c. A tendency to interfere with utilities; or
- d. A tendency to interfere with public easements or rights-of-way.

(3) *Prohibited obstructions.*

- a. *Obstructing view.* No trees, shrubs or herbaceous plants shall be planted or allowed to grow so as to obstruct the view of any vehicular traffic on public streets or pathways, or pedestrians on public pathways.
- b. *Utilities.* No trees may be planted under or within ten level feet of any overhead utility wire, or over or within ten lateral feet of any underground public utilities.

(4) *Trimming of trees.*

- a. Private property trees and shrubs must be trimmed so as not to cause a hazard to persons or property on abutting property.
- b. All trees and shrubs shall be pruned to sufficient height to allow free passage of pedestrians and vehicular traffic: nine feet over sidewalks and 16 feet over streets and two feet horizontal distance.

(5) *Removal of pest-infested or hazardous trees.* Pest-infested or hazardous trees, and plants deemed to be a health or safety hazard by the city forester, must be treated or removed so as not to constitute a health or safety hazard to the public or to other trees or plants in the city.

(6) *Stockpiling and storage of firewood logs.* No person shall stockpile or store wood from a pest-infested tree with the bark intact without first having obtained a permit to do so. The city forester may issue permits, upon proper application, for the stockpiling or storage of such wood only between September 15 and April 1 of the following year and only at locations which are specified in the permit.

(Code 1995, § 706.09)

**Sec. 705.10. Reporting discovery of shade tree pests.**

Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a nuisance as defined under section 705.03 shall report the same to the city.

(Code 1995, § 706.10)

**Sec. 705.11. Registration of tree care firms.**

Any person, corporation or other entity that operates a business which provides tree care, tree trimming, or removal of trees, limbs, branches, brush, or shrubs for hire must be licensed to work in the city by the community development department.

(Code 1995, § 706.11)

**Sec. 705.12. Standard abatement order procedure.**

When the city forester determines with reasonable certainty that it is necessary to order the trimming, treatment or removal of trees, shrubs or herbaceous plants as authorized in section 705.09, a written order to correct the condition shall be served.

- (1) The city forester will notify in writing the owner of record or occupant of the premises that a nuisance exists and order that the nuisance be terminated or abated. The notice may be given in person or by mail. Failure of any party to receive the mail does not invalidate the service of the notice. A copy of the notice shall be filed with the city forester.
  - (2) Removal date. The date inserted in the notice in subsection (1) of this section shall be 20 days after the notice is mailed.
  - (3) Appeal. A person receiving said notice may, within five working days of the postmark date of said notice, file an appeal with the city. The appeal will be heard by the city tree board and forwarded to the city council for action within 21 calendar days following the appeal of said notice.
  - (4) Summary removal of pest-infested trees. In the event the trees covered in said notice are not removed, destroyed or treated, as provided in subsections (1) through (3) of this section, within ten calendar days following the denial on an appeal as set forth in subsection (3) of this section, the city forester shall cause said trees to be summarily removed, destroyed or treated and shall take any other action necessary to prevent the spread of the pest or danger to the public.
  - (5) Cost responsibility. Any costs of inspecting, removing or treating trees, including any legal expense, shall be itemized and mailed to the owner at the address shown in the records of the county auditor. In the event said itemized bill is not paid within 30 days, the amount of said costs, plus interest, shall be certified to the proper County officials and collected with the next succeeding five years real estate taxes as provided for in Minn. Stat. § 429.101.
- (Code 1995, § 706.12)

**Sec. 705.13. Development or redevelopment tree planting.**

All development and redevelopment activities within the city shall be subject to section 1011.03 regarding minimum landscaping standards.

(Code 1995, § 706.13)

**Sec. 705.14. Declaration of a shade tree pest.**

The city forester may declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest, as defined by Minn. Stat. § 89.001, to be a shade tree pest.

(Code 1995, § 706.14)

**Sec. 705.15. Nuisances are unlawful.**

It is unlawful for any person to permit any nuisance, as defined in section 705.03, to remain on any premises the person owns or controls within the city. The nuisance may be abated as provided in this chapter.

(Code 1995, § 706.15)

**Sec. 705.16. Declared shade tree pests, control measures, and control areas.**

The city forester may prescribe control measures to effectively eradicate, control, or manage the shade tree pest, including necessary timelines for action. Shade tree pests are to be eradicated, controlled or managed according to best management practices prescribed by the MDA and the MNDNR. The control area of a shade tree pest is defined as all lands within the city boundaries.

(Code 1995, § 706.16)

**Sec. 705.17. Urban forest management fees.**

Fees for all permits and other applicable required city services shall be as established by the city fee schedule.

(Code 1995, § 706.17)

**Sec. 705.18. Emergencies.**

In case of emergencies involving, but not limited to, tornadoes, windstorms, floods, freezes or other natural disasters, the requirements of this chapter may be waived by the mayor or, in the absence of the mayor, the acting mayor.

(Code 1995, § 706.18)

**Sec. 705.19. Interference.**

It is unlawful for any person to prevent, delay or interfere with the enforcement of this chapter by any city official.

(Code 1995, § 706.19; Ord. No. 1410, 6-13-2011)

**CHAPTER 706. RIGHT-OF-WAY MANAGEMENT**

**Sec. 706.01. Findings; purpose and intent; legislative power.**

(a) *Findings.* The city makes the following findings:

- (1) To provide for the health, safety and well-being of its citizens, and to ensure the structural 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. Although the general population bears the financial burden for the upkeep of the rights-of-way, a primary cause for the early and excessive deterioration of its rights-of-way is frequent excavation.



- (2) The city holds the rights-of-way within its geographical boundaries as an asset in trust for its citizens. The city and other public entities have invested millions of dollars in public funds to build and maintain the rights-of-way. It also recognizes that some persons, by placing their equipment in the right-of-way and charging the city citizens for goods and services delivered thereby, are using this property held for the public good. Although such services are often necessary or convenient for the citizens, such persons receive revenue or profit through their use of public property.

(b) *Purpose and intent.* In response to the foregoing facts, the city hereby enacts this new chapter relating to right-of-way permits and administration. This chapter imposes reasonable regulations on the placement and maintenance of equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons disturbing and obstructing the rights-of-way will bear a fair share of the financial responsibility for their integrity. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

(c) *Legislative power.* By enactment of the ordinance from which this chapter is derived, the city council hereby exercises its lawful police power and common law authority, and all statutory authority which is available to it, including, but not limited to, the powers conferred on it under Minn. Stat. §§ 237.162 and 237.163, while preserving all power and authority to further require franchises from right-of-way users under Minn. Stat. §§ 216B.36, 222.37, and 301B.01, and other provisions of law. This chapter shall not be interpreted to limit the city regulatory and police powers to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

(Code 1995, § 707.01; Ord. No. 1209, 8-24-1998; Ord. No. 1549, 4-9-2018)

### **Sec. 706.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means any person requesting permission to excavate or obstruct a right-of-way.

*Co-locate* or *co-location* means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the city or other governmental unit.

*Degradation cost* means 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 to 13, set forth in proposed Public Utilities Commission (PUC) rules Minn. Rules 7819.9900 to 7819.9950.

*Degradation fee* means 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 costs.

*Delay penalty* means the penalty imposed as a result of unreasonable delays in right-of-way construction.

*Department* means the department of public works of the city.

*Department inspector* means any person authorized by the director to carry out inspections related to the provisions of this chapter.

*Director* means the director of the city public works department.

*Emergency* means a condition that:

- (1) Poses a clear and immediate danger to life or health, or of a significant loss of property; or
- (2) Requires immediate repair or replacement in order to restore service to a customer.

*Equipment* means any tangible asset used to install, repair, or maintain facilities in any right-of-way.

*Excavate* means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

*Excavation permit* means 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 such permit.

*Excavation permit fee* means money paid to the city by an applicant to cover the costs as provided in section 707.11.

*Facility* means any tangible asset in the right-of-way required to provide utility service.

*Local representative* means a local person, or designee of such person, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

*Management costs* means the actual costs the city incurs in managing its rights-of-way, including, but not limited to, costs associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; creating, maintaining and updating mapping systems; budget analysis; systems analysis; legal assistance; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during public right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed; and revoking right-of-way permits and performing all other tasks required by this chapter, including other costs the city may incur in managing the provisions of this chapter.

*Micro wireless facility* means a small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

*Obstruct* means to place any 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* means 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 by placing equipment described therein on the right-of-way for the duration specified therein.

*Obstruction permit fee* means money paid to the city by a registrant to cover the costs as provided in section 706.11.

*Patch* or *patching* means a method of pavement replacement that is temporary in nature. A patch consists of:

- (1) The compaction of the subbase and aggregate base; and
- (2) 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.

*Performance and restoration bond* means a performance bond or letter of credit posted to ensure the availability of sufficient funds to assure that all obligations pursuant to this chapter, including, but not limited to, right-of-way excavation, restoration, and obstruction work is timely and properly completed.

*Permittee* means any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this chapter.

*Probation* means the status of a person that has not complied with the conditions of this chapter.

*Probationary period* means one year from the date that a person has been notified in writing that they have been put on probation.

*Registrant* means any person who:

- (1) Has or seeks to have its equipment or facilities located in any right-of-way; or
- (2) In any way occupies or uses, or seeks to occupy or use, the right-of-way or any equipment in the right-of-way.

*Restoration cost* means an amount of money paid to the city by a permittee to achieve the level of restoration according to plates 1 to 13 of PUC rules.

*Restore* or *restoration* means the process by which a 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* means the surface and space above and below a public roadway, highway, street, cartway, bicycle and public sidewalk in which the city has an interest, including county and state right-of-way and other dedicated rights-of-way for travel purposes, utility easements along rear lot lines paralleling and adjacent to public roadway, except those along front lot lines and any other real property owned by or under the control of the city.

*Right-of-way permit* means either the excavation permit or the obstruction permit, or both, depending on the context, required by this chapter.

*Service or utility service* includes, but is not limited to:

- (1) Those services provided by a public utility as defined in Minn. Stat. § 216B.02, subd. 4 and 6;
- (2) Telecommunications, pipeline, community antenna television, fire and alarm communications, water, electricity, light, heat, cooling energy, or power services;
- (3) The services provided by a corporation organized for the purposes set forth in Minn. Stat. § 301B.01;
- (4) The services provided by a district heating or cooling system;
- (5) Cable communications systems as defined in Minn. Stat. ch. 238;
- (6) A telecommunications right-of-way user as defined in this section; and
- (7) Water and sewer, including service laterals, steam, cooling or heating services.

*Service lateral* means 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* means a wireless facility owned and operated by an approved telecommunications right-of-way user that meets both of the following qualifications:

- (1) Each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- (2) All other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, in an enclosure no more than 28 cubic feet in volume or enclosures totaling 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* means 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.

*Telecommunication right-of-way user* means an entity, which directly provides and offers wireless service to the general public, owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the public right-of-way that is used or is intended to be used for providing wireless services, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. ch. 238, and telecommunication activities related to providing

natural gas or electric energy services are not included in this definition, except to the extent such entity is offering wireless service. This definition shall not be inconsistent with Minn. Stat. § 237.162, subd. 4.

*Unusable facilities* means facilities in the right-of-way which have remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using it within the next 12 months or a potential purchaser or user of the equipment.

*Utility pole* means a pole that is used in whole or in part to facilitate telecommunications or electric service.

*Wireline backhaul facility* means a facility used to transport communications data by wire from a wireless facility to a communications network.

*Wireless facility* means 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, wireline 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* means 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. The term "wireless service" does not include services regulated under Title VI of the Communications Act of 1934, including cable service.

*Wireless support structure* means 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.

(Code 1995, § 707.02; Ord. No. 1661, § 1, 2-26-2024)

### **Sec. 706.03. Administration.**

The director is the principal city official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

(Code 1995, § 707.03; Ord. No. 1209, 8-24-1998)

### **Sec. 706.04. Utility coordination committee.**

The city may create a utility coordination committee. If created, this committee shall be voluntary and advisory to the director. It will be composed of any registrants that wish to assist the city in obtaining information and by making recommendations regarding use of the rights-of-way, and to improve the process of performing construction work therein. The director may determine the size of such committee and shall appoint members from a list of registrants that have expressed a desire to assist the city.

(Code 1995, § 707.04; Ord. No. 1209, 8-24-1998)

**Sec. 706.05. Registration and right-of-way occupancy.***(a) Registration.*

- (1) Each person who occupies, uses, or seeks to occupy or use the right-of-way or place any equipment in the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the director. Registration will consist of providing application information, paying a registration fee, and posting a performance and restoration bond or other security acceptable to the director.
- (2) Performance and restoration bond. The performance and restoration bond required in this section and in sections 706.09(b), 706.12(b)(2), and 706.30(a)(2)(c) shall be in an amount determined in the director's sole discretion, sufficient to serve as security for the full and complete performance of the obligations under this chapter, including any costs, expenses, damages, or loss the city pays or incurs because of any failure to comply with this chapter or any other applicable laws, regulations or standards. During periods of construction, repair or restoration of rights-of-way or equipment in rights-of-way, the performance and restoration bond shall be in an amount sufficient to cover one 100 percent of the estimated cost of such work, as documented by the person proposing to perform such work, or in such lesser amount as may be determined by the director, taking into account the amount of equipment in the right-of-way, the location and method of installation of the equipment, the conflict or interference of such equipment with the equipment of other persons, and the purposes and policies of this chapter. Sixty days after completion of the work, the performance and restoration bond may be reduced in the sole discretion of the director.

*(b) Registration prior to work.* No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any right-of-way without first being registered with the director.

*(c) Exceptions.* Nothing herein shall be construed to repeal or amend the provisions of a city ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right-of-way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. ch. 216D "One Call" law.

(Code 1995, § 707.05; Ord. No. 1209, 8-24-1998)

**Sec. 706.06. Registration information.**

*(a) Information required.* The information provided to the director at the time of registration shall include, but not be limited to:

- (1) Each registrant's name, Gopher State One Call registration certificate number, addresses and e-mail address if applicable, and telephone and facsimile numbers.



- (2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
  - (3) A certificate of insurance or self-insurance:
    - a. Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state, or a form of self-insurance acceptable to the director;
    - b. Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permittees, and the placement and use of facilities in the right-of-way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground equipment and collapse of property;
    - 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 director 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, workers' compensation and umbrella coverage established by the director in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter.
  - (4) The city may require a copy of the actual insurance policies.
  - (5) If the person is a corporation, a copy of the certificate required to be filed under Minn. Stat. § 47.14 as recorded and certified to by the secretary of state.
  - (6) A copy of the person's order granting a certificate of authority from the state public utilities commission or other similar authorized state or federal agency, where the person is lawfully required to have such authorization or approval certificate from said commission or other state or federal agency. Persons seeking to install wireless support structure in the public right-of-way shall provide evidence, subject to the review and approval of the city, of authority to act on behalf of a wireless service provider.
  - (7) Such other information as the city may require.
    - (b) *Notice of changes.* The registrant shall keep all of the information listed in subsection (a) of this section current at all times by providing to the director information as to changes within 15 days following the date on which the registrant has knowledge of any change.
- (Code 1995, § 707.06; Ord. No. 1209, 8-24-1998; Ord. No. 1549, 4-9-2018)



**Sec. 706.07. Reporting obligations.**

(a) *Operations.* Each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the director. Such plan shall be submitted using a format designated by the director and shall contain the information determined by the director to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights-of-way. The plan shall include, but not be limited to, the following information:

- (1) The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a "next-year project"); and
- (2) The tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year (in this section, a "five-year project").
- (3) The term "project" in this section shall include both next-year projects and five-year projects.
- (4) By January 1 of each year, the director will have available for inspection in this director's office a composite list of all projects of which the director has been informed in the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.
- (5) Thereafter, by February 1, each registrant may change any project in its list of next-year projects, and must notify the director and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next-year project of another registrant listed by the other registrant.

(b) *Additional next-year projects.* Notwithstanding the foregoing, the director will not deny an application for a right-of-way permit for failure to include a project in a plan submitted to the city if the registrant has used commercially reasonable efforts to anticipate and plan for the project.

(Code 1995, § 707.07; Ord. No. 1209, 8-24-1998)

**Sec. 706.08. Permit requirement.**

(a) *Permit required.* Except as otherwise provided in this Code, no person may obstruct or excavate any right-of-way or install or place in the right-of-way without first having obtained the appropriate right-of-way permit from the director to do so.

- (1) *Excavation permit.* An excavation permit is required by a registrant to excavate that part of the right-of-way described in such 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 by a registrant 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 co-locate 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 such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit and a new permit or permit extension is granted.

(c) *Delay penalty.* Notwithstanding subsection (b) of this section, 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 director.

(Code 1995, § 707.08; Ord. No. 1209, 8-24-1998; Ord. No. 1549, 4-9-2018)

#### **Sec. 706.09. Permit applications.**

(a) *General requirements.* Application for a permit is made to the director. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with the requirements of, the following provisions:

- (1) Registration with the director pursuant to this chapter;
- (2) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities;
- (3) Payment of all money due to the city for:
  - a. Permit fees, estimated restoration costs and other management costs;
  - b. Prior obstructions or excavations;
  - c. Any outstanding fee, penalty, undisputed loss, damage, or expense suffered by or owed to the city by the applicant, including those caused by applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city; and
  - d. Franchise or user fees, if applicable;

- (4) Payment of disputed amounts due the city by posting security or depositing in an escrow account an amount equal to at least 110 percent of the amount owing;
- (5) Satisfaction of all outstanding orders issued on similar permits held by or issued to the applicant.

(b) *Additional equipment.* When an excavation permit is requested for purposes of installing additional equipment, and the performance and restoration bond presently existing is insufficient with respect to the additional equipment, in the sole discretion of the director, the posting of an additional performance and restoration bond for the additional equipment may be required in accordance with section 706.05(a).  
(Code 1995, § 707.09; Ord. No. 1661, § 2, 2-26-2024)

**Sec. 706.10. Issuance of permit; conditions.**

(a) Permit issuance. If the applicant has satisfied the requirements of this chapter, the director shall issue a permit subject to the following procedure:

- (1) **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 periods established in this section.
- (2) **Consolidated applications.** An applicant may file a consolidated small wireless facility permit application addressing the proposed co-location 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.
- (3) 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.
- (4) **Tolling of deadline.** The 90-day deadline for action on a small wireless facility permit application may be tolled if:
  - a. 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.
  - b. 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.

- (5) The city and a small wireless facility applicant agree in writing to toll the review period.

(b) Conditions. The director may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the public health, safety and welfare or when necessary to protect the right-of-way and its current use.

(c) Small wireless facility conditions. In addition to other conditions of subsection (b) of this section, the erection or installation of a wireless support structure, the co-location 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:

- (1) A small wireless facility shall only be installed under those attachment specifications and at the height indicated in the detail plans attached to the approved permit. The permittee may not change the number, kind or location of attachments authorized under a permit without the prior written consent of the city. Any expansion shall require a new permit.
- (2) A permittee shall have the authority to act on behalf of a wireless service provider and provide evidence of the same, subject to the review and approval of the city, upon demand of the city. The city shall retain exclusive and priority use of city infrastructure used for co-location. The city retains complete discretion as to use of city infrastructure, including requests for co-location or modification, except as pursuant to state or federal laws. This chapter does not require the city to replace, upgrade, or alter existing city infrastructure for colocation. When 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. At the time of issuance of permit, permittee shall enter into a co-location agreement as required by subsection (b) of this section. The city retains the right to remove any attachment if necessary to protect public safety or prevent imminent damage to city infrastructure.
- (3) The wireless facility shall be removed or relocated at the permittee's sole expense and in a timely manner pursuant to written city request. Small wireless facility permit shall be automatically terminated and wireless support structure removed should the wireless facility not be continuously operated and maintained for a period of six months. The permittee may not transfer, assign, or convey a small wireless facility permit without the consent of the city.
- (4) No wireless support structure installed within the right-of-way following May 31, 2017, 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.

- (5) Wireless support structures installed within the right-of-way after May 31, 2017, shall be self-supporting, non-wood monopole having maximum base diameter of 12 inches and be designed for small wireless facility, wind, snow, ice and other loading requirements; shall discourage climbing; and shall blend into the surrounding environment through black, bronze, gray or white color or other architectural treatment. Wireless support structures shall be designed to house communication cables and electrical wires inside of the monopole, except wireless support structures or utility poles existing prior to May 31, 2017, in which case cable and wire shall be black or white coated and attached to the wireless support structure using similar coated bands or fasteners.
- (6) No wireless facility may extend more than ten feet above its wireless support structure and shall not exceed a total height of 50 feet without the city's written authorization. Small wireless facility antennas and associated equipment shall be mounted flush to the wireless support structure or utility pole so that the antennas and associated equipment do not extend outward thereof by more than 12 inches, except for industrial zone where antennas and associated equipment shall not extend outward from the wireless support structure more than 24 inches.
- (7) When an applicant proposes to install a wireless support structure in the right-of-way, the city may impose reasonable separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way that shall not be less than 150 feet of separation between structures. Wireless support structures shall be located no closer than ten feet from city hydrants, valves, maintenance holes and other utility fixtures or appurtenances; shall be set back a minimum of three feet from back of curb and sidewalk or trail; and shall not be located within roadway clear zone area.
- (8) Ground equipment associated with small wireless facility shall be located to the backside of any sidewalk or trail, shall be set back a minimum of three feet from back of curb and sidewalk or trail, and shall not be located within the boulevard sight distance triangle (section 1011.06) of intersecting streets unless the height satisfies the limitations thereof. Ground equipment shall be separated from the nearest telecommunications ground equipment on the same block by a minimum of 330 feet, except if the ground equipment be co-located within the same area as other wireless service provider and having a combined total size of less than 28 cubic feet.
- (9) The small wireless facility shall not be connected to any above-ground power or communications cables, except where such facilities exist in the surrounding environment prior to May 31, 2017. No small wireless facility or wireless support structure or utility pole shall have affixed to it any signs, banners, or placards

(except one sign of ten square inches or less identifying the monopole manufacturer or wireless service provider), nor shall any lights, reflectors, flashers or other illuminating device be affixed except as required by FAA or FCC.

- (10) When an applicant proposes co-location 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.
- (11) Small wireless facility permittee shall provide city advance notice of any work obstructing street, bicycle or pedestrian traffic, and shall perform all work in a manner that is minimally disruptive to traffic. Small wireless facility permittee shall comply with state manual for uniform traffic control at all times during installation, maintenance, and removal of small wireless facility or wireless support structure.
- (12) Wireless facilities shall be placed in appropriate portions of the right-of-way so as to minimize conflict with city infrastructure and other authorized facilities. Separate application shall be made for buried cable for small wireless facility backhaul communications. Buried cable for backhaul communications purposes shall be joint trench or co-located in multi-duct conduit when practicable. The city shall retain exclusive use of city conduit.

(d) Small wireless facility agreement.

- (1) A small wireless facility shall only be co-located 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 co-location agreement with the city. The standard co-location agreement may require payment for rent, maintenance, and electrical service as outlined in the city fee schedule and capped by state statute.
- (2) The standard co-location 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 co-locate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant. The co-location agreement shall provide for, among other things, that:
  - a. The permittee does not gain right, title or interest in city owned infrastructure;
  - b. The co-located small wireless facility and services shall not interfere with public safety or public utility communications;
  - c. The city shall have right to shut off power to the small wireless facility to perform maintenance work on city infrastructure after providing reasonable advance notice to the wireless service provider;
  - d. The city makes no guarantee as to the condition of any wireless support structure with regard to the applicant's use;



- e. The small wireless facility shall not obstruct light emanating from street lighting infrastructure used for co-location; and
- f. The permittee shall be solely responsible for maintaining the small wireless facility in good and safe condition and shall annually inspect mounting brackets to ensure they are securely attached to city infrastructure and not causing damage or premature depreciation of the asset.

(e) By accepting a permit, the telecommunications right-of-way user agrees on behalf of itself and its affiliates, successors and assigns that it will not provide video programming (including, but not limited to, programming delivered using internet protocol) over its facilities located within the rights-of-way to subscribers within the city without first obtaining a cable franchise or an open video system franchise from the city.

(Code 1995, § 707.10; Ord. No. 1209, 8-24-1998; Ord. No. 1333, 3-13-2006; Ord. No. 1549, 4-9-2018)

**Sec. 706.11. Permit fees.**

(a) *Excavation permit fee.* The excavation permit fee as established by the city fee schedule is an amount sufficient to recover the following costs:

- (1) The city cost;
- (2) Degradation cost, if applicable.

(b) *Obstruction permit fee.* The obstruction permit fee shall be established by the city council and shall be in an amount sufficient to recover the city cost.

(c) *Payment of permit fees.* No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction fees. The city may allow the applicant to pay such fees within 30 days of billing.

(d) *Nonrefundable.* Permit fees that were paid for a permit that the director has revoked for a breach as stated in section 706.21 are not refundable.

(Code 1995, § 707.11; Ord. No. 1209, 8-24-1998)

**Sec. 706.12. Right-of-way repair and restoration.**

(a) *Timing.* The work to be done under the excavation permit, and the patching or restoration of the right-of-way as required herein, must be completed within the dates specified in the permit. The time may be extended by the public works director who may increase such time by as many days as work could not be done because of extraordinary circumstances beyond the control of the permittee or by as many days that work was prohibited as unseasonal or unreasonable under section 706.15(b).

(b) *Patch and restoration.* The city has the right to choose either to restore the right-of-way or to require the permittee restore the right-of-way. Regardless of which party restores the right-of-way, the permittee is responsible to provide sufficient backfill in the excavated area to support the restoration.

- (1) *City restoration.* If the city restores the right-of-way, permittee shall pay the costs of such restoration together with permit fee. Restoration fees are established annually



in the city fee schedule. If, during the 36 months following such 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. Upon any failure to pay, the city shall refund its cost through the restoration bond.

- (2) *Permittee restoration.* If the permittee restores the right-of-way itself, and 36 months after completion of the restoration of the right-of-way, the public works director determines that the right-of-way has been properly restored, the surety on the performance and restoration bond posted pursuant to this subsection shall be released. During the 36 months following such restoration, all costs associated with having to correct the defective work shall be funded through the restoration bond.

(c) *Standards.* The permittee shall perform patching and restoration according to the standards and with the materials specified by the public works director. The public works director shall prescribe the manner and extent of the restoration and may do so in written procedures of general application or on a case-by-case basis. The public works director in exercising this authority shall be guided by the following considerations:

- (1) The number, size, depth and duration of the excavations, disruptions, or damage to the right-of-way;
- (2) The traffic volume carried by the right-of-way; the character of the neighborhood surrounding the right-of-way;
- (3) The pre-excavation condition of the right-of-way; the remaining life expectancy of the right-of-way affected by the excavation;
- (4) Whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of an accelerated depreciation of the right-of-way that would otherwise result from the excavation, disturbance, or damage to the right-of-way; and
- (5) The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right-of-way that would otherwise take place.

(d) *Guarantees.* If the city requires the permittee to restore the right-of-way, the permittee guarantees its work and shall maintain it for 36 months following its completion. During this 36-month period it shall, upon notification from the public works director, correct all restoration work to the extent necessary, using the method required by the public works director. Said correction work shall be completed within five calendar days of the receipt of the notice from the public works director, 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 section 706.15.

(e) *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the public works director or fails to satisfactorily and timely complete all restoration required by the public works director, the public works director at its

option may do such 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 permittee fails to pay as required, the city may exercise its rights under the restoration bond.

(Code 1995, § 707.12; Ord. No. 1661, § 3, 2-26-2024)

**Sec. 706.13. Joint applications.**

(a) *Joint application.* Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

(b) *With city projects.* Registrants who join in a scheduled obstruction or excavation performed by the director, whether or not it is a joint application by two or more registrants or a single application, may not be required to pay some or all of the obstruction and degradation portions of the permit fee, in the sole discretion of the director.

(c) *Shared fees.* Registrants who apply for permits for the same obstruction or excavation, which the director does not perform, may share in the payment of the obstruction or excavation permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

(Code 1995, § 707.13; Ord. No. 1209, 8-24-1998)

**Sec. 706.14. Supplementary 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 must, before working in that greater area:

- (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 done before the permit end date.

(Code 1995, § 707.14; Ord. No. 1209, 8-24-1998)

**Sec. 706.15. Other obligations.**

(a) *Compliance with other laws.* Obtaining a right-of-way permit does not relieve 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, but not limited to,

Minn. Stat. §§ 216D.01 through 216D.09 (Gopher One Call Excavation Notice System) and Minn. Rules ch. 7560. 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 performs the work.

(b) *Prohibited work.* Except in an emergency, and with the approval of the director, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such 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) *Screening.* A permittee placing a utility cabinet or other structure on any boulevard or other right-of-way area shall be required to provide visual screening of the structure with appropriate landscaping, as determined by the director.

(e) *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 Minn. Stat. ch. 216D and Minn. Rules ch. 7560 and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the director.

(Code 1995, § 707.15; Ord. No. 1209, 8-24-1998; Ord. No. 1333, 3-13-2006)

#### **Sec. 706.16. Denial of permit.**

The director may deny a permit for failure to meet the requirements and conditions of this chapter or if the director determines that the denial is necessary to protect the public health, safety and welfare or when necessary to protect the right-of-way and its current use.

(Code 1995, § 707.16; Ord. No. 1209, 8-24-1998)

#### **Sec. 706.17. Installation requirements.**

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with engineering standards adopted by the PUC or other applicable local requirements, insofar as they are not inconsistent with the PUC rules and Minn. Stat. §§ 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minn. Rules ch. 7560 and this chapter. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable permits or agreements referenced in section 706.22(b).

(Code 1995, § 707.17; Ord. No. 1209, 8-24-1998; Ord. No. 1333, 3-13-2006)

**Sec. 706.18. Inspection.**

(a) *Notice of completion.* When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance with PUC rules.

(b) *Site inspection.* The permittee shall make the work site available to the director 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 director.*

- (1) At the time of inspection the director 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 director 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 director that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit pursuant to section 706.21.

(Code 1995, § 707.18; Ord. No. 1209, 8-24-1998)

**Sec. 706.19. Work done without a permit.**

(a) *Emergency situations.* Each registrant shall immediately notify the director of any event regarding its facilities which it considers to be an emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the registrant 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 director becomes aware of an emergency regarding a registrant's facilities, the director may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the director may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant 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 the permit, pay double all the other fees required by this chapter, deposit with the director the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter.

(Code 1995, § 707.19; Ord. No. 1209, 8-24-1998; Ord. No. 1333, 3-13-2006)

**Sec. 706.20. 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 director of the accurate information as soon as this information is known.

(Code 1995, § 707.20; Ord. No. 1209, 8-24-1998)

**Sec. 706.21. Revocation of permits.**

(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 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 maintain the required bonds or insurance;
- (5) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete the work is due to reasons beyond the permittee's control; or
- (6) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to section 706.18.

(b) *Written notice of breach.* If the director 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 director shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated in subsection (a) of this section, will allow the director, at the director's discretion, to place additional or revised conditions on the permit.

(c) *Response to notice of breach.* Within 24 hours of receiving notification of the breach, the permittee shall contact the director with a plan, acceptable to the director, that will cure the breach. The permittee's failure to so contact the director, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, the permittee's failure to so contact the director, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one full year.

(d) *Cause for probation.* From time to time, the director may establish a list of conditions of the permit which, if breached, will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit authorization.

(e) *Automatic revocation.* If a permittee, while on probation, commits a breach as outlined in subsection (d) of this section, the permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs, or as allowed in writing by the director.

(f) *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 attorney fees incurred in connection with such revocation.

(Code 1995, § 707.21; Ord. No. 1209, 8-24-1998)

**Sec. 706.22. Mapping data.**

(a) *Rule.* Each registrant and permittee shall provide mapping information in a form required by the city in accordance with Minn. Rules 7819.4000 and 7819.4100. Within 90 days following completion of any work pursuant to a permit, the permittee shall provide the director with 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 director. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder's registration.

(b) *Service laterals.*

(1) All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minn. Rules 7560.0150, subp. 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 director reasonably requires it. Permittees or their subcontractors shall submit to the director evidence satisfactory to the director of the installed service lateral locations. Compliance with this subsection and with applicable Gopher State One Call Law and Minnesota Rules governing service laterals installed after December 31, 2005, shall be a condition of any city approval necessary for:

- a. Payments to contractors working on a public improvement project, including those under Minn. Stat. ch. 429; and
- b. City approval of performance under development agreements, or other subdivision or site plan approval under Minn. Stat. ch. 462.



- (2) The director shall reasonably determine the appropriate method of providing such information to the city. 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 for future permits to the offending permittee or its subcontractors.  
(Code 1995, § 707.22; Ord. No. 1209, 8-24-1998; Ord. No. 1333, 3-13-2006)

**Sec. 706.23. Location of facilities.**

(a) *Undergrounding.* To the extent not inconsistent with applicable law or regulation, or unless otherwise permitted by an existing franchise or Minn. Stat. § 216B.34, or unless existing above-ground facilities are repaired or replaced, new construction and the installation of new facilities and replacement of old underground facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes, if required by the director.

(b) *Corridors.* The director may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of equipment that is, or, pursuant to current technology, the director expects will someday be located within, the right-of-way. All excavation, obstruction, or other permits issued by the director involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue. Any registrant who has facilities in the right-of-way in a position at variance with the corridors established by the director shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the director 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 registrant.

(c) *Nuisance.* One year after the passage of this chapter, any facilities found in a right-of-way that has not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right-of-way to a usable condition.

(d) *Limitation of space.* To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the director shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the director 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.  
(Code 1995, § 707.23; Ord. No. 1209, 8-24-1998)



**Sec. 706.24. Relocation of facilities.**

(a) A registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right-of-way when the director for good cause requests such removal and relocation and shall restore the right-of-way to the same condition it was in prior to said removal or relocation. The director may make such request to prevent interference by the company's equipment or facilities with:

- (1) A present or future city use of the right-of-way;
- (2) A public improvement undertaken by the city;
- (3) An economic development project in which the city has an interest or investment;
- (4) When the public health, safety and welfare require it; or
- (5) When necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.

(b) Notwithstanding subsection (a) of this section, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a nongovernmental entity unless and until the reasonable costs thereof are first paid to the person therefore.

(Code 1995, § 707.24; Ord. No. 1209, 8-24-1998)

**Sec. 706.25. Preexcavation facilities location.**

In addition to complying with the requirements of Minn. Stat. § 216D.01 through 216D.09 (One Call Excavation Notice System) before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and approximate vertical placement of all said facilities. Any registrant whose facilities are less than 20 inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its equipment and the best procedure for excavation.

(Code 1995, § 707.25; Ord. No. 1209, 8-24-1998)

**Sec. 706.26. Damage to other facilities.**

(a) When the director does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the director shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within 30 days from the date of billing.

(b) Each registrant shall be responsible for the cost of repairing any equipment in the right-of-way which it or its facilities damages. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that registrant's facilities.

(Code 1995, § 707.26; Ord. No. 1209, 8-24-1998)

**Sec. 706.27. Right-of-way vacation.**

(a) *Reservation of right.* If the city vacates a right-of-way which contains the facilities of a registrant, and if the vacation does not require the relocation of registrant's or permittee's facilities, the city shall reserve, to and for itself and all registrants having facilities in the vacated right-of-way, the right to install, maintain and operate any facilities in the vacated right-of-way and to enter upon such right-of-way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same.

(b) *Relocation of facilities.* If the vacation requires the relocation of registrant's or permittee's facilities and:

- (1) If the vacation proceedings are initiated by the registrant or permittee, the registrant or permittee must pay the relocation costs; or
- (2) If the vacation proceedings are initiated by the city, the registrant or permittee must pay the relocation costs unless otherwise agreed to by the city and the registrant or permittee; or
- (3) If the vacation proceedings are initiated by a person other than the registrant or permittee, such other person must pay the relocation costs.

(Code 1995, § 707.27; Ord. No. 1209, 8-24-1998)

**Sec. 706.28. Indemnification and liability.**

By registering with the director, or by accepting a permit under this chapter, a registrant or permittee agrees as follows:

- (1) *Limitation of liability.* By reason of the acceptance of a registration or the grant of a right-of-way permit, the city does not assume any liability:
  - a. For injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the city; or
  - b. For claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by registrants or activities of registrants.
- (2) *Indemnification.* A registrant or permittee shall indemnify, keep, and hold the city free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the issuance of permits or by the construction, maintenance, repair, inspection, or operation of registrant's or permittee's facilities located in the right-of-way. The city shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the local government unit's negligence as to the issuance of permits or inspections to ensure permit compliance. The city shall not be indemnified if the injury or damage results from the performance in a proper manner of acts that the registrant or permittee reasonably believes will cause injury or damage, and the performance is nevertheless ordered or directed by the city after receiving notice of the registrant's or permittee's determination.

- (3) *Defense.* If a suit brought against the city under circumstances where the registrant or permittee is required to indemnify, the registrant or permittee, at its sole cost and expense, shall defend the city in the suit if written notice of the suit is promptly given to the registrant or permittee within a period in which the registrant or permittee is not prejudiced by the lack or delay of notice. If the registrant or permittee is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permittee may not settle the litigation without the consent of the city. Consent will not be unreasonably withheld. This part is not, as to third parties, a waiver of any defense, immunity, or damage limitation otherwise available to the city. In defending an action on behalf of the city, the registrant or permittee is entitled to assert in an action every defense, immunity, or damage limitation that the city could assert in its own behalf.

(Code 1995, § 707.28; Ord. No. 1209, 8-24-1998)

**Sec. 706.29. Appeal.**

- (a) A right-of-way user that:
- (1) Has been denied registration;
  - (2) Has been denied a permit;
  - (3) Has had permit revoked; or
  - (4) Believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, subd. 6; or
  - (5) Disputes a determination of the director regarding section 706.23(b);

may have the denial, revocation, or fee imposition reviewed, upon written request, by the city council. 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.

(b) Upon affirmation by the city council of the denial, revocation, or fee imposition, the right-of-way user shall have the right to have the matter resolved by binding arbitration. Binding arbitration must be before an arbitrator agreed to by both the city council and right-of-way user. If the parties cannot agree on an arbitrator, the matter must be resolved by a three-person arbitration panel made up of one arbitrator selected by the city, one arbitrator selected by the right-of-way user and one selected by the other two arbitrators. The costs and fees of the single arbitrator shall be borne equally by the city and right-of-way user. In the event there is a third arbitrator, each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third arbitrator and of the arbitration.

(Code 1995, § 707.29; Ord. No. 1209, 8-24-1998; Ord. No. 1333, 3-13-2006)

**Sec. 706.30. Abandoned and unusable facilities.**

(a) *Discontinued operations.* A registrant who has determined to discontinue its operations in the city must either:

- (1) Provide information satisfactory to the director that the registrant's obligations for its facilities in the right-of-way under this chapter have been lawfully assumed by another registrant; or
- (2) Submit to the director a proposal and instruments for transferring ownership of its facilities to the city. If a registrant proceeds under this clause, the city may, at its option:
  - a. Purchase the facilities; or
  - b. Require the registrant, at its own expense, to remove it; or
  - c. Require the registrant to post an additional bond or an increased bond amount sufficient to reimburse the city for reasonably anticipated costs to be incurred in removing the facilities.

(b) *Abandoned facilities.* Facilities of a registrant who fails to comply with subsection (a) of this section, and which, for two years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to:

- (1) Abating the nuisance;
- (2) Taking possession of the facilities and restoring them to a usable condition; or
- (3) Requiring removal of the facilities by the registrant, or the registrant's successor in interest.

(c) *Removal.* Any registrant who has unusable and abandoned facilities in any right-of-way shall remove it from that right-of-way during the next scheduled excavation, unless this requirement is waived by the director.

(Code 1995, § 707.30; Ord. No. 1209, 8-24-1998)

**Sec. 706.31. Reservation of regulatory and police powers.**

A permittee's or registrant's rights are subject to the city regulatory and police powers to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

(Code 1995, § 707.31; Ord. No. 1209, 8-24-1998)

**Sec. 706.32. Franchise; franchise supremacy.**

The city may, in addition to the requirements of this chapter, require any person which has or seeks to have equipment located in any right-of-way to obtain a franchise to the full extent permitted by law, now or hereinafter enacted. The terms of any franchise which are inconsistent with any provision of this chapter, whether granted prior or subsequent to

enactment of the ordinance from which this chapter is derived, shall control and supersede the conflicting terms of this chapter. All other terms of this chapter shall be fully applicable to all persons whether franchised or not.

(Code 1995, § 707.32; Ord. No. 1209, 8-24-1998)

**Sec. 706.33. Franchise agreement permitted.**

Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

(Code 1995, § 707.33; Ord. No. 1209, 8-24-1998)

Title 8

**PUBLIC WORKS**

**Chapter 801. Municipal Water System**

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- Sec. 801.02. Compliance with chapter required.
- Sec. 801.03. Supply from one service.
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## ROSEVILLE CITY CODE

### **Chapter 803. Stormwater Drainage**

- Sec. 803.01. Stormwater drainage utility.
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### **Chapter 804. Wetlands**

- Sec. 804.01. Wetland Protection Overlay District.



**CHAPTER 801. MUNICIPAL WATER SYSTEM****Sec. 801.01. General operation.**

The city water system, consisting of pumping stations, storage tanks, distribution piping, service lines, curb stops, structures and associated appurtenances shall be operated as a public utility and convenience from which revenue will be derived, subject to the provisions of this chapter.

(Code 1995, § 801.01; Ord. No. 388, 4-22-1963; Ord. No. 1590, 10-12-2020)

**Sec. 801.02. Compliance with chapter required.**

No person, firm or corporation shall connect any water service to the city water system or make use of any water service connected to the city water system except in the manner provided in this chapter. All connections to or extensions of the city water system shall be in accordance with relevant portions of the current state building code and plumbing code and city standard details for utility construction.

(Code 1995, § 801.02; Ord. No. 388, 4-22-1963; Ord. No. 1590, 10-12-2020)

**Sec. 801.03. Supply from one service.**

(a) No more than one housing unit or building shall be supplied from one service connection except by special permission of the public works director.

(b) A separate connection shall be required for each dwelling unit constructed on or after November 11, 2021, in LDR and LMDR districts as defined in title 10. A separate connection shall be required in R-2 Districts for all dwelling units if there are separate parcels.

(Code 1995, § 801.03; Ord. No. 883, 7-13-1981)

**Sec. 801.04. Use confined to premises.**

No person shall permit water from the water system to be used for any purpose except upon their own premises unless written consent is obtained from the public works director.

(Code 1995, § 801.04; Ord. No. 288, 4-22-1963)

**Sec. 801.05. Tapping of mains.**

The tapping of water mains must be done under the supervision of the city engineer and pursuant to city specifications. A plumbing permit is required, pursuant to chapter 901. The fee is as established in the city fee schedule and is payable when the permit for the plumbing work is issued.

(Code 1995, § 801.05; Ord. No. 388, 4-22-1963; Ord. No. 1590, 10-12-2020)

**Sec. 801.06. Application for water connection.**

(a) A permit must be obtained to connect to the city water system. The water connection permit fee, as established in the city fee schedule, shall be submitted at the time of permit application. All permits for service installations shall be made by the owner of the property,

or a duly authorized agent, and shall state the size and location of the service connection and all other information as required. The applicant shall pay to the city prior to the issuance of the permit, the total amount of fees or deposit required for the installation of the service connection as herein provided. No permit shall be issued except to a licensed plumber, certified pipe layer, or homeowner performing work on the homeowner's own premises.

(b) Water billings. Water and sanitary sewer base rates shall start once a permit is issued. Water and sewer usage billings will begin once a meter has been installed.

(c) Owner's responsibility. The property owner is responsible for all charges for water service and sewer service for the benefitted property.

(Code 1995, § 801.06; Ord. No. 1590, 10-12-2020)

**Sec. 801.07. Connection permit; fees.**

A permit must be obtained to connect to the existing water service leads at the curb box, and interior plumbing. The fee for the permit shall be as provided in the city fee schedule. No permit shall be issued except to a plumber licensed by the city.

(Code 1995, § 801.07; Ord. No. 1009, 3-23-1987; Ord. No. 1590, 10-12-2020)

**Sec. 801.08. Property assessments.**

Before any permit shall be issued, the following conditions shall be complied with:

(1) *Certification by public works director.* No permit shall be issued to tap or connect with any water main of the city directly or indirectly from any lot or tract of land unless the public works director shall have certified:

- a. That such lot or tract of land has been assessed for the cost of construction of the water main with which the connection is made; or
- b. That if no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course; or
- c. That if no assessment has been levied and no assessment proceedings will be completed in due course, a sum equal to the portion of cost of constructing the water main would be assessable against the lot or tract has been paid to the city.

(2) *Additional connection fee.*

- a. If no such certificate can be issued by the public works director, no permit to tap or connect to any water main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the main which would be assessable against the lot or tract to be served by such tapping connection, including interest at a rate equal to the interest rate of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased when it is determined by the public works director that the improvement was not subject to utilization until a later date.

- b. The assessable cost is to be determined by the public works director upon the same basis as any assessment previously levied against other property for the main. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar tapping or connection with such main, determined on the basis of the total assessable cost of the main, allocated on a frontage basis, acreage basis, or both.

(Code 1995, § 801.08; Ord. No. 388, 4-22-1963; Ord. No. 745, 12-30-1974; Ord. No. 1590, 10-12-2020)

#### **Sec. 801.09. Turning on water.**

No person except an authorized city employee shall turn on or off any water supply at the stop box without permission from the public works director. Authorized city employees shall be allowed access to stop boxes at all times.

(Code 1995, § 801.09; Ord. No. 388, 4-22-1963; Ord. No. 1590, 10-12-2020)

#### **Sec. 801.10. Water meters.**

(a) *Meters required.* Except for extinguishment of fires, no person, except authorized city employees, shall use water from the water system or permit water to be drawn from the water system unless the same be metered bypassing through a meter supplied or approved by the city. No person not authorized by the public works director shall connect, disconnect, take apart or in any manner change, cause to be changed or interfere with any such meter or the action of such meter.

- (1) *Master meter.* Commercial or industrial buildings shall be metered with one master meter of adequate size as approved by the public works director.
- (2) *Auxiliary meters.* If additional or auxiliary meters are desired for recording the subdivision of such supply, they must be furnished and set up by the owner or consumer at the owner or consumer's expense and the owner or consumer must assume all responsibility of reading, billing and maintaining the auxiliary meters

(b) *Installation.* All water meters shall be installed in accordance with the standards set by the public works director

(c) *Water meter fee.* A water meter fee must be paid prior to the installation of all meters. The amount of the water meter fee will be based on the size of the meter and adopted annually in the city fee schedule.

(d) *Remote reading.* Remote reading devices on water meters will be required except where otherwise determined by the public works director.

(e) *Maintenance and repair.* The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. However, where replacement, repair or adjustment of any meter is rendered necessary by the act,

neglect, including damage from hot water backup or carelessness of the owner or occupant of the premises, any expense caused the city shall be charged against and collected from the water consumer.

(f) *Rereading meter.* A consumer may, by written request, have their meter reread by depositing the amount stated below with the finance director. In case a test should show an error of over five percent of the water consumed, the deposit will be refunded to the consumer, a correctly registering meter will be installed and the bill will be adjusted accordingly if the meter erred in favor of the city. Such adjustment shall not extend back more than one billing period from the date of the written request.

(g) *Meters city property.* All water meters shall be and remain the property of the city.

(h) *Employees granted free access.* Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.

(Code 1995, § 801.10; Ord. No. 733, 8-12-1974; Ord. No. 1590, 10-12-2020; Ord. No. 1671, § 1, 3-18-2024)

#### **Sec. 801.11. Water rates and collection of charges.**

(a) *Accounts; how kept.* All accounts shall be kept on the books of the finance director by the house and street number, under the account number assigned and by the name of the owner. All bills and notices sent out by the finance director shall be sent to the owner. If nonresident owners or agents desire personal notice sent to a different address, they shall file an application with the finance director. Any error in address shall be promptly reported to the finance director.

(b) *Water rates.*

- (1) *Regular rate; minimum rate.* The rate due and payable by each water user within the city for water taken from the water system shall be payable quarterly in an amount set by the council and kept on file in the city manager's office in the form of a rate schedule.
- (2) *Faulty meter.* In case the meter is found to have stopped or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.
- (3) *Proration.* When service is for less than a quarterly period, the quarterly charge will be prorated on a monthly basis.
- (4) *Automatic sprinkler system.* When a connection is made to an automatic sprinkler system for standby service only, on either city or private water mains, a charge for such service shall be made on an annual basis in an amount set by the council, and kept on file in the city manager's office, in the form of a rate schedule. These rates shall apply in all cases where automatic sprinklers are installed and where fire gates and other outlets are sealed. Meters or detector check valves must be installed on

such services as required by the public works director. An additional charge for volume used based on subsection (b)(1) of this section shall be due and payable by the user for usage over 1,000 gallons per year.

- (5) *Rates outside city limits.* Rates due and payable by each water user located beyond the territorial boundaries of the city shall be determined by special contract.
- (6) *Unconnected service pipe.*
  - a. When a service pipe is connected to the stop box and laid into the building with no intention of connecting to the building piping for use immediately, there shall be the same minimum rates charged as in subsection (b)(1) of this section.
  - b. A meter shall be installed on the street valve in the house and a remote register outside regardless of whether inside piping is connected.
- (7) *Discontinued use.* In the event the water customer elects to discontinue the use of the city water, the regular or minimum charge shall continue until such date as the service pipe is excavated and disconnected at the watermain.
- (8) *Utility rate discount.* The city council may establish reduced water and sewer rates for owner-occupied homes that meet financially need-based criteria as established by the city council from time to time.

(c) *Payment of charges.* Any prepayment or overpayment of charges may be retained by the city and applied on subsequent quarterly statements.

(d) *Penalty for late payment.* A late payment penalty of ten percent shall be assessed on all accounts with a past due balance. Accumulated interest on unpaid accounts will compound quarterly.

(e) *Action to collect charges.* Any amount in excess of 90 days past due for water charges may be certified to the county auditor for collection with real estate taxes at an annual interest rate as established in the city fee schedule. In addition, all amounts certified shall include an additional fee to cover the city's costs of certification as established in the city fee schedule. All applications for water service shall contain an explanation in clear language that unpaid water bills and accumulated fees and penalties will be collected in real estate taxes in the following year. The city shall also have the right to bring a civil action or other remedies to collect unpaid charges, fees, and penalties.

(f) *Hearing required.* A hearing must be held prior to the certification of unpaid utility charges to the county auditor. Unpaid charges on sewer and water accounts will not be certified to the county auditor until notice and opportunity for a hearing have been provided to the owner of the premises involved. The notice will be sent by first class mail and must state that if payment is not made before the date of certification, the entire unpaid amount, plus penalties, will be certified to the county auditor for collection as other taxes are collected. The notice will also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

(g) *Delivery to county.* If, after the hearing, the city council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this chapter, the city may certify the unpaid charges and any accrued penalty charges to the county auditor for collection as other taxes are collected.

(Code 1995, § 801.11; Ord. No. 388, 4-22-1963; Ord. No. 620, 4-27-1970; Ord. No. 1463, 3-10-2014; Ord. No. 1590, 10-12-2020; Ord. No. 1646, § 1, 11-27-2023)

#### **Sec. 801.12. Repair of leaks.**

It shall be the responsibility of the consumer or owner to maintain the service pipe from the water main into the house or building. In case of failure upon the part of any consumer or owner to repair any leak occurring in such pipe within 24 hours after verbal or written notice, the water will be shut off and will not be turned on until the leak is repaired. When the waste of water is great, or when damage is likely to result from the leak, the water may be turned off immediately pending repairs. A water shutoff charge shall be made in an amount provided in the city fee schedule.

(Code 1995, § 801.12; Ord. No. 530, 3-20-1967; Ord. No. 1590, 10-12-2020)

#### **Sec. 801.13. Use of water for air conditioners.**

(a) *Permit required.* Permits shall be required for the installation of all new air conditioning systems to the public water system. The permit shall be on forms as provided by the city.

(b) *Water conserving and regulating devices.* All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the public works director.

(Code 1995, § 801.13; Ord. No. 388, 4-22-1963; Ord. No. 1590, 10-12-2020)

#### **Sec. 801.14. Restrictions against sprinkling and other limitations.**

All water customers and consumers shall be governed by the applicable regulations promulgated by the board of water commissioners of the City of Saint Paul as to limitations in the time and manner of using water and such other applicable regulations promulgated by the city council affecting the preservation, regulation and protection of the water supply.

(Code 1995, § 801.14; Ord. No. 388, 4-22-1963; Ord. No. 1590, 10-12-2020)

#### **Sec. 801.15. Liability for deficiency or shutoffs.**

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off at any time and kept shut off as long as necessary.

(Code 1995, § 801.15; Ord. No. 388, 4-22-1963; Ord. No. 1590, 10-12-2020)

**Sec. 801.16. Willful damage to system.**

No person shall remove or damage any structure, appurtenance or property of the water system, fill or partially fill any excavation or raise or open any gate constructed or maintained for the water system.

(Code 1995, § 801.16; Ord. No. 388, 4-22-1963; Ord. No. 1590, 10-12-2020)

**Sec. 801.17. Discontinuance for violations.**

Water service may be shut off at any stop box connection when:

- (1) *Violation.* The owner or occupant of the premises serviced or any person working on any pipes or equipment which are connected with the water system, has violated or threatens to violate any of the provisions of this chapter.
- (2) *Nonpayment of charges.* Any charge for water, service, meter or any other financial obligation imposed on the present or former owner or occupant of the premises served is unpaid.
- (3) *Fraud or misrepresentation.* Fraud or misrepresentation has been committed by the owner or occupant of the premises served in connection with an application for service.

(Code 1995, § 801.17; Ord. No. 388, 4-22-1963; Ord. No. 1590, 10-12-2020)

**Sec. 801.18. Abandoned services.**

(a) *Abandoned service installations.* All service installations that have been abandoned or have not been used for three years shall be disconnected at the main by the city and all pipe and appurtenances removed shall be the property of the city. Any expense of the city shall be charged to the property.

(b) *New building/increased service.* When new buildings are erected on the site of old ones and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service shall have been removed and the main plugged by the city. Any expense of the city shall be charged to the property.

(Code 1995, § 801.18; Ord. No. 394, 3-27-1963; Ord. No. 1590, 10-12-2020)

**Sec. 801.19. Fire hydrants.**

All publicly owned hydrants shall remain visible and accessible from the roadway for maintenance and emergency use. All sides, including top, shall have a minimum three-foot clear zone. No person other than authorized city employees shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the public works director as follows:

- (1) *Permit.* Permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for such additional 30-day periods as the public works director shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.



- (2) *Deposit.* The user shall make an advance cash deposit in the amount provided in the city fee schedule to guarantee payment for water used and to cover breakage and damage to hydrant, which shall be refunded upon expiration of the permit, less applicable charges for use.
  - (3) *Rental charge.* The user shall pay a rental charge in the amount provided in the city fee schedule.
  - (4) *Hydrant rentals.* There shall be a rental fee for fire hydrants in the amount provided in the city fee schedule payable by each owner (including the city) upon whose property such hydrant is situated.
  - (5) *Temporary connection to fire hydrants.* An owner of a private water system may make a temporary above-ground connection to a fire hydrant, subject to the time periods, conditions and payment as specified in subsection (3) of this section. In addition, the method of connection to the private system shall conform to all existing requirements of this Code and the type of meter used shall meet the approval of the public works director.
- (Code 1995, § 801.19; Ord. No. 394, 5-27-1963; Ord. No. 409, 12-23-1963; Ord. No. 523, 1-9-1967; Ord. No. 733, 8-12-1974; Ord. No. 936, 12-19-1983; Ord. No. 1590, 10-12-2020)

**Sec. 801.20. Privately owned hydrants.**

(a) Section 508 of the state fire code requires inspection, testing and maintenance of fire protection water supplies which include water lines and fire hydrant systems. Fire hydrant systems shall be subject to periodic tests, maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards. Section 101 of the state fire code authorizes the city to adopt rules to implement the fire code. The city considers the private hydrants part of the city waterworks system. It is in the public interest that private hydrants be inspected and tested by qualified personnel and repaired and maintained in good working order to protect life and property.

(b) Fire protection inspections shall be conducted annually on all private hydrants directly or indirectly connected to the city water system. This inspection shall include testing of the operation and flow of the hydrants. The owner of the hydrant may use a city approved plumber that is licensed in the state to perform the inspection or elect to have the city perform the inspection for a fee.

(c) If the property owner elects to have the city complete the inspection a hydrant inspection fee shall be charged for each hydrant inspected by the city or city's agent and the fee shall be billed once annually to the owner of the private hydrant as part of the water bill. The city council must establish the rates to be charged for a hydrant inspection to the customer annually within the city fee schedule.

(d) In the event the inspection indicates that repairs are required, the city shall notify the owner of the hydrant or water line, with a copy to the fire department, setting forth the repairs required. If repairs are not made within the time period set forth by the public works department in the notification, the necessary repairs shall be made by the city and the cost billed to the owner.

(e) The property owner may sign a waiver and petition the city for the repairs. The city will contract for the repairs and assess the property in accordance with the city's assessment policy.

(f) If the property owner elects to hire their own city approved inspection company that is licensed in the state, they will be required to submit a completed city provided annual inspection form to the public works department.

(g) Action to collect charges. Any amount due for the above charges in excess of 90 days past due shall be certified to the county auditor for collection with real estate taxes. This certification shall take place regardless of who requested the inspection services, whether it was the owner, tenant or other person. All applications for inspection services shall contain an explanation in clear language that unpaid bills will be collected in real estate taxes in the following year. The city shall also have the right to bring a civil action or other remedies to collect unpaid charges.

(Code 1995, § 801.20; Ord. No. 1590, 10-12-2020)

#### **Sec. 801.21. Connections beyond city boundaries.**

When city water mains are in any street or alley adjacent to or outside the corporate limits of the city, the city council may issue permits to the owners or occupants of properties adjacent or accessible to such water mains to make proper water service pipe connections with such city water mains and to be supplied with water in conformity with the applicable provisions of this chapter and subject to the contract between the city and the City of Saint Paul for supply of water.

(Code 1995, § 801.21; Ord. No. 388, 4-22-1963; Ord. No. 1590, 10-12-2020)

#### **Sec. 801.22. Private water supplies.**

(a) *Connection to water system prohibited.* No water pipe of the city water system shall be connected with any pump, well, tank or piping that is connected with any other source of water supply.

(b) *Continued use after connection to system.* Private wells may be maintained and continued in use after connection is made to the water system, provided there is no means of cross-connection between the private well and city supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well supply system. The threads on the boiler drain of the well volume tank shall be removed or the boiler drain bibb replaced with a sink faucet. When both private and city systems are in

use, outside hose bibbs shall not be installed on both systems. Existing wells that discharge to the sanitary sewer systems must have a water meter installed to calculate sanitary sewer charges.

(c) *New construction.* All new construction must connect to the city water system.

(d) *Existing private water system.* All properties that are currently served by a private water system, but have city water available, must connect to the city water system no later than July 31, 2035. A property is considered to have "city water available" if the structure to be served is within 400 feet of a watermain. The city will impose a noncompliant property connection charge in the amount provided in the city fee schedule on the utility bill on all properties that do not connect to the city water system by July 31, 2035. Existing private water systems may continue to be used for irrigation, provided that no connection to the city water system as described in subsection (a) of this section exists. Private wells serving such systems must meet the requirements of subsection (b) of this section.

(e) *Permit required.* No person shall drill any well without first obtaining a permit from the city and the state department of health. Application for such permit shall state the character, location and size of the proposed well. The permit fee shall be as established in the city fee schedule.

(f) *Requirements for issuance.* The public works director shall issue such permits only if one of the following exists.

- (1) The well is to be used for monitoring purposes only and will be abandoned in accordance with state regulations at a set future date.
- (2) All other wells shall require a permit from the city council. The city council will issue such permits only after a determination that the private well will not interfere with the city system and that the property cannot be served by the existing city system.
- (3) Upon the completion of the drilling of every well, the well driller shall notify the building official and shall furnish the building official with state department of health approved well records.

(g) *Well pumps.* No person shall install or replace a pump without first obtaining a permit to do so. Application for a permit to install or replace a pump for a well shall be made in writing to the building official and shall state the manufacturer, type, horsepower, and rating of the proposed pump to be installed or replaced. The permit fee shall be established in the city fee schedule.

(Code 1995, § 801.22; Ord. No. 388, 4-22-1963; Ord. No. 530, 3-20-1967; Ord. No. 873, 12-22-1980; Ord. No. 891, 12-14-1981; Ord. No. 1590, 10-12-2020; Ord. No. 1673, § 1, 4-8-2024)

#### **Sec. 801.23. Private use of water towers.**

(a) *Permit required.* No person shall in any way use any city water tower for private use without first obtaining a permit from the city council to do so.

(b) *Fee.* If the permit is issued by the city council, it shall be valid only as long as the applicant pays to the city the fee in the amount provided in the city fee schedule. The permit must be renewed annually.

(c) *Cancelling permits.* The city council may at any time cancel any permit issued to a private person to in any way use any city water tower by returning to the person the unused portion of the annual fee.

(Code 1995, § 801.23; Ord. No. 419, 4-20-1964; Ord. No. 1504, 7-11-2016; Ord. No. 1590, 10-12-2020)

## CHAPTER 802. SEWER USE

### Sec. 802.01. General operation.

The entire city sanitary sewer system shall be operated as a public utility and convenience from which revenues will be derived, subject to the provisions of this chapter.

(Code 1995, § 802.01; Ord. No. 218, 9-4-1956)

### Sec. 802.02. Supervision.

The code official shall supervise all house sewer connections made to the city sanitary sewer system and excavations for the purpose of installing or repairing the same.

(Code 1995, § 802.02; Ord. No. 219, 9-4-1956)

### Sec. 802.03. Connection required.

(a) *Existing buildings.* Any building used for human habitation and located on property adjacent to a sewer main, or in a block through which the system extends, shall be connected to the city sanitary sewer system within two years from the time a connection is available to any such property.

(b) *New construction.* All buildings constructed on property adjacent to a sewer main or in a block through which the system extends shall be provided with a connection to the city sanitary sewer system for the disposal of all human wastes.

(c) *Senior citizen deferral.* In cases where the owner of an existing building is receiving a senior citizens deferral of special assessments for the cost of the sewer main and no health hazard exists, the city council may defer the requirement for a connection to the sanitary sewer system until such time as the senior citizen deferral expires or a health hazard exists. (Code 1995, § 802.03; Ord. No. 901, 3-10-1982)

### Sec. 802.04. Application for sewer connection.

(a) *Permit; fees.* Any person desiring a connection to the city sanitary sewer system for property not previously connected with the system shall make application for a permit to the code official, accompanied by such information as required by the code official, together with a permit and inspection fee in the amount provided in the city fee schedule; provided,

however, that a separate permit may be issued for that portion of the sewer connection extending from the property line to the main sewer or other outlet for which permit the fee shall be as provided in the city fee schedule and a separate permit may also be issued for that portion of the sewer extending from the house or building to the property line for which the permit fee shall be as provided in the city fee schedule. Inspection of the sewer service from the main to the building shall be performed by the chief code enforcement officer to ensure compliance to all applicable codes.

(b) *Additional building permit fees.* In addition to the building permit fees and any other fees established in the city fee schedule, the city has established a fee to pay and reimburse the city for all sums which the city shall be required to pay to the Metropolitan Council Environmental Services because of all construction.

(c) *Conditions for permit issuance.* Before any permit shall be issued, the following conditions shall be complied with:

- (1) No permit shall be issued to connect with any city sanitary sewer system directly or indirectly from any lot or tract of land unless the public works director has certified:
  - a. That such lot or tract of land has been assessed for the cost of construction of the sanitary sewer main with which the connection is made;
  - b. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course;
  - c. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing the sanitary sewer main which would be assessable against the lot or tract has been paid to the city; or
  - d. That all charges and fees as required by subsection (b) of this section, which are fees to reimburse the city for all sums paid to the Metropolitan Council Environmental Services required by the construction of new buildings are paid.
- (2) If no such certificate can be issued by the public works director, no permit to connect to any sanitary sewer main shall be issued unless the applicant shall pay an additional connection fee, which shall be equal to the portion of the cost of construction of the sanitary sewer main which would be assessable against the lot or tract to be served by such connection for the main, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased when it is determined by the public works director that the improvement was not subject to utilization until a later date. The assessable cost is to be determined by the public works director upon the same basis as any assessment previously levied against other property for the main. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may

have been or which shall be charged for similar connection with the main, determined on the basis of the total assessable cost of the main, allocated on a frontage basis, acreage basis or both.

(d) *Licenses required.* Permits shall be issued only to such persons who are duly licensed to engage in the business of plumbing who have filed with the city the insurance certificates required under subsection (f) of this section; provided, however, that permit may be issued to any person who is duly licensed by the city as a sewer contractor and who has filed with the city the insurance certificates required under subsection (f) of this section for building and repairing that portion of the house or building sewer extending from the property line to the main sewer or other outlet.

(e) *License fees.* The annual license fee shall be in the amount provided in the city fee schedule.

(f) *Insurance.*

(1) Before any required permit is issued, the licensee applying for the permit shall file with the city manager a certificate of insurance covering the licensee for the period covered by the license in the minimum liability amount of \$600,000.00.

(2) The certificate shall state that the policies covering the licensee shall not be canceled without ten days' written notice to the city.

(Code 1995, § 802.04; Ord. No. 234, 8-6-1957; Ord. No. 531, 3-20-1967; Ord. No. 688, 12-18-1972; Ord. No. 745, 12-30-1974; Ord. No. 1009, 3-23-1987)

#### **Sec. 802.05. Construction requirements.**

(a) No person, firm or corporation shall connect any sewer service to the city sewer system or make use of any sewer service connected to the sewer system except in the manner provided in this chapter. All connections to or extensions of the sewer system shall be in accordance with relevant portions of the current state building code and state plumbing code and city standard details for utility construction.

(b) Use of existing sewer services. Existing sewer services or portions of such sewers may be approved for use by the public works director. The public works director may request that the old sewer be excavated for the purpose of facilitating inspection. No cesspool or septic tank shall be connected to any portion of a house sewer that is also laid across or over any existing cesspool or septic tank, the existing cesspool or septic tank shall first be pumped clean and filled with earth to the surrounding ground level. When a sewer is laid across or over any existing cesspool or septic tank, only material approved by the public works director shall be used for that portion of the connecting sewer which is laid across or over the existing cesspool or septic tank.

(c) Connections at "Y" only. Every connecting sewer shall be connected to the city sewer system at the "Y" designated for the property served by the connection, except where otherwise expressly authorized by the public works director. When expressly authorized by

the public works director, all connections made at points other than the designated "Y" shall be made only under the direct supervision of the public works director in such manner as the public works director may direct.

(d) Sump pumps. All new and existing structures with sumps for which a building permit is issued shall be plumbed to the outside of the dwelling. All new structures shall be inspected by city personnel before a certificate of occupancy is issued. A sump pump discharge system shall not be connected directly or indirectly to the city's sanitary sewer system. A sump pump shall have a permanently installed discharge line, which provides for year-round discharge to the outside of a building or structure. The discharge line shall be terminated on the private property for which the sump pump serves. The discharge line shall not be directly discharged into the public right-of-way unless approved by the public works director. The discharge line shall not discharge water in locations that would cause negative impacts to adjacent property owners or the public. The discharge line shall consist of a rigid discharge line inside the dwelling or building, with glued fittings that do not contain unions, bypass valves or apparatus inside the dwelling or building that allow for altering the path of discharge.

(e) Independent systems required. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from and independent of that of any other building, except where provided in this subsection, and every building shall have an independent connection with a public sewer when such is available.

(f) Exception to independent sewer system requirement. Under the following limited circumstances, the requirement for an independent sewer system provided in subsection (e) of this section need not be met.

- (1) When one building stands to the rear of another building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building drain from the front building may be extended to the rear building and the whole will be considered as one building drain. When such a building drain is extended, a cleanout shall be provided immediately inside the rear wall of the front building.
- (2) A new structure on one parcel may be permitted to connect to an existing sewer line serving an adjacent parcel when the following conditions are met.
  - a. The alternative construction of a new sewer service to serve the parcel would create a hardship due to the necessity of crossing a railroad or roadway by method other than open cut or as determined by the public works director.
  - b. The owners of the property will sign and record an instrument, in perpetuity, for joint use and maintenance of the shared service, which instrument specifically holds the city harmless and releases the city from any and all claims relating to the shared service. A copy of the instrument will be filed with the city for approval by the city attorney.



- c. The public works director determines that the shared sewer has adequate capacity for anticipated flows.
- d. A cleanout is provided at the junction point of the two services.

(g) Repair of public right-of-way. No connection to the city sanitary sewer system shall be finally approved until all streets, pavements, curbs and boulevards or other public improvements have been restored to their former condition to the satisfaction of the public works director.

(h) Costs and maintenance.

- (1) *Installation and connection.* All costs and expenses incidental to the installation and connection to the city sewer system shall be borne by the owner and the owner shall indemnify the city for any loss or damage that may, directly or indirectly, be occasioned by the installation of the sewer connection, including restoring streets and street surface.
  - (2) *Maintenance.* It shall be the responsibility of the owner or occupant to maintain the sewer service from the main sewer into the house or building.
- (Code 1995, § 802.06; Ord. No. 219, 9-4-1956; Ord. No. 532, 3-20-1967; Ord. No. 855, 9-10-1979; Ord. No. 926, 5-22-1983; Ord. No. 1590, 10-12-2020)

#### **Sec. 802.06. Use of certain buildings restricted.**

No person shall use any building or allow any other person to use any building which is not connected to the city sanitary sewer system as required by section 802.03.  
(Code 1995, § 802.07; Ord. No. 414, 4-6-1964)

#### **Sec. 802.07. Prohibited discharges.**

(a) All discharge into the city's sanitary sewer system shall be in conformance with the waste discharge rules adopted by the Metropolitan Council Environmental Services.

(b) Prohibited discharges include, but are not limited to, any unpolluted water, such as noncontact cooling water, rainwater, stormwater, groundwater, or water collected from foundation drains or sumps, or roof drainage; water insoluble oils, including, but not limited to, fuel oil, nonbiodegradable cutting oil, lubricating oil, hydraulic oil, mineral oil and motor oil.

- (1) *Waiver.* The public works director shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this section where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. This may also include cases where it would not be practical or feasible to correct an otherwise prohibited discharge in the city's sewerage system.
  - a. Application for waivers pursuant to this section shall be addressed in writing to the public works director. The applications shall at a minimum identify the

subject property, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within 30 days the public works director shall make a decision on the matter and send a copy of such decision to the applicant by regular mail. Upon approval of an application for a waiver, a property owner shall be allowed to discharge directly into the sewerage system for a limited time specified in the written decision and in accordance with other terms and conditions specified. If a temporary waiver is granted, the property owner shall pay a fee in an amount duly adopted by city council and set forth in the city fee schedule.

- b. The public works director may set conditions to the temporary waiver. The public works director may terminate the temporary waiver upon failure to comply with any conditions imposed on the temporary waiver. The public works director must give a five-day written notice of the termination to the property owner and occupant setting forth the reasons for the termination. After expiration or termination of a temporary waiver, the property owner shall comply with the provisions of this section.
- c. Appeal. Any person may appeal the determination of the public works director. A written notice of appeal must be received within ten days from the date of the public works director's decision. Hearing on the appeal before the city council shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the city council shall be final.

(2) *Surcharge.* A monthly surcharge in an amount set forth in the city fee schedule shall be assessed against property owners who are found not in compliance with this section. The surcharge shall be added every month until the property is verified to be in compliance through the city's inspection program.

(3) *Action to collect charges.* Any amount due for the surcharge referenced in subsection (b)(2) of this section in excess of 90 days past due shall be certified to the county auditor for collection with real estate taxes. This certification shall take place regardless of who is responsible for water utility payments, whether it was the owner, tenant or other person. The city shall also have the right to bring a civil action or other remedies to collect unpaid charges.

(Code 1995, § 802.08)

#### **Sec. 802.08. Tampering prohibited.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city sewer system.

(Code 1995, § 802.09; Ord. No. 218, 9-4-1956)

**Sec. 802.09. Certain connections prohibited.**

No building located on property lying outside the limits of the city shall be connected to the city sanitary sewer system unless authorization is obtained from the city council.

(Code 1995, § 802.10; Ord. No. 218, 9-4-1956)

**Sec. 802.10. Entry upon private property.**

(a) The public works director and other duly authorized city employees, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in connection with the operation of the city sanitary sewer system.

(b) Every person, owner, lessee or occupant of any parcel of land, building or premises that discharges into the city's sanitary sewer system shall allow an city employee or a designated city representative to inspect the building or premises for which the city possesses evidence of discontinuation of compliance with the requirements of section 802.05.

(c) In lieu of the city inspection, the owner, lessee or occupant may furnish a certificate from a city registered state licensed plumber certifying that the building or premises are in compliance with the requirements of section 802.05.

(d) Surcharges for buildings or premises that do not comply with this section will be determined by the city council and listed in the city fee schedule.

(Code 1995, § 802.11; Ord. No. 218, 9-4-1956)

**Sec. 802.11. Rates and charges.**

(a) *Charges for use.* A charge is hereby imposed upon every person whose premises are served, either directly or indirectly, by the sanitary sewer system within the city, for the use of the facilities of the sewer system and for connection to the system. Such charges shall be in an amount provided in the city fee schedule.

(b) *Supplemental charges for industrial sewage wastes.* In respect to property which shall be connected to the city sewer for the disposal of industrial sewage wastes, which shall by virtue of its strength and volume be subject to supplementary charges by the Metropolitan Council Environmental Services, the city may impose a supplemental charge based generally upon and at least equal to the amount of the Metropolitan Council Environmental Services.

(c) *Payment of charges.* Any prepayment or overpayment of charges may be retained by the city and applied on subsequent quarterly statements.

(d) *Penalty for late payment.* Each quarterly billing for sewer charges not paid when due shall incur a penalty charge of ten percent of the amount past due. Accumulated interest upon unpaid accounts will compound quarterly.

(e) *Action to collect charges.* Any amount in excess of 90 days past due for sewer charges, including Metropolitan Council Environmental Services sewer charges, may be certified to the county auditor for collection with real estate taxes at an annual interest rate as

established in the city fee schedule. In addition, all amounts certified shall include an additional fee in the amount provided in the city fee schedule to cover the city's costs of certification. All applications for sewer service shall contain an explanation in clear language that unpaid sewer bills and accumulated penalties will be collected in real estate taxes in the following year. The city shall also have the right to bring a civil action or other remedies to collect unpaid charges, fees, and penalties.

(f) *Hearing required.* A hearing must be held prior to the certification of unpaid utility charges to the county auditor. Unpaid charges on sewer and water accounts will not be certified to the county auditor until notice and opportunity for a hearing have been provided to the owner of the premises involved. The notice will be sent by first class mail and must state that if payment is not made before the date of certification, the entire unpaid amount, plus penalties, will be certified to the county auditor for collection as other taxes are collected. The notice will also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

(g) *Delivery to county.* If, after the hearing, the city council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this chapter, the city may certify the unpaid charges and any accrued penalty charges to the county auditor for collection as other taxes are collected.

(h) *Utility rate discount.* The city council may establish reduced water and sewer rates for owner-occupied homes that meet financially need-based criteria as established by the city council from time to time.

(Code 1995, § 802.12; Ord. No. 1648, § 1, 11-27-2023)

#### **Sec. 802.12. Industrial user strength charges.**

The Metropolitan Council Environmental Services, a metropolitan commission organized and existing under state law, in order to receive and retain grants in compliance with the federal water pollution control act is required to impose industrial user strength charges to recover operation and maintenance cost of treatment works attributable to the strength of discharge of industrial waste. The city shall collect industrial strength charges as dictated by the metropolitan council environmental services rules and state statutes and adopts the same by reference.

(Code 1995, § 802.13)

#### **Sec. 802.13. Transport and dumping of sewage.**

The cleaning or emptying of the contents of any privy vault, septic tank, cesspool, sink or private drain located in the city shall be done in an inoffensive manner, and the contents shall be placed in and be removed from the premises in closed, tight covered barrels,

receptacles or tank trucks so as to prevent the scattering, dropping or leaking while being transported and shall be discharged or destroyed so as not to be offensive to surrounding property owners.

(Code 1995, § 802.14; Ord. No. 168, 9-15-1953; Ord. No. 1505, 7-11-2016)

**Sec. 802.14. Discharge of fats, oils and grease.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Best management practice or BMP.* Fats, oils and grease (FOG) BMPs are the most effective and practicable means of controlling, preventing and minimizing the discharge of FOG into the public sanitary sewer system, including the installation of devices, device maintenance, training or any other practice that reduces FOG.

*Fats, oils and grease or FOG* means material composed primarily of fats, oils and grease from animal or vegetable sources.

*Food manufacturer/processor or FM/P* means those establishments using methods and techniques to transform raw ingredients into food for human consumption.

*Food service establishments or FSE* means any facility containing an operation that prepares, packages, serves, vends or otherwise provides food or which disposes of food related wastes. Food service facility does not include single or multifamily residential facilities unless commercial kitchens, which are licensed by the county public health, are present, but does include institutional facilities and other facilities designated by the public works director, as a facility that discharges enough FOG to have significant impact on the public sanitary sewer system.

*Grease interceptor* means grease retention units of the outdoor or underground type with a 1,000- to 3,000-gallon capacity. Separation is typically provided by gravity. An FSE requiring a larger than 3,000-gallon capacity interceptor shall plumb and install additional separate units.

*Grease trap* means a compact device commonly located in the kitchen used for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer system. Separation is typically provided hydro mechanically.

(b) *FOG program participation required.*

- (1) This section applies to all FSE and FM/P discharging wastewater containing fats, oils and grease to the public sanitary sewer system, including, but not limited to, restaurants, grocery stores, meat markets, hotels, correctional facilities, factory and office building cafeterias, public and private schools, hospitals, multiple tenant housing which has commercial kitchens licensed by the county public health department, commercial day care centers, places of worship, and catering services.

- (2) No FSE or FM/P shall discharge any FOG substance of any kind into any portion of the public sanitary sewer system.

(c) *FOG prohibitions.* No FSE or FM/P shall:

- (1) Install food grinders in a plumbing or sewage system in any new construction or renovation of a structure designed to house a FSE or FM/P;
- (2) Discharge any wastewater containing FOG into the sanitary sewer system except in compliance with the BMP program for that facility;
- (3) Introduce any additives into the sanitary sewer system for the purpose of emulsifying FOG or biologically or chemically treating any substance introduced into any sanitary sewer system for the purpose of treatment or pretreatment of wastewater, unless with a specific written authorization by the public works director;
- (4) Discharge wastewater at temperatures in excess of 160 degrees Fahrenheit to any grease interceptor or grease trap;
- (5) Operate grease interceptors if the unit has accumulated waste, both FOG and solids, accounting for 25 percent or more of its wetted depth measured from the static water level to the interior tank bottom, with FOG and solids accumulation, exceeding 25 percent of the total operating depth of the grease interceptor; or
- (6) Discharge any FOG or any other solid materials removed from the grease control device to the sanitary sewer system.

(d) *FOG interceptors installation requirements.*

- (1) Except as provided for in subsection (m) of this section, any structure designed for or intended to be used for an FSE or FM/P must have a grease interceptor installed prior to discharging any wastewater into a sanitary sewer system. Such grease interceptor must have a minimum of 1,000 gallon capacity and comply with all conditions as set forth in Minn. Rules 4715 and by the county public health department;
- (2) Property owners of any new commercial construction structure designed to house multiple tenants on a single parcel shall be responsible to install and maintain a single grease interceptor to serve each individual tenant. If a property owner demonstrates to the public works director that it is not practically possible to install and maintain a single grease interceptor to serve each individual unit located in the structure, in which case the public works director has the discretion to approve a plan for such structure providing for more than one grease interceptor or a combination of grease interceptors and grease traps to service such property, which approval shall be in writing. The approved plan shall include the minimum number of grease interceptors and grease traps that can reasonably serve the structure and the BMP program shall specifically include service for all approved grease intercepts and grease traps;



- (3) The owner of any structure occupied by more than one FSE or FM/P shall be jointly and severally liable with the owner of each FSE or FM/P served by any grease interceptor or any grease trap for the servicing and maintenance of that grease interceptor or grease trap and for any servicing and maintenance of any sanitary sewer system located downstream from the structure to remove any accumulations of FOG therefrom; and
- (4) The public works director may require existing FSE or FM/Ps and owners of structures in which such FSE or FM/Ps are located which have been identified as introducing FOG in any portion of the sanitary sewer system, and which introduction of FOG, in whole or in combination with other FOG contributors, has been responsible for causing the need for the city to clean such portion of the sanitary sewer system more than twice in a single calendar year to install grease interceptors or other FOG equipment as deemed necessary to comply with this section. Such installation shall be completed and operational within 180 days of notice by the public works director.

(e) *Maintenance and cleaning of grease interceptors.*

- (1) In the maintaining and routine cleaning of grease interceptors and any other grease control device, the owner of the FSE or FM/P and the owner of the structure in which it is located, if different from the owner of the FSE or FM/P shall be responsible for the proper removal and disposal by appropriate means of the captured material. If not performed by personnel under the direct control and direction of any such owner, such removal and haul shall be performed by currently licensed waste disposal haulers who are licensed for this activity.
- (2) Maintenance of grease interceptors shall be performed as frequently as necessary to protect the sanitary sewer system against the accumulation of FOG. Maintenance shall be performed as determined by inspection and application of the 25-percent rule, or at 90-day intervals, whichever is more frequent. The 25-percent rule requires that the depth of FOG (floating and settled) in an interceptor shall be less than 25 percent of the total operating depth determine by measuring the wetted depth from the static water level to the interior tank bottom.

(f) *Grease traps.* Maintenance of grease traps shall be performed as frequently as necessary to protect the sanitary sewer system against the accumulation of FOG. Maintenance shall be performed as required by inspection or sampling or at 14-day intervals, whichever is more frequent.

(g) *Maintenance modifications.* Food service facilities which operate infrequently or only for special events may request a modification to the maintenance schedule specified above. The public works director may authorize a maintenance frequency related to the operation of the food service facility. The property owner shall submit a request for a modified maintenance schedule which includes all details of operation for the director to review.



(h) *Disposal.* The property owner shall be responsible for the proper removal and disposal of the grease interceptor or trap waste. All waste removed from each grease interceptor or trap must be disposed of properly at an appropriate facility designed to receive grease interceptor or trap waste. No grease interceptor or trap waste shall be discharged into any City sanitary or storm sewer system.

(i) *Maintenance log.* The property owner shall be responsible for retaining records of the maintenance of grease interceptors and traps, including manifests, permits, permit applications, correspondence, sampling data and any other documentation that may be requested by the city. This log shall include the dates of service, volume of waste removed, waste hauler, and disposal site of waste. These records shall be kept on-site at the location of the grease interceptor or trap for a period of three years and are subject to review by the city upon request without prior notification.

(j) *Inspection.* The city may perform periodic inspections of these facilities and shall notify the property owner of any additional required maintenance or repairs. Upon written notification by the city, the property owner shall be required to perform the maintenance and records of the maintenance within 14 calendar days. Upon inspection by the city the property owner may be required to install, at their expense, additional controls to provide a complete system which prevents discharges of FOG into the sanitary sewer system.

(k) *Exception from grease interceptor requirements.* If the owner of any FSE or FM/P or of any structure in which an FSE or FM/P is located or is to be located demonstrates to the reasonable satisfaction of the public works director that installation of a grease interceptor is not feasible, the public works director may grant an exception allowing such owner to install grease traps or other alternative treatment technology which will in their discretion adequately control the release of FOG from the FSE or FM/P or the structure into the sanitary sewer system. The FSE or FM/P bears the burden of demonstrating that the installation of a grease interceptor is not feasible to the satisfaction of the public works director.

(l) *Charge for remedial maintenance or repair of the city sanitary sewer system.*

- (1) In the event that the owner of an FSE or FM/P or the owner of any structure in which an FSE or FM/P is located is found to have contributed to the partial or complete obstruction of a sanitary sewer system resulting from the discharge of wastewater or waste containing FOG and that the city is required to act immediately to control a public health hazard because of such blockage, such owner shall be required to reimburse the city for all costs of abating such condition. In situations where there are multiple owners identified as contributing to FOG causing such obstruction, the public works director will apportion the cost of the cleanup, maintenance or repair costs on a prorated basis, based on each owner's percentage share of the average total sanitary sewer charges for all such owners. Further, should inspection, testing or other sampling activity by the city confirm that any property owner is contributing FOG (including other harmful ingredients) and is causing the repair or excessive maintenance activity to maintain the sanitary sewer system, the public works

director may require retrofitting of the structure with grease interceptors or grease traps, including testing facilities and access thereto sufficient to resolve the problem;

- (2) The costs for curing any private sewer lateral failures and sewer system overflows, including cleaning and other maintenance, caused in whole or in part by FOG introduced into the sanitary sewer system by any FSE or FM/P, alone or in conjunction with any other party, are the responsibility of the owner of the FSE or FM/P and the owner of any structure in which the FSE or FM/P contributing the FOG to the sanitary sewer system is located. Following repair by the city and prior to imposition of such costs on any owner, the city will provide notice to the owner of the FSE or FM/P and the owner of any structure in which the FSE or FM/P that contains the following:
  - a. A description of the work performed by the city in order to clear the obstruction;
  - b. The cost to the city to clear the obstruction;
  - c. The city's cost apportionment among multiple owners, if any;
  - d. The owner's responsibility to pay such costs;
  - e. The right to request a hearing before the city council challenging the imposition of the costs and subsequent assessment if such costs remain unpaid; and
  - f. The deadline by which to request such hearing.

(m) *Compliance.* Compliance with the grease control program shall be evaluated based on the following criteria:

- (1) All FSE and FM/P who are implementing and documenting BMPs and performing and documenting grease retention unit cleaning at the required frequency will be considered to be in full compliance with this policy.
- (2) When an obstruction or sanitary sewer overflow occur due to the presence of FOG, the records of all FSE or FM/P that discharge to the affected sanitary sewer line may be reviewed in order to determine the responsible party. Any FSE or FM/P found to be in noncompliance with the required grease retention unit cleaning frequency shall be deemed a responsible party for cost recovery. Payment of cost recovery does not preclude further enforcement actions for noncompliance as per the FOG enforcement response plan.

(n) *Penalties and assessments for FOG program noncompliance.* In the event that the owner of an FSE or FM/P or the owner of any structure in which an FSE or FM/P is located is found to have failed to comply with the provisions of this section, the following penalties or assessments or both may be applied:

- (1) For introduction of FOG into any sanitary sewer system resulting in obstruction to the system or in a sanitary sewer overflow:
  - a. The city may disconnect water and sewer service to the FSE or FM/P and to the structure in which the FSE or FM/P is located;

- b. The city may impose a fine per the city fee schedule until such owner demonstrates that the subject FSE or FM/P or structure is in compliance with the requirements of this section;
  - (2) For failure to maintain records as required by the BMP program for any FSE or FM/P, or failing or refusing to timely comply with any request for records required to be provided to the public works director, a fine per the city fee schedule until such records are provided;
  - (3) For failure to pass the FOG inspection due to lack of or ineffective FOG equipment, the public works director may:
    - a. Require the subject FSE or FM/P to install additional FOG equipment as necessary to resolve the problem;
    - b. Change the sewer rate class of the FSE or FM/P to reflect the presence of the excessive FOG contribution by the FSE or FM/P.
- (Code 1995, § 802.15; Ord. No. 1552, 6-4-2018; Ord. No. 1667, § 1, 2-26-2024)

**Sec. 802.15. Defective drain.**

When any drain connected with any public sewer or drain becomes clogged, obstructed, broken or out of order, or detrimental to the use of the sewer or drain or unfit for the purposes of drainage, the owner, agent, occupant or person having charge of any building, yard, lot of land or other premises which are drained by the drain or sewer shall, when directed by the public works director, remove, reconstruct, alter, cleanse or repair the drain as the condition of the drain may require. In case of neglect or refusal to remove, reconstruct, repair, alter or cleanse the drain for the space of three days, the public works director shall cause the same to be removed, reconstructed, repaired, altered or cleansed, as the public works director may deem expedient, at the expense of the owner, agent or other responsible person.

(Code 1995, § 802.16; Ord. No. 1590, 10-12-2020)

**Sec. 802.16. Obstructions.**

No owner, agent, occupant or other person having charge of any building, yard, lot of land or other premises which are drained into any public sewer or drain shall permit any substance or matter, which may form a deposit or obstruction in any public sewer or drain, to flow or pass into the same. And the owner, agent, occupant or other person shall, when directed by public works director or building code enforcement, within ten days' notice in writing to that effect from the public works director or building code enforcement, provide their drain with sufficient cesspool or catch basin, or, if one already exists, clean out, repair or alter the same, and provide such other means as shall prevent any substance or matter from passing into the drain or sewer which may cause a deposit or obstruction therein.

(Code 1995, § 802.17; Ord. No. 1590, 10-12-2020)

**CHAPTER 803. STORMWATER DRAINAGE****Sec. 803.01. Stormwater drainage utility.**

(a) *Establishment.* The city storm sewer system shall be operated as a public utility pursuant to Minn. Stat. § 444.075, from which revenues will be derived subject to the provisions of this section and state law. The stormwater drainage utility will be part of the public works department and under the administration of the public works director.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Residential equivalent factor (REF).* One REF is defined as the ratio of the average volume of runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land during a standard one year rainfall event.

(c) *Fees.*

- (1) Stormwater drainage fees for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the stormwater drainage rate. The REF values for various land uses are as follows:

| <i>Classification</i> | <i>Land Uses</i>                                             | <i>REF</i>  |
|-----------------------|--------------------------------------------------------------|-------------|
| 1                     | Cemeteries, golf courses                                     | 0.25        |
| 2                     | Parks with parking facilities                                | 0.75        |
| 3                     | Single-family and duplex residential                         | 1.00        |
| 4                     | Public & private school, community center                    | 1.25        |
| 5                     | Multiple-family residential, churches & government buildings | 2.50        |
| 6                     | Commercial, industrial, warehouse                            | 5.00        |
| 7                     | Improved vacant                                              | As assigned |

- (2) For the purpose of calculating stormwater drainage fees, all developed one-family and duplex parcels shall be considered to have an acreage of one-third acre. The stormwater drainage rate used to calculate the actual charge per property shall be as provided in the city fee schedule.

(d) *Credits.* The city council may adopt policies recommended by the public works director, by resolution, for adjustment of the stormwater drainage fee for parcels based upon hydrologic data to be supplied by property owners, which data demonstrates a hydrologic response substantially different from the standards. Such adjustments of stormwater drainage fees shall not be made retroactively.

(e) *Exemptions.* The following land uses are exempt from stormwater drainage fees:

- (1) Public rights-of-way.
- (2) Vacant, unimproved land with ground cover.

(f) *Payment of fee.* Statements for stormwater drainage fees shall be computed every three months and invoiced by the finance director for each account on or about the fifth day of the month following the quarter. Such statement shall be due on or before the last day of the month in which the statement is mailed. Any prepayment or overpayment of charges shall be retained by the city and applied against subsequent quarterly fees.

(g) *Recalculation of fee.* If a property owner or person responsible for paying the stormwater drainage fee questions the correctness of an invoice for such charge, such person may have the determination of the charge recomputed by written request to the public works director made within twelve months of mailing of the invoice in question by the city.

(h) *Penalty for late payment.* Each quarterly billing for stormwater drainage fees not paid when due shall incur a penalty charge of ten percent of the amount past due.

(i) *Certification of past due fees on taxes.* Any past due stormwater drainage fees, in excess of 90 days past due, may be certified to the county auditor for collection with real estate taxes, pursuant to Minn. Stat. § 444.075, subd. 3. In addition, the city shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.  
(Code 1995, § 803.01; Ord. No. 937, 1-9-1984; Ord. No. 1383, 6-8-2009; Ord. No. 1628, § 1(803.01), 3-20-2023)

#### **Sec. 803.02. Connection to storm sewers.**

(a) *Permit required.* No person shall connect any drain to a city storm sewer without first obtaining a permit to do so.

(b) *Granting of permits.* The public works director shall grant permits only to applicants who have submitted a pipe layer bond to the state department of labor and industry and are registered by the city under chapter 907.

(c) *Hookup permit fee.* The fee for a permit to hook up to a city storm sewer shall be as provided in the city fee schedule.

(d) *Additional fees.* Before any hookup permit shall be issued, the following conditions shall be complied with.

- (1) No permit shall be issued to connect with any storm sewer system to the city directly or indirectly from any lot or tract of land unless the public works director shall have certified:
  - a. That such lot or tract of land has been assessed for the cost of construction or the storm sewer main or line with which the connection is made;
  - b. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course; or

- c. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing the storm sewer main which would be assessable against the lot or tract has been paid to the city.
  - (2) No building permit shall be issued for any building where the affected lot or parcel of land has been benefited by an assessed storm sewer improvement unless the provisions of this subsection have been complied with.
- (Code 1995, § 803.02; Ord. No. 377, 9-10-1962; Ord. No. 745, 12-30-1974; Ord. No. 1628, § 1(803.02), 3-20-2023)

**Sec. 803.03. Stormwater illicit discharge and connections.**

(a) *Purpose.* The purpose of this section is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects caused by non-stormwater discharge by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land. This section will provide for the health, safety, and general welfare of the city citizens through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any person.
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this section.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Best management practice (BMP)* means 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.

*Non-structural BMP* means practices that focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors to manage stormwater at its source. Other practices include clustering and concentrating development, minimizing disturbed areas, and reducing the size of impervious areas.



*Structural BMP* means a physical device that is typically designed and constructed to trap or filter pollutants from runoff or reduce runoff velocities.

*Commercial* means activity conducted in connection with a business.

*Discharge* means 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.

*Equipment* means implements used in an operation or activity. Examples include, but are not limited to, lawn mowers, weed whips, shovels, wheelbarrows and construction equipment.

*Erosion* means any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.

*Groundwater* means water contained below the surface of the earth in the saturated zone, including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.

*Illegal/illicit discharge* means any direct or indirect non-stormwater discharge to the storm drainage system, except as exempted in this section.

*Illicit connection* means either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any non-stormwater discharge) including wastewater, process 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 the city; 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 the city.

*Impervious surface* means a hard surface area which either prevents or retards the entry of water into the ground. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, or other surfaces which similarly impede the natural infiltration of surface and stormwater runoff.

*MPCA* means the Minnesota Pollution Control Agency.

*Maximum extent practicable (MEP)* means a standard for water quality that applies to all MS4 operators regulated under the NPDES program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs to reduce the discharge of pollutants to the maximum extent



practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the administrator or the state determines appropriate for the control of pollutants.

*Mechanical cleaning techniques* means arranging the collision between the substance being removed and some object. The term "mechanical cleaning techniques" includes sweeping, shoveling, or blowing, and does not include using water to clean the surface.

*Municipal separate storm sewer system (MS4)* means the system of conveyances (including sidewalks, roads with drainage systems, city streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

*National Pollutant Discharge Elimination System (NPDES)* means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 318, 402, and 405 of the Clean Water Act, 33 USC 1317, 1328, 1342, and 1345.

*Pervious surface* means pervious areas permit water to enter the ground by virtue of their porous nature or by large voids in the material. Commonly pervious areas have vegetation growing on them.

*Pollutant* means any substance which, when discharged, has potential to or does any of the following.

- (1) Interferes with state designated water uses;
- (2) Obstructs or causes damage to waters of the state;
- (3) Changes 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;
- (4) Adds an unnatural surface film on the water;
- (5) Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
- (6) Degrades the quality of groundwater; or
- (7) Harms human life, aquatic life, or terrestrial plant and wildlife.

The term "pollutant" includes, but is not limited to, dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substances, pesticides, herbicides, trace metals, automotive fluids, petroleum-based substances, wastewater, and oxygen-demanding materials.

*Pollute* means to discharge pollutants into waters of the state.

*Pollution* means the direct or indirect distribution of pollutants into waters of the state.

*Premises* means any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips

*Sanitary sewer* means a pipe, conduit, or sewer owned, operated, and maintained by the city and which is designated by the public works director as one dedicated to the exclusive purpose of carrying sanitary wastewater to the exclusion of other matter

*State designated water uses* means uses specified in state water quality standards.

*Storm drainage system* means publicly-owned facilities by which stormwater is collected or conveyed, including, but not limited to, any roads with drainage systems, city streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

*Stormwater* means any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

*Stormwater pollution prevention plan (SWPPP)* means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, or receiving waters to the maximum extent practicable.

*Surface waters* means all waters of the state, other than groundwaters, which include ponds, lakes, rivers, streams, wetlands, ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.

*Vehicle* means any motor vehicle as defined by state law. The term "vehicle" also includes watercraft, trailers and bicycles.

*Watercourse* means a natural channel for water; also, a canal for the conveyance of water, a running stream of water having a bed and banks; the easement one may have in the flowing of such a stream in its accustomed course. A watercourse may be dry sometimes.

*Waters of the state* means 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.

*Wastewater* means any water or other liquid, other than uncontaminated stormwater, discharged from a facility or the by-product of washing equipment or vehicles.

(c) *Applicability.* This section shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the city council.

(d) *Administration.* The public works director is the principal city official responsible for the administration, implementation, and enforcement of the provisions of this section. The director may delegate any or all of the duties hereunder

(e) *Exemptions.* No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:

- (1) Consists of non-stormwater that is authorized by an NPDES point source permit obtained from the MPCA;
- (2) Is associated with firefighting activities or other activities necessary to protect public health and safety;
- (3) Is one of the following exempt discharges. water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, 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 and any other water source not containing pollutants; or
- (4) Consists of dye testing discharge, as long as the public works director is provided a verbal notification prior to the time of the test.

(f) *Illegal disposal and dumping.*

- (1) No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin, or other drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.
- (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 fabricated natural conveyance.

(g) *Illicit discharges and connections.*

- (1) No person shall use any illicit connection to intentionally convey non-stormwater to the city's storm sewer system.
- (2) 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.
- (3) A person is considered to be in violation of this section if the person connects a line conveying wastewater to the storm sewer system or allows such a connection to continue.

(h) *General provisions.* All owners or occupants of property shall comply with the following general requirements:

- (1) No person shall leave, store, 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 subsection shall apply to both actual and potential discharges.
  - a. Private sanitary sewer connections and appurtenances shall be maintained to prevent failure, which has the potential to pollute surface water.
  - b. Recreational vehicle sewage shall be disposed of at a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.
  - c. For pools, the pool's water should be tested before draining to ensure that pH levels are neutral and chlorine levels are not detectable. Pool water should be discharged over a vegetated area before draining into the storm sewer system. Unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
- (2) The washing down of commercial equipment and vehicles shall be conducted in a manner so as to not directly discharge wastewater where drainage to streets or storm sewer system may occur.
- (3) Removal of pollutants such as grass, leaves, dirt and landscape material from impervious surfaces shall be completed to the maximum extent practicable using mechanical cleaning techniques.
- (4) Mobile washing companies (carpet cleaning, mobile vehicle washing, etc.) shall dispose of wastewater to the sanitary sewer. Wastewater shall not be discharged where drainage to streets or storm sewer system may occur.
- (5) Storage of materials, machinery and equipment shall comply with the following requirements.
  - a. Objects, such as equipment or vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing chemicals or other 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.
- (6) Debris and residue shall be removed as follows:
  - a. All vehicle parking lots and private streets shall be swept at least once a year in the spring to remove debris. Such debris shall be collected and disposed of according to state and federal laws governing solid waste.

- b. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be contained immediately, removed as soon as possible and disposed of according to state and federal laws governing solid waste.

(i) *Industrial or construction activity discharges.* Any person subject to an industrial activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a manner acceptable to the public works director prior to the allowing of discharges to the storm sewer system. Any person responsible for a property or premise, who 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. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(j) *Access to facilities.*

- (1) When the city has determined that there is a danger to the health, safety or welfare of the public, city representatives shall be permitted to enter and inspect facilities subject to regulation under this section to determine compliance with this section. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to city representatives.
- (2) In lieu of an inspection by a city representative, the property owner shall furnish a certificate from a licensed plumber, in a form acceptable to the city, certifying that the property has not discharged prohibited material into the city storm sewer system. Failure to provide such certificate of compliance shall make the property owner immediately subject to the suspension of storm sewer access as provided for in subsection (m) of this section until the property is inspected or compliance is met, including any penalties and remedies as set forth in subsection (n) of this section.
- (3) Unreasonable delays in allowing city representatives access to a permitted facility is a violation of a stormwater discharge permit and of this section.
- (4) The city may seek issuance of a search warrant for the following reasons.
  - a. If city representatives are refused access to any part of the premises from which stormwater is discharged, and there is probable cause to believe that there may be a violation of this section; or
  - b. There is a need to inspect or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder; or
  - c. To protect the overall public health, safety, and welfare of the community.

(k) *Watercourse protection.* Every person owning property through which a watercourse passes or is directly adjacent to a watercourse, shall keep and maintain that part of the watercourse free of trash, debris, and other obstacles that would pollute, contaminate, or retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(l) *Notification of spills.* Notwithstanding other requirements of law, as soon as any person has information of release of materials which result or may result in illegal discharges of pollutants 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 according to state and federal laws.

(m) *Suspension of storm sewer system access.*

- (1) *Suspension due to illicit discharges in emergency situation.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the storm sewer 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 the waters of the state, or to minimize danger to persons.
- (2) *Suspension due to the detection of illicit discharge.* All persons discharging to the MS4 in violation of this section may have their access terminated if such termination serves to abate or reduce an illicit discharge. It is a violation of this section to reinstate access to premises that have been terminated pursuant to this section without the prior approval of the city.

(n) *Enforcement.*

(1) *Notice of violation.*

- a. A violation of this section is a public nuisance. When it has been determined that a person has violated a prohibition or failed to meet a requirement of this section, the public works director may order compliance by written notice of violation to the persons responsible for the violation. Such notice may require without limitation.
  1. The performance of monitoring, analysis, and reporting;
  2. The elimination of illicit connections or discharges;
  3. That violating discharges, practices, or operations shall cease and desist;
  4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  5. Payment of a fine to cover administrative and remediation costs;

6. The implementation of source control or treatment BMPs;
  7. The development of a corrective action plan to prevent repeat discharges; and/or
  8. Any other requirement deemed necessary.
- b. 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.
- (2) *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the public works director. The notice of appeal must be received within seven days from the date of the notice of violation. Hearing on the appeal before the city manager shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the city manager shall be final.
- (3) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within seven days of the decision of the city manager upholding the decision of the public works director, then city representatives shall have the right to enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow city representatives to enter upon the premises for the purposes set forth above.
- (4) *Cost of abatement of the violation.* Within 15 days after abatement of the violation, the persons responsible for the violation will be notified of the cost of abatement, including administrative costs. The persons given such notice may file a written protest objecting to the amount of the costs within seven days. If the amount due is not paid within a timely manner as determined by the decision of the city manager or by the expiration of the time in which to file an appeal, the amount due shall constitute a lien upon, and the city shall have the right to assess such cost against the property owned by such violators pursuant to Minn. Stat. § 429.101.
- (5) *Injunctive relief.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. If a person has violated or continues to violate the provisions of this section, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- (6) *Compensatory action.* In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the city may impose upon a violator alternative compensatory action such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.



- (7) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- (8) *Criminal prosecution.* A violation of this section is a misdemeanor.
- (9) *Costs and expenses.* The city may recover all attorney's fees, court costs, staff expenses, cleanup costs, and any other expenses associated with enforcement of this section, including, but not limited to, sampling and monitoring expenses.
- (10) *Remedies not exclusive.* The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies.
- (Code 1995, § 803.03; Ord. No. 1388, 2-22-2010; Ord. No. 1628, § 1(803.03), 3-20-2023)

**Sec. 803.04. Grading, erosion and sedimentation control.**

(a) *Purpose.* The purpose of this section is to regulate grading and to control or eliminate soil erosion and sedimentation resulting from construction activity within the city. This section establishes standards and specifications for grading practices which protects drainage, conservation practices and planning activities which minimize soil erosion and sedimentation.

(b) *Scope.* Except as exempted by the definition of the term "land disturbance activity" in subsection (c) of this section, any person, entity, state agency, or political subdivision thereof proposing land disturbance activity within the city shall apply to the city for the approval of the grading, erosion and sediment control plan. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth in this section.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

*Best management practice (BMP)* means 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.

*Certificate of completion* means the certificate issued after the final inspection of the site has been completed, temporary erosion control has been removed and the site has been fully restored.

*City erosion control specifications* means practices described in, but not limited to, the following manuals:

- (1) Minnesota Stormwater Manual.
- (2) Minnesota DOT Erosion Control Manual.
- (3) Minnesota Pollution Control Agency's "Protecting Water Quality in Urban Areas" handbook.

*Erosion* means any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.

*Erosion and sediment control plan* means a document containing the requirements of subsection (d) of this section that, when implemented, will prevent or minimize soil erosion on a parcel of land and off-site sediment damages.

*Erosion and sediment control practice specifications* and *erosion and sediment control practices* means the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the city.

*Land disturbance activity* means any activity, including clearing, grading, excavating, transporting and filling of land, greater than 5,000 square feet, or placement or grading of 50 cubic yards of earthen materials on a parcel of land located within 300 feet of a water resource. The term "land disturbance activity" does not mean the following:

- (1) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work disturbing less than 500 square feet.
- (2) Tilling, planting, or harvesting or agricultural, horticultural, or silvicultural crops disturbing less than 500 square feet.
- (3) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- (4) Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbance activity would have required an approved erosion and sediment control plan except for the emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority or the city when applicable.

*Permittee* means a person, entity, state agency, corporation, partnership, or political subdivision thereof engaged in a land disturbance activity.

*Sediment* means solid mineral or organic material that, in suspension, is being transported or has been moved from its original site by air, water, gravity, or ice, and has been deposited at another location.

*Sedimentation* means the process or action of depositing sediment that is determined to have been caused by erosion.

*Water resource* means any stream, channel, wetland, storm pond, or lake within the city.

(d) *Grading, erosion and sediment control plan.*

(1) *Required.*

- a. Every permittee for a building permit, a subdivision approval, or a permit to allow land disturbance activities must submit a grading, erosion and sediment control plan to the city engineer. No building permit, subdivision approval, or permit to allow land disturbance activities shall be issued and no earth disturbing activity shall commence until approval of the grading, erosion and sediment control plan by the city. Projects coordinated by the county or the state department of transportation do not require a permit; however, the city must be notified of the project and be provided a copy of the grading, erosion and sediment control plan, as well as an estimated schedule for commencement and completion. The city will notify the designated contact if the grading plan is not being followed, if erosion control measures should fail, or if erosion control measures require maintenance with the expectation that the deficiencies will be corrected. If no permit has been obtained, a stop work order shall be issued on the construction and a fine shall be issued in an amount equal to twice the required permit fee. A completed grading, erosion and sediment control plan and permit application shall be submitted before construction will be allowed to resume.
- b. Obtaining a permit does not exempt the permittee from obtaining permits required by other government regulatory agencies.

(2) *Criteria addressed.* The grading, erosion and sediment control plan shall address the following criteria:

- a. Account for existing drainage patterns.
- b. Control the stormwater leaving the site.
- c. Conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- d. Stabilize all exposed soils and soil stockpiles.
- e. Establish permanent vegetation.
- f. Prevent sediment damage to adjacent properties and other designated areas.
- g. Schedule of erosion and sediment control practices.
- h. Criteria for the use of temporary sedimentation basins.
- i. Stabilization of steep slopes.
- j. Stabilization of all waterways and outlets.
- k. Protect storm sewers from the entrance of sediment, debris and trash.
- l. Control waste, such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste, etc., that may adversely impact water quality.

- m. When working in or crossing water resources, take precautions to contain sediment.
  - n. Restabilize utility construction areas as soon as possible.
  - o. Protect paved roads from sediment and mud brought in from access routes.
  - p. Dispose of temporary erosion and sediment control measures.
  - q. Maintain all temporary and permanent erosion and sediment control practices.
  - r. Removal of sediment from streets at the end of each day.
  - s. Dewatering methods and outletting of stormwater.
  - t. Site inspection plan and record of rainfall amounts.
  - u. Final stabilization.
- (3) *Contents of plan.* The grading, erosion and sediment control plan shall include the following:
- a. Contact information for the permittee.
  - b. Project description: the nature and purpose of the land disturbance activity and the amount of grading involved, including the amount of material removed and imported to the site.
  - c. Phasing of construction: the nature and purpose of the land disturbance activity and the amount of grading, utilities, and building construction.
  - d. Existing and proposed site conditions: existing and proposed topography, vegetation, and drainage.
  - e. Adjacent areas, neighboring streams, lakes, wetlands, residential areas, roads, etc., which might be affected by the land disturbance activity.
  - f. Soils: soil names, mapping units, erodibility.
  - g. Critical erosion and environmentally sensitive areas: areas on the site that have potential for serious erosion problems and local water resources.
  - h. Erosion and sediment control measures: methods to be used to control erosion and sedimentation on the site, both during and after the construction process.
  - i. Temporary and permanent stabilization: how the site will be stabilized during and after construction is completed, including specifications.
  - j. Stormwater management: how storm runoff will be managed, including methods to be used if the development will result in increased peak rates or volume of runoff.
  - k. Maintenance: schedule of regular inspections and repair of erosion and sediment control structures.
  - l. Calculations: any that were made for the design of such items as sediment basins, diversions, waterways, and other applicable practices.

(e) *Plan review.*

- (1) *Generally.* The city appoints the city engineer to review the grading, erosion and sediment control plan to ensure compliance with the city design standards and grading, erosion and sediment control standards.
- (2) *Permit required.* If the city determines that the grading, erosion and sediment control plan meets the requirements of this section, the city shall issue a permit, valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the grading, erosion and sediment control plan.
- (3) *Denial.* If the city determines that the grading, erosion and sediment control plan does not meet the requirements of this section, the city shall not issue a permit for the land disturbance activity. The grading, erosion and sediment control plan must be resubmitted for approval before the land disturbance activity begins. No land use and building permits may be issued until the permittee has an approved grading, erosion and sediment control plan.
- (4) *Permit suspension.* If the city determines that the approved plan is not being implemented according to the schedule or the control measures are not being properly maintained, all land use and building permits must be suspended and stop work order issued until the permittee has fully implemented and maintained the control measures identified in the approved erosion and sediment control plan.

(f) *Plan implementation and maintenance.*

- (1) All grading should follow the approved grading, erosion and sediment control plan. If temporary grading is needed, it should be reflected in the grading, erosion and sediment control plan.
- (2) All stormwater pollution controls noted on the approved grading, erosion and sediment control plan shall be installed before commencing the land disturbance activity and shall not be removed without city approval or issuance of a certificate of completion.
- (3) The permittee shall be responsible for proper operation and maintenance of all stormwater pollution controls and soil stabilization measures in conformance with best management practices. The permittee shall also be responsible for maintenance, cleanup and all damages caused by flooding of the site or surrounding area due to in-place grading, erosion and sediment control. The foregoing responsibilities shall continue until a certificate of completion is issued to the permittee by the city for the land disturbance activity and the obligations of the grading, erosion and sediment control permit have been satisfied.

(g) *Modification of plan.* An approved grading, erosion and sediment control plan may be modified on submission of an application for modification to the city and subsequent approval by the city engineer. In reviewing such application, the city engineer may require additional reports and data and possible modification of escrow.

(h) *Escrow requirement.* The city shall require the permittee to escrow a sum of money sufficient to ensure the grading is completed per the approved grading plan. The escrow shall also be sufficient to ensure the inspection, installation, maintenance, and completion of the grading, erosion and sediment control plan and practices. Escrow amounts shall be set as detailed in the adopted city fee schedule. Upon project completion and the issuance of a certificate of completion any remaining amount held in escrow shall be returned to the permittee.

(i) *Enforcement.*

- (1) If the city determines the grading, erosion and sedimentation control is not being implemented or maintained according to the approved plan, the permittee will be notified and provided with a list of corrective work to be performed. The corrective work shall be completed by the permittee within 48 hours after notification by the city. Notification may be given by:
  - a. Personal delivery upon the permittee, or an officer, partner, manager or designated representative of the permittee.
  - b. E-mail or facsimile by sending such notice to the e-mail address or facsimile number provided by the permittee.
- (2) Failure to do corrective work. If a permittee fails to perform any corrective work or otherwise fails to conform to any provision of this section within the time stipulated, the city may take any one or more of the following actions:
  - a. Issue a stop work order whereupon the permittee shall cease all land disturbance activity on the site until such time as the city determines the corrective measures that are necessary to correct the conditions for which the stop work order was issued. Once the necessary corrective actions have been determined the permittee shall perform the corrective work. All corrective work must be completed before further land disturbance activity will be allowed to resume.
  - b. Complete the corrective work using city forces or by separate contract. The issuance of a land disturbance permit constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of completing the corrective work.
  - c. Impose a monetary fine in an amount equal to twice the required permit fee.
  - d. Charge the permittee for all staff time expended and costs incurred by the city to:
    1. Perform any corrective work required by the city;
    2. Perform such inspections and reinspections of the site on which the land disturbance activity is occurring as the city deems necessary;

3. Coordinate and communicate with the permittee regarding any corrective work, inspections, reinspections or other remedial actions which the city deems necessary to implement as a result of the failure of the permittee to conform to the provisions of this section; and
4. Remedy any other failure of the permittee to conform to provisions of this section.

The cost for staff time shall be determined by multiplying the staff member's hourly rate times 1.9 times the number of hours expended, for all staff members (including administrative employees) involved in such corrective work, communications, coordination of activities, inspections, reinspections and other remedial actions. All amounts charged shall be paid by the permittee within 30 days of the delivery by the city of a written invoice which describes such charges.

- e. Draw on the escrow amount for all staff costs incurred, and payments due to the city as a result of the exercise by the city of any remedy available to the city pursuant to this section.
  - f. Assess that portion of any unpaid charges which are attributable to the removal or elimination of public health or safety hazards from private property pursuant to Minn. Stat. § 429.101.
  - g. Pursue any other legal equitable remedy which is available to the city.
- (3) Appeal of notice of violation. Any person receiving a notice of violation may appeal the determination of the public works director. The notice of appeal must be received within seven days from the date of the notice of violation. Hearing on the appeal before the city manager shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the city manager shall be final.
  - (4) The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies.

(Code 1995, § 803.04; Ord. No. 1416, 9-26-2011; Ord. No. 1510, 9-26-2016; Ord. No. 1550, 6-4-2018; Ord. No. 1628, § 1(803.04), 3-20-2023)

**Sec. 803.05. Stormwater management overlay district.**

(a) *Establishment.* The stormwater management overlay district shall include all land either within 100 feet of the normal water level of constructed stormwater ponds or wetlands managed for stormwater quantity and quality management purposes, or all land below the 100-year flood elevation of such ponds or wetlands, whichever is most restrictive.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Stormwater pond* means a human-made pond capable of holding water seasonally or permanently, the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands and natural water bodies.



(c) *Lot standards.* All lots within the stormwater management overlay district shall meet the following setbacks:

Structure Setbacks from Storm Pond

| <i>Type of Water Body</i> | <i>Structure Setback from Water Body</i> | <i>Roads, Driveway, Parking and Other Impervious Surface or Setback</i> |
|---------------------------|------------------------------------------|-------------------------------------------------------------------------|
| Storm pond                | 10 ft <sup>1</sup>                       | 10 ft <sup>2</sup>                                                      |

<sup>1</sup> Setback is measured from the pond boundary, as defined by the one percent probability storm, or as approved by the city engineer.

<sup>2</sup> A ten-foot setback from road or parking surfaces may include a combination of land within rights-of-way and adjacent to the right-of-way, as well as curb and gutter controlling runoff and sediment to a storm pond. Pedestrian trails shall be exempt from setback requirements.

(d) *General standards.*

- (1) *Existing natural drainageways.* When possible, existing natural drainageways, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- (2) *Minimum disturbance.* Development shall 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 shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- (3) *Constructed facilities.* When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater 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 shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and human-made materials and facilities.

(e) *Specific standards.*

- (1) *Impervious surface coverage.* Impervious surface coverage of a site shall not exceed 25 percent of the site area in a shoreland or wetland overlay district unless stormwater is conveyed to an approved, on-site or regional stormwater ponding/retention facility designed to accommodate the increased runoff prior to discharge from the site into public waters or wetlands.
- (2) *Review by city engineer.* All proposed stormwater facilities shall be reviewed by the city engineer and certified for compliance with the city's comprehensive surface water management plan, National Urban Runoff Program (NURP) standards, the

Minnesota Pollution Control Agency's (MPCA) urban best management practices, and any established standards of the water management organization having jurisdiction in the project area.

(f) *Private stormwater facilities.* All private stormwater facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed. All settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of on a five-year interval. One- to five-year waivers from this requirement may be granted by the city engineer when the owner presents evidence that the facility has additional capacity to remove settled solids in accordance with the original design capacity.

(g) *Inventory of private stormwater facilities.* The city engineer shall inventory and maintain a database for all private stormwater facilities requiring maintenance to assure compliance with this section.

(Ord. No. 1628, § 1(803.05), 3-20-2023)

**Sec. 803.06. Stormwater best management practice (BMP) maintenance.**

(a) *Maintenance of stormwater BMPs.* The city requires that stormwater BMPs be maintained.

(1) *Private stormwater BMPs.* All private stormwater BMPs shall be maintained by the property owner so that the BMPs are in proper condition consistent with the performance standards for which they were originally designed.

a. *Ponds, stormwater wetlands, underground storage, and other BMPs that settle pollutants; removal of settled materials.* All settled materials from ponds, and other BMPs, including settled solids, shall be removed and properly disposed of on a five-year interval. One- to five-year waivers from this requirement may be granted by the city when the owner presents evidence that the BMP has additional capacity to remove settled solids in accordance with the original design capacity.

b. *Infiltration, filtration, pretreatment devices and other BMPs that filter stormwater.*

1. Quarterly inspections, unless otherwise specified in a maintenance agreement, of the private stormwater BMPs and, if necessary, removal of all litter, debris, sediment, and replacement of mulch, vegetation, and eroded areas to ensure establishment of healthy functioning plant life therein; and
2. A five-year certification, by a stormwater professional acceptable to the city, is required that demonstrates the stormwater BMPs are functioning in accordance with the approved plans and have maintained the proper operation of the stormwater treatment as a stormwater management BMP

according to the city standards. The quarterly inspections and certifications shall be made available to the city upon request without prior notice.

- (2) *Maintenance plan required.* No private stormwater BMPs may be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance, and the maintenance intervals.
- (3) *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, or as budget allows.
- (4) *Maintenance of publicly owned stormwater BMPs.* The city shall annually perform the maintenance of the in-place stormwater BMPs within the city as provided for in the local water management plan or watershed management plan. Further, the city shall notify the owners of other publicly owned stormwater BMPs if scheduled maintenance is needed according to periodic site inspections or maintenance plans on file.

(b) *Inventory of stormwater BMPs.* The city shall inventory and maintain a database for all private and public stormwater BMPs within the city requiring maintenance to ensure compliance with this chapter. The city shall notify owners of public and private stormwater BMPs of the need for conducting maintenance at least every five years.

(c) *Failure to maintain private stormwater BMPs.* It is the responsibility of the property owner to maintain all private stormwater BMPs in accordance with the original standards. If during a city inspection the BMP does not meet city standards, the city will notify the owner in writing of the deficiencies. Failure to properly maintain the BMP after notification could result in administrative penalties and abatement processes under chapter 405 or 906. (Code 1995, § 803.05; Ord. No. 1550, 6-4-2018; Ord. No. 1590, 10-12-2020; Ord. No. 1628, § 1(803.06), 3-20-2023)

## CHAPTER 804. WETLANDS

### Sec. 804.01. Wetland Protection Overlay District.

(a) *Purpose.* These regulations are intended to protect the city's wetlands, which are defined as land transitional between terrestrial and aquatic systems as defined in Minn. Stat. § 103G.005, subd. 19.

(b) *Applicability.* All upland within 100 feet of the wetland boundary of wetlands and those public waters not specifically listed as shoreland shall be considered within the wetland protection overlay district and those identified within the city's comprehensive surface water management plan.

(c) *Lot standards.* The minimum lot area, width and depth requirements of the underlying land use zoning district within this code shall apply provided that not more than 25 percent of the lot area may be included in any wetland area to meet the minimum lot area dimension.

#### Structure Setbacks from Wetland

| <i>Type of Water Body</i> | <i>Structure Setback from Water Body</i> | <i>Roads, Driveway, Parking and Other Impervious Surface or Setback</i> |
|---------------------------|------------------------------------------|-------------------------------------------------------------------------|
| Wetland                   | 50 ft <sup>1, 2</sup>                    | 30 ft <sup>2</sup>                                                      |

<sup>1</sup> Setback is measured from the approved delineated wetland boundary.

<sup>2</sup> A 30-foot setback from road or parking surfaces may include a combination of land within rights-of-way and adjacent to the right-of-way, as well as curb and gutter controlling runoff and sediment to a storm pond. Pedestrian trails shall be exempt from setback requirements.

(d) *Stormwater treatment.* All stormwater must be treated to the water quality standard outlined in the city's comprehensive surface water management plan and stormwater management standards before discharged to a wetland.

(e) *Wetland buffers.* Wetland buffers shall be required for all developments adjacent to a wetland whether or not the wetland is located on the same parcel as the proposed development.

- (1) The following table outlines the no-disturb buffer widths and minimums that must be met:

#### Wetland Buffer Widths

| <i>Buffer Width</i> | <i>Feet</i> |
|---------------------|-------------|
| Average             | 25          |
| Minimum             | 12.5        |

- (2) New and existing ponds constructed for water quantity and quality adjacent to new development shall maintain a ten-foot vegetative buffer from the normal water level.
- (3) Stormwater management BMPs shall not be allowed to be constructed in the buffer area, unless approved by the city engineer.
- (4) A permanent wetland buffer monument shall be installed at each lot line where it crosses a wetland buffer, and where needed to indicate the contour of the buffer, with a maximum spacing of 200 feet of wetland edge.
- (5) When acceptable vegetation exists in buffer areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval by the city district to replace such vegetation. A buffer strip has acceptable vegetation if it:
  - a. Has a continuous, dense layer of vegetation or overstory of trees or shrubs that have been uncultivated or unbroken for at least five consecutive years; or

- b. Is not composed of undesirable plant species (including, but not limited to, reed canary grass, common buckthorn, purple loosestrife, leafy spurge, and noxious weeds); or
  - c. Does not have topography that tends to channelize the flow of surface runoff.
- (6) If the city determines the existing buffer to be unacceptable, the applicant shall maintain the minimum buffer in its undisturbed state but may disturb the remainder of the buffer area as long as the buffer area is re-planted with native species and maintained as a native habitat. The buffer planting must be identified on the permit application and the buffer landscaping shall comply with the following standards:
- a. Buffer areas shall be planted with a native seed mix, native plants, shrubs, trees, or other vegetation approved by the city.
  - b. The revegetation project shall be performed by a qualified contractor. All methods shall be approved by the city prior to planting or seeding.
  - c. Any groundcover or shrub plantings installed within the buffer area are independent of any landscaping requirements required elsewhere by the city.
  - d. No fertilizer shall be used in establishing new buffer areas, except on highly disturbed sites when necessary to establish acceptable buffer vegetation and then limited to amounts indicated by an accredited soil testing laboratory.
  - e. Buffer areas (both natural and created) shall be protected by erosion and sediment control measures during construction in accordance with section 803.04. The erosion and sediment control measures shall remain in place until the vegetation is established.
  - f. Buffer vegetation shall be actively managed throughout the three-year establishment period; this includes, but is not limited to, mowing, overseeding, spot weed control, prescribed burning, and watering.
  - g. Buffer vegetation shall be established and maintained in accordance with the requirements above. During the first three full growing seasons, the applicant or developer must replant any buffer vegetation that does not survive. The applicant or developer shall specify a method acceptable to the city for monitoring compliance and verifying establishment of the buffer at the end of the third full growing season.
- (Ord. No. 1628, § 2(804.01), 3-20-2023)



## Title 9

### **BUILDING REGULATIONS**

#### **Chapter 901. Building Code**

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- Sec. 901.02. Designated building official.
- Sec. 901.03. Code enforcement officers.
- Sec. 901.04. Conflict of interest.
- Sec. 901.05. Permits, inspections and fees.
- Sec. 901.06. State surcharge on building permit fees.
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#### **Chapter 903. Electrical Code**

- Sec. 903.01. Electrical code adopted.

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- Sec. 904.01. Applicant to provide plans.
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## ROSEVILLE CITY CODE

### **Chapter 906. Building Maintenance and Preservation**

- Sec. 906.01. Adoption.
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### **Chapter 907. Contractor Registration**

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- Sec. 907.03. Qualifications.
- Sec. 907.04. Requirements for registration.
- Sec. 907.05. Registration fee.
- Sec. 907.06. Duration.
- Sec. 907.07. Issuance.
- Sec. 907.08. Revocation of suspension.

**CHAPTER 901. BUILDING CODE****Sec. 901.01. Adoption of state building code.**

The most current Minnesota State Building Code (MSBC), one copy of which is on file in the office of the designated building official, has been adopted as a uniform building code applicable throughout the state. The most recent revisions, and subsequent amendments to such code are therefore adopted as the city building code and incorporated in this chapter as completely as if set out in full, including, without limitation, Minn. Rules 1306.0020, subp. 2, relating to special fire protection systems.

(Code 1995, § 901.01; Ord. No. 1488, 11-10-2015; Ord. No. 1531, 7-10-2017)

**Sec. 901.02. Designated building official.**

The designated building official shall receive and process applications, inspect premises, ascertain compliance with the building code, issue permits and perform such other work under the building, zoning and subdivision codes as may be delegated by the city manager or community development director.

(Code 1995, § 901.02; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 901.03. Code enforcement officers.**

The code enforcement officers shall perform such work in enforcing the building code and other portions of the city code as may be delegated to each by the building official or community development director or as provided for in the city code.

(Code 1995, § 901.03; Ord. No. 1058, 3-16-1989; amd. 1995 Code; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 901.04. Conflict of interest.**

No code enforcement officer shall have any financial interest in any concern engaged in a business relationship with the city or engage in any business relationship with the city within such code enforcement officer's respective field.

(Code 1995, § 901.04)

**Sec. 901.05. Permits, inspections and fees.**

The issuance of permits and the collection of fees shall be as authorized by state law and as established in this section. Permit fees shall be assessed for work governed by this title and work governed by the city Code. The amount of permit fees shall be the total of the following:

- (1) The amount of building permit and other fees shall be as established in the city fee schedule.
- (2) In addition, an amount equal to eight percent of the building permit fee established by subsection (1) of this section, to be used to defray the cost of fire safety inspections.

(Code 1995, § 901.06; Ord. No. 1237, 3-13-2000, eff. 5-1-2000; Ord. No. 1488, 11-20-2015)

**Sec. 901.06. State surcharge on building permit fees.**

In addition to the permit fees established in the city fee schedule, a surcharge fee shall be collected on all permits issued for work governed by this title in accordance with state law. (Code 1995, § 901.08; Ord. No. 1488, 11-20-2015)

**Sec. 901.07. Permits required.**

- (a) Permits shall be required as specified in the MSBC.
- (b) Permits shall be required for the following to verify compliance with the city Code. Fees, based on valuation, shall be as established in the most current city fee schedule.
  - (1) Fences over four feet tall (new and replacement).
  - (2) Walls over four feet tall (new and replacement).
  - (3) Driveways (new and replacement).
  - (4) Drain tile installations (new and replacement).
  - (5) Sheds.
  - (6) Permanent and temporary signage.
- (c) Moving of dwellings or buildings.
  - (1) *Permit required.* The applicant for a permit to move a building or dwelling shall pay a fee as established in the city fee schedule. Inspection of buildings outside the city limits shall be charged on an hourly rate and include a mileage charge for city vehicles.
  - (2) *Application.* The applicant for a permit to move a building to a new location within this municipality shall file an application in accordance with section 1004.01(f).
- (d) Demolition permits. The applicant for a permit to demolish or wreck a building or in-ground pool shall pay a fee as established in the city fee schedule.
- (e) Gas apparatus.
  - (1) *Installation of gas piping and repairs or alterations to existing gas piping.* For the installation of the necessary gas piping and for the repair or alterations of existing gas piping to furnish gas for heat, light or power to a building or structure, the permit fee charge shall be as established in the city fee schedule.
  - (2) *Heating, ventilation and air conditioning (HVAC) equipment.* For installation, repair, or alteration of HVAC equipment, the permit fee charge shall be as established in the city fee schedule.
- (f) Plumbing; fixtures, devices and connections. For the installation, alteration, repair, or extension of plumbing work the permit fee charge shall be as established in the city fee schedule.

(g) Excavations, grading and surfacing. For the excavation, grading, surfacing or filling for any building, structure, plot or area of ground, the permit fee charge shall be as listed in the city fee schedule. No person, firm nor corporation shall do any excavating, grading, surfacing or filling in the city until they are equipped with certain communication equipment (such as cellular or mobile phones or two-way radios) which allows access to emergency call number 911.

(h) Signs, billboards and marquees. All sign fees shall be as established in the city fee schedule.

(i) Designated building official to ascertain value of construction. When in this chapter the permit charge is based upon market value of the work to be done, the designated building official shall ascertain such value.

(j) Special permits. The fee for all special events, temporary tents, temporary sales permits not specified by this title shall be as listed in the city fee schedule.

(k) Minimum fee. The minimum fee for any permit, whether or not such permit is mentioned in this title, shall be as stated in the city fee schedule.  
(Code 1995, § 901.09; Ord. No. 528, 3-13-1967; Ord. No. 873, 12-22-1980; amd. 1995 Code; Ord. No. 1161, 5-22-1995; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

#### **Sec. 901.08. Street assessments.**

(a) No permit shall be issued to construct any building upon any lot or tract of land unless the finance director shall have certified:

- (1) That such lot or tract of land has been assessed for the cost of construction of any public roads, curbs or sidewalks contiguous to the lot or tract of land.
- (2) If no assessment has been levied for such construction cost, the proceedings for levying such assessments have been or will be completed in due course.

(b) If no such certificate can be issued by the finance director, no permit to construct any building shall be issued unless the applicant shall pay a fee which shall be equal to the portion of the cost of construction of the public road, curb or sidewalk which would be assessable against the lot or tract to be served by such road, curb or sidewalk. The assessable cost is to be determined by the public works director upon the same basis as any assessment previously levied against other property for the road, curb or sidewalk, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased when it is determined by the public works director that the improvement was not subject to utilization until a later date.

(Code 1995, § 901.10; Ord. No. 745, 12-30-1974)

**Sec. 901.09. Construction deposits.**

(a) At any time a permit is applied for on any new construction, remodeling project or addition, which in the reasonable opinion of the designated building official involves more than 50 percent of the cost evaluation of the existing structure, the permit shall also require a cash deposit. The amount of such deposit shall be as established in the most current city fee schedule adopted by the city council. Such deposit shall be required and applied as necessary to:

- (1) Protect against or repair damage to the abutting street, concrete curb or other city facility occurring by reason of such construction; and
- (2) Defray the cost of cleaning streets if the city is required to do so; and
- (3) Defray the cost of repairs or corrections to noted deficiencies of this title or state building code, if the city is required to do so.

(b) The deposit, or unused portion, shall be refundable upon issuance of an occupancy certificate.

(Code 1995, § 901.11; Ord. No. 1289, 8-4-2003, eff. 1-1-2004; Ord. No. 1488, 11-20-2015; Ord. No. 1524, 4-10-2017)

**Sec. 901.10. Work within public right-of-way.**

A permit shall be required for any work such as sidewalk construction, curb or gutter construction, driveways, tree planting, boulevards, drainage, etc., which is proposed to be done within the public right-of-way. See chapter 706.

(Code 1995, § 901.12; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 901.11. Completion; inspection.**

Within five working days after the work has been completed, the person who has acquired any permit required under shall notify the designated building official that work has been completed.

(Code 1995, § 901.14; Ord. No. 637, 11-9-1970; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 901.12. Expiration of permits.**

(a) Any permit issued under the building code shall become invalid at the end of 180 days from the date of issuance unless the work for which the permit was issued has been started. This time limit may be extended by the designated building official providing that application for such extension of time has been made in writing previous to the expiration of the permit.

(b) A permit shall expire after work has been abandoned or suspended for 180 days.

(Code 1995, § 901.15; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 901.13. Permits not construed as waiver of violation.**

In the event an owner or agent is charged with a violation of law, including any provision of this title or other regulation, it shall be no defense that a permit was issued pursuant to this chapter.

(Code 1995, § 901.16; Ord. No. 842, 2-12-1979)

**CHAPTER 902. FIRE PREVENTION****Sec. 902.01. Adoption of state fire code.**

The most recent edition of the state fire code, as published by the International Code Council and adopted by the state fire marshal, along with all amendments to that edition adopted by the state fire marshal are adopted by reference and made a part of this title.

(Code 1995, § 902.01; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 902.02. Establishment and duties of fire marshal.**

(a) The state fire code shall be enforced by the office of the city fire chief.

(b) Fire marshals shall be appointed by the fire chief.

(c) When the term state fire marshal or fire chief appear in the state fire code, it shall include the city fire marshals.

(d) The chief of the fire department may detail members of the fire department as fire inspectors.

(e) Fire Inspectors are responsible for the examination of buildings to detect fire hazards and ensure that all federal, state, and local fire codes are met, and also may be responsible for plan review as directed.

(f) Fire marshals are responsible for the examination of the buildings to detect fire hazards and ensure that all federal, state, and local fire codes are met. Additional duties include fire code enforcement, or investigation of fire cause and origin. They are also responsible for approval of work permits, and building plan review to assure that all new and existing construction meets all federal, state, and local building codes.

(Code 1995, § 902.02; Ord. No. 976, 6-24-1985; Ord. No. 1060, 5-22-1989; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 902.03. Permits required.**

(a) A permit from the fire chief is required to conduct the following:

- (1) Install any automatic fire sprinkler system.
- (2) Install any automatic fire suppression or extinguishing system.
- (3) Modify an automatic sprinkler, fire suppression system or fire extinguishing system.
- (4) Install any above-ground or underground liquid fuel storage tank.

- (5) Install any above-ground or underground-liquefied gas storage tank.
- (6) Install or modify any fire alarm detection, fire suppression system, or signaling system in all structures except for owner occupied single-family Fire Code Group R-3 properties.
- (7) Remove an underground liquid fuel storage tank.
- (8) Clean and degrease commercial hoods and ducts.
- (9) Fireworks, display and sale as permitted by state statute.
- (10) Open burning (prescribed burns).

(b) A fee as established in section 901.05 shall be paid for each permit required by this section. A plan check fee as authorized in section 901.05 is required.  
(Code 1995, § 902.03; Ord. No. 1060, 5-22-1989; Ord. No. 1095, 7-22-1991; amd. 1995 Code; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 902.04. Fire prevention inspections.**

The fire marshal, fire inspector, or fire chief is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with MSFC section 104.3, Right of Entry, for the purpose of enforcing this title.  
(Code 1995, § 902.04)

**Sec. 902.05. Storage of flammable liquids.**

(a) *Outside above-ground tanks.* The limits referred to in the state fire code in which storage of flammable liquids in outside above-ground tanks is prohibited are hereby established as follows: All areas other than that area bounded by the area of the city west of Long Lake Rd., STH No. 36, the north city limits and the west city limits.

(b) *New bulk plants.* The limits referred to in the state fire code in which new bulk plants for flammable liquids are prohibited are hereby established as follows: All areas other than that area bounded by the area of the city west of Long Lake Rd., STH No. 36, the north city limits and the west city limits.

(c) *Other nonresidential areas.*

- (1) *Permit.* Notwithstanding the limits for above-ground storage tanks established in subsections (a) and (b) of this section, such storage tanks in other non-residentially zoned areas may be allowed by issuance of a permit approved by the city council. The permit is subject to review and recommendations of the fire marshal and to conditions imposed by the city council.
- (2) *Requirements.* Storage tanks permitted by this subsection shall be designed to meet all applicable state and federal regulations and setback requirements, shall be located in rear yards and shall be screened from eye level view from adjacent



properties and public streets by buildings, landscaping or by a screen wall. Screen walls shall be constructed of similar and compatible materials to that of the principal structure.

- (3) *Termination for noncompliance.* The city council may terminate the permit for noncompliance or require additional improvements consistent with this subsection.
  - (4) *Automatic expiration; extension of permit.* Such use of the land shall automatically expire five years after the original date of approval. Thereafter the applicant may apply for an annual one-year extension of the permit.
- (Code 1995, § 902.06; Ord. No. 867, 9-22-1980; Ord. No. 1128, 9-27-1993; amd. 1995 Code; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 902.06. Open flame on apartment balconies.**

(a) *Open flame and fuel storage prohibited in Fire Code Group R-2 properties.*

- (1) *Open flame prohibited.* In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet (4572 mm) of the structure.
- (2) *Fuel storage prohibited.* No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemical or device in the locations designated in section 1.1 of the state fire code.

(b) *Exception.* Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches (457 mm) on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the fire chief.

(Code 1995, § 902.08)

**Sec. 902.07. New materials, process or occupancies.**

The city manager, the fire chief, and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in this title. The fire chief shall post such list on the fire departments website and distribute copies to interested persons upon request.

(Code 1995, § 902.09)

**Sec. 902.08. Revocation of permits.**

The office of the fire chief or fire marshals may revoke a permit or approval issued if any violation of the state fire code is found upon inspection or when there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(Code 1995, § 902.11; Ord. No. 867, 9-22-1980; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 902.09. Day care facilities fire code inspection.**

Department of human services (DHS) licensed facilities fire safety inspection: All state department of human services fire safety inspections will be conducted in accordance with procedures and fees as determined by the state fire marshal's office, DHS, and the county. (Code 1995, § 902.12; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 902.10. Appeal.**

An appeal of the following actions can be made to the city council by the affected party within 30 days of the affected party being notified of the actions:

- (1) Issuance of fire prevention orders.
  - (2) Extension of time limits for compliance with a fire prevention order issued by the fire marshal.
  - (3) Refusal of the fire chief or fire marshal to issue permits authorized in this title.
  - (4) Revocation of a permit pursuant to this title.
  - (5) Affected party claims that the fire code does not apply or that the intent of the fire code has been misconstrued or wrongly interpreted.
- (Code 1995, § 902.13; Ord. No. 1060, 5-22-1989; amd. 1995 Code; Ord. No. 1512, 11-7-2016)

**CHAPTER 903. ELECTRICAL CODE**

**Sec. 903.01. Electrical code adopted.**

The electrical code is an adopted section of the MSBC. Fees for electrical work shall be as established in the most current electrical inspection services contract approved by the city council.

(Code 1995, § 903.01; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**CHAPTER 904. PLAN REVIEW**

**Sec. 904.01. Applicant to provide plans.**

At the time of application for a building permit involving exterior construction in all zoning classifications except LDR and LMDR, the applicant shall submit detailed plans to the city's designated building official concerning exterior lighting, signs, exterior construction material, exterior color, outside trash and refuse receptacles, screening and such other exterior factors as the designated building official requests to determine compliance with this title.

(Code 1995, § 904.01; Ord. No. 886, 8-10-1981; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**Sec. 904.02. Review of plans.**

When the exterior construction is located on any parcel zoned other than LDR and LMDR, such plans shall be reviewed by the designated building official.

(Code 1995, § 904.02; Ord. No. 886, 8-10-1981; Ord. No. 1289, 8-4-2003, eff. 1-1-2004)

**CHAPTER 905. SWIMMING POOLS****Sec. 905.01. Permit required.**

A building permit shall be required for any swimming pool with a capacity over 3,000 gallons or with a depth of over three feet and six inches of water. The permit fee shall be as listed in the city fee schedule.

(Code 1995, § 905.01; Ord. No. 636, 11-9-1970; Ord. No. 1289, 8-4-2003, eff. 1-1-2004; Ord. No. 1489, 11-30-2015)

**Sec. 905.02. Application.**

An application for a building permit shall show:

- (1) The type and size of pool.
- (2) A site plan indicating the location of the pool; location of house, garage, fencing and other improvements on the lot; location of structures on all adjacent lots; location of filter unit, pump and wiring indicating the type of such units; location of backflush and drainage outlets; grading plan, finished elevations and final treatment (decking, landscaping, etc.) around the pool; location of existing overhead or underground wiring, utility easements, trees and similar features, location of any water heating unit.

(Code 1995, § 905.02; Ord. No. 636, 11-9-1970)

**Sec. 905.03. Conditions.**

(a) *Location in yard.* See section 1011.12(b)(4).

(b) *Utility lines.* Pools shall not be located beneath overhead utility lines nor over underground utility lines.

(c) *Access for construction.* All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.

(d) *Backflush water.* To the extent feasible, backflush water or water from pool drainage shall be directed onto the owner's property. Water shall not drain onto adjacent or nearby private land.

(e) *Water.* Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the city.

(f) *Safety fencing.* Required safety fencing shall be completely installed prior to filling a pool.

(g) *Nuisances.* Nuisances such as undue noise, lighting of adjacent property, health and safety hazards, damage to nearby vegetation and the like shall not be permitted.

(h) *Filling of pool.* Filling of pools from fire hydrants or other public facilities or drainage of pools into public streets or other public drainageways shall require permission of the appropriate city officials. Drainage of a pool shall meet city and health agencies requirements.

(i) *Service drop conductors.* No swimming pool shall be placed or constructed so as to be under any service drop conductors and any other open overhead wiring, nor within ten feet horizontally from the pool edge, diving structure, observation stands, towers or platforms. No service drop conductors and other open overhead wiring shall be installed over or by any existing swimming pool except in conformance with this subsection.

(Code 1995, § 905.03; Ord. No. 636, 11-9-1970; Ord. No. 1289, 8-4-2003, eff. 1-1-2004; Ord. No. 1388, 2-22-2010; Ord. No. 1489, 11-30-2015)

#### **Sec. 905.04. Multiple-family dwelling areas.**

Private swimming pools intended for and used by the occupants of a multiple-family dwelling and the guests of the occupants of the dwelling shall adhere to the following regulations:

- (1) *Lot lines.* No part of the water surface of the swimming pool shall be less than 50 feet from any lot line.
- (2) *Service equipment.* No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than 50 feet from any lot line.
- (3) *Fencing.* The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Adequate screening, including, but not limited to, landscaping shall be placed between the pool area and adjacent single-family district lot lines.
- (4) *Deck areas.* All deck areas, adjacent patios and other similar areas used in conjunction with the swimming pool shall be located at least 30 feet from any lot line in an adjacent single-family district.

(Code 1995, § 905.04; Ord. No. 636, 11-9-1970; Ord. No. 1489, 11-30-2015)

### **CHAPTER 906. BUILDING MAINTENANCE AND PRESERVATION**

#### **Sec. 906.01. Adoption.**

(a) The city has adopted by reference the International Property Maintenance Code, 2018 edition, as published by the International Code Council, Inc. (ICC), for the establishment of minimum acceptable standards for the maintenance of existing buildings, structures,

premises and facilities to protect health, safety and general welfare. Each and all of the standards, regulations and requirements, except such portions as are hereinafter deleted, amended or modified as specified in the International Property Maintenance Code are hereby adopted, referred to, incorporated and made a part hereof as if fully set out at length herein.

(b) Not less than one copy of the copyrighted International Property Maintenance Code shall be on file in the offices of the community development department and open for public inspection during normal business hours.

(c) Not less than one city revised and codified version (as authorized by the ICC) of the copyrighted International Property Maintenance Code, 2018 edition, shall be on file in the offices of the community development department and open for public inspection during normal business hours.

(Code 1995, § 906.01; Ord. No. 1583, 4-13-2020)

#### **Sec. 906.02. Conflicts and interpretations.**

In the event any provision of this chapter and any provision of the adopted property maintenance code conflicts with, or is inconsistent in any manner with, any section of this title, or other codes adopted by reference therein or parts thereof, the provisions of this chapter and the adopted property maintenance code shall supersede and take precedence over such portion or portions in conflict or inconsistent therewith.

(Code 1995, § 906.02; Ord. No. 1583, 4-13-2020)

#### **Sec. 906.03. Administration.**

(a) *Scope.* The provisions of this chapter shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(b) *Intent.* This chapter shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the current edition of the state building code.

(c) *Applicability.*

(1) *Generally.* When there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. When differences occur between

provisions of this chapter and the referenced standards, the provisions of this chapter shall apply. The provisions of this chapter shall apply to all matters affecting or relating to structures and premises, as set forth in subsections (a) and (b) of this section. When, in a specific case, different sections of this chapter specify different requirements, the most restrictive shall govern.

- (2) *Maintenance.* Equipment, systems, devices and safeguards required by this chapter or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this chapter are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- (3) *Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current edition of the state building code. Nothing in this chapter shall be construed to cancel, modify or set aside any provision of the city's building or zoning regulations unless otherwise specifically provided in this chapter.
- (4) *Existing remedies.* The provisions in this chapter shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.
- (5) *Artisanship.* Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a professional manner and installed in accordance with the manufacturer's installation instructions.
- (6) *Historic buildings.* The provisions of this chapter shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.
- (7) *Referenced codes and standards.*
  - a. The codes and standards referenced in this chapter shall be those in the current edition of the state building code and considered part of the requirements of this chapter to the prescribed extent of each such reference. When differences occur between provisions of the current edition of the state building code and the referenced standards, the provisions of the current edition of the state building code shall apply.

## b. Exceptions:

1. When enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.
2. When conflicts occur between provisions of this chapter and the referenced standards, the provisions of this chapter shall apply.
3. When the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this chapter, the provisions of this chapter, as applicable, shall take precedence over the provisions in the referenced code or standard.

(8) *Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this chapter, shall be determined by the code official.

(d) *Property maintenance inspection.*

- (1) *Generally.* The department of property maintenance inspection is hereby created and the building official shall be known as the code official.
- (2) *Appointment.* The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.
- (3) *Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.
- (4) *Liability.* The code official, officer or employee charged with the enforcement of this chapter, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.
- (5) *Legal defense.* Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this chapter shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this chapter; and any officer of the department of property maintenance inspection, acting in good faith



and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(e) *Duties and powers of the code official.*

- (1) *Generally.* The code official is hereby authorized and directed to enforce the provisions of this chapter.
- (2) *Rule-making authority.* The code official shall have authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.
- (3) *Inspections.* The code official shall make all of the required inspections or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- (4) *Right of entry.* When it is necessary to make an inspection to enforce the provisions of this chapter, or when the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this chapter, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.
- (5) *Identification.* The code official shall carry proper identification when inspecting structures or premises in the performance of duties under.
- (6) *Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this chapter.
- (7) *Department records.* The code official shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of such public records.
- (8) *Coordination of inspections.* When in the enforcement of this chapter or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their

inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. When an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

(f) *Approval.*

- (1) *Modifications.* When there are practical difficulties involved in carrying out the provisions of this chapter, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this chapter impractical and the modification is in compliance with the intent and purpose of this chapter and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.
- (2) *Alternative materials, design and methods of construction and equipment.* The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this chapter, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved When the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety. When the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.
- (3) *Required testing.* When there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.
  - a. *Test methods.* Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.
  - b. *Test reports.* Reports of tests shall be retained by the code official for the period required for retention of public records.
- (4) *Used material and equipment.* Materials that are reused shall comply with the requirements of this chapter for new materials. Materials, equipment and devices

shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

- (5) *Approved materials and equipment.* Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.
- (6) *Research reports.* Supporting data, when necessary to assist in the approval of materials or assemblies not specifically provided for in this chapter, shall consist of valid research reports from approved sources.
- (g) *Violations.*
  - (1) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this chapter.
  - (2) *Notice of violation.* The code official shall serve a notice of violation or order in accordance with subsection (h) of this section
  - (3) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with subsection (h) of this section shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
  - (4) *Violation penalties.* Any person, business, organization, or entity who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues, after due notice has been served, shall be deemed a separate offense.
  - (5) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
- (h) *Notices and orders.*
  - (1) *Notice to responsible party.* When the code official determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred,

notice shall be in the manner prescribed in this subsection (h) to the responsible party for the violation as specified in this chapter. Notices for condemnation procedures shall also comply with subsection (i)(5) of this section.

- (2) *Form.* Such notice prescribed in subsection (h)(1) of this section shall be in accordance with all of the following:
  - a. Be in writing.
  - b. Include a description of the real estate sufficient for identification.
  - c. Include a statement of the violation or violations and why the notice is being issued.
  - d. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this chapter.
- (3) *Right to file appeal, right to file lien.* If compliance is not achieved within the reasonable time frame provided in the correction order, a statement of the right to appeal the order in accordance with subsection (l) of this section and the right of the city to file a lien in accordance with subsection (g)(3) of this section will be provided in a subsequent notice.
- (4) *Method of service.* Any notice prescribed under this subsection shall be deemed to be properly served if a copy thereof is:
  - a. Delivered personally;
  - b. Sent by certified or first-class mail addressed to the last known address; or
  - c. Posted in a conspicuous place in, on or about the structure, site or premises affected by such notice.
- (5) *Unauthorized tampering.* Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.
- (6) *Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in subsection (g)(4) of this section.
- (7) *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(i) *Unsafe structures and equipment.*

- (1) *Generally.* When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this chapter.
- (2) *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (3) *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
  - a. *Structure unfit for human occupancy.* A structure is unfit for human occupancy when the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this chapter, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
  - b. *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under, or was erected, altered or occupied contrary to law.
- (4) *Dangerous structure or premises.* For the purpose of this chapter, any structure or premise that has any or all of the conditions or defects described as follows shall be considered to be dangerous:
  - a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
  - b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
  - c. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

- d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
  - e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
  - f. The building or structure, or any portion thereof, does not meet minimum standards for its continued use and occupancy.
  - g. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to people or persons who might enter the building, structure or premises to their danger, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act or acts.
  - h. Any building or structure which has been constructed, exists or is maintained in violation of any specific requirement or of any law or ordinance applicable to such building or structure provided by the approved building or fire code of the jurisdiction.
  - i. Any building, structure or premise which presents a substantial risk of fire, building collapse or any other threat to life and safety, as determined by the code official.
  - j. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
  - k. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
  - l. Any portion of a building remains on a site after the demolition or destruction of the building or structure or when any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
- (5) *Closing of vacant structures.* If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official

is authorized to post a placard of condemnation on the premises and order the structure closed up and secured so as not to be an attractive nuisance. Upon failure of the owner to close up and secure the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

- (6) *Authority to disconnect service utilities.* The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this chapter and the referenced codes and standards set forth in subsection (c)(7) of this section in case of emergency when necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, when possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.
- (7) *Placarding.*
  - a. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions contained in a notice prescribed under this subsection within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. When the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person responsible for the structure or equipment in accordance with subsection (h)(3) of this section. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in subsection (g)(2) of this section.
  - b. Placard removal. The code official shall remove the condemnation placard when the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this chapter.
- (8) *Prohibited occupancy.* Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's



authorized agent or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this chapter.

- (9) *Abatement methods.* The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.
- (j) *Emergency measures.*
  - (1) *Imminent danger.* When the code official determines that there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the code official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
  - (2) *Temporary safeguards.* Notwithstanding other provisions of this chapter, when, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.
  - (3) *Closing streets.* When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
  - (4) *Emergency repairs.* For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
  - (5) *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises when the unsafe structure is or was located for the recovery of such costs.

- (6) *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this title.

(k) *Demolition.*

- (1) *Generally.* The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's judgment is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or when there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.
- (2) *Notices and orders.* All notices and orders shall comply with subsection (h) of this section.
- (3) *Failure to comply.* If the owner or owner's authorized agent of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (4) *Salvage materials.* When any structure has been ordered demolished and removed, the governing body or other designated officer under the contract or arrangement shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(l) *Means of appeal.* Any person directly affected by a decision of the code official or a notice or order issued under shall have the right to appeal to the city council. An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply, or the requirements of this chapter are adequately satisfied by other means.

(m) *Stop work order.*

- (1) *Authority.* When the code official finds any work regulated by this chapter being performed in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

- (2) *Issuance.* A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. The stop work order may be posted in a conspicuous location on the property if no one is onsite to receive the order. Upon issuance or posting, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
  - (3) *Emergencies.* When an emergency exists, the code official shall not be required to give written notice prior to stopping the work.
  - (4) *Failure to comply.* Any person who shall continue any work after having been served with a stop work order or having the premises posted with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to an administrative offense detailed in this chapter and subject to fines as per the adopted city fee schedule.
- (Code 1995, § 906.03; Ord. No. 1583, 4-13-2020)

#### **Sec. 906.04. Definitions.**

(a) *Terms defined in other codes.* When terms are not defined in this chapter or in title 1 and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, International Existing Building Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

(b) *Terms not defined.* When terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(c) *Parts.* When the terms "dwelling unit," "dwelling," "premises," "building," "rooming-house," "rooming unit," "housekeeping unit," and "story" are stated in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

(d) *General definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Anchored* means secured in a manner that provides positive connection.

*Approved* means acceptable to the code official.

*Basement* means that portion of a building which is partly or completely below grade.

*Bathroom* means a room containing plumbing fixtures, including a bathtub or shower.

*Bedroom.* See *Sleeping room*.

*Code official* means the official who is charged with the administration and enforcement of this chapter, or any duly authorized representative.

*Condemn* means to adjudge unfit for occupancy.

*Cost of such demolition or emergency repairs* means the costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, administrative fees, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailings; postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement* means that portion of land or property reserved for present or future use by a person or agency other than the legal fee owners of the property. The easement shall be permitted to be for use under, on or above the lot.

*Equipment support* means those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

*Exterior property* means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Extermination.* See *Pest elimination*.

*Garbage* means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Guard* means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

*Habitable space* means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

*Historic building* means any building or structure that is one or more of the following:

- (1) Listed or certified as eligible for listing, by the state historic preservation officer or the keeper of the national register of historic places, in the national register of historic places.
- (2) Designated as historic under an applicable state or local law.
- (3) Certified as a contributing resource within a national register or state or locally designated historic district.

*Housekeeping unit* means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

*Imminent danger* means a condition which could cause serious or life-threatening injury or death at any time.

*Infestation* means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

*Inoperable motor vehicle* means a vehicle which cannot be driven upon the public streets for reason, including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

*Labeled* means equipment, materials or products which have been affixed with a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for the specific purpose.

*Let for occupancy* or *let* means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Neglect* means the lack of proper maintenance for a building or structure.

*Occupancy* means the purpose for which a building or portion thereof is utilized or occupied.

*Occupant* means any individual living or sleeping in a building or having possession of a space within a building.

*Openable area* means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator* means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*Owner* means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Pest elimination* means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

*Premises* means a lot, plot or parcel of land, easement or public way, including any structures thereon.

*Professional* means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

*Public way* means any street, alley or other parcel of land that is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than ten feet.

*Roominghouse* means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

*Rooming unit* means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*Rubbish* means combustible and noncombustible waste materials, except garbage; the term "rubbish" shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

*Sleeping room* means any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

*Sleeping unit* means a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

*Strict liability offense* means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

*Structure* means that which is built or constructed or a portion thereof.

*Tenant* means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Toilet room* means a room containing a water closet or urinal but not a bathtub or shower.

*Ultimate deformation* means the deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

*Ventilation* means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

*Yard* means an open space on the same lot with a structure.  
(Code 1995, § 906.04; Ord. No. 1583, 4-13-2020)

**Sec. 906.05. General requirements.****(a) Generally.**

- (1) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
- (2) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this title. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
- (3) *Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect public health or safety.

**(b) Exterior property areas.**

- (1) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- (2) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. There shall be an exception for approved retention areas and reservoirs.
- (3) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- (4) *Weeds.*
  - a. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches. All noxious weeds, as listed by the state department of agriculture, shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
  - b. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with section 906.03(f)(3) and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired



by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

- (5) *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. When rodents are found, they shall be promptly eliminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- (6) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- (7) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (8) *Motor vehicles.*
  - a. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
  - b. Exception. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
- (9) *Defacement of property.*
  - a. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.
  - b. It shall be the responsibility of the owner to restore the surface to an approved state of maintenance and repair.
- (c) *Swimming pools, spas and hot tubs.*
  - (1) *Swimming pools.* In addition to and including the requirements of chapters 905 and 1011, swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
  - (2) *Enclosures.*
    - a. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be selfclosing and self-latching. When the self-latching device is

less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

- b. Exception. Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this subsection (c)(2).

(d) *Exterior structure.*

- (1) *Generally.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (2) *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:
  - a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
  - b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
  - c. Structures or components thereof that have reached their limit state.
  - d. Siding and masonry joints, including joints between the building envelope and the perimeter of windows, doors and skylights, are not maintained, weather resistant or watertight.
  - e. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
  - f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
  - g. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
  - h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
  - i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

- j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
  - k. Overhang extensions or projections, including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
  - l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
  - m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
  - n. Exceptions.
    - 1. When substantiated otherwise by an approved method.
    - 2. Demolition of unsafe conditions shall be permitted when approved by the code official.
- (3) *Protective treatment.* All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (4) *Premises identification.* Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
- (5) *Structural members.* All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
- (6) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

- (7) *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated when required to prevent deterioration.
- (8) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- (9) *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (10) *Overhang extensions.* All overhang extensions, including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (11) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (12) *Chimneys and towers.* All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (13) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (14) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
  - a. *Glazing.* All glazing materials shall be maintained free from cracks and holes.
  - b. *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (15) *Insect screens.* During the period from May 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch

(16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition; provided, however, that screens shall not be required when other approved means, such as air curtains or insect repellent fans, are employed.

- (16) *Doors.* All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with section 906.09(b).
- (17) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
- (18) *Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
- (19) *Building security.* Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

(e) *General requirements.*

- (1) *Doors.* Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than one-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.
- (2) *Windows.* Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.
- (3) *Basement hatchways.* Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.
- (4) *Gates.* Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

(f) *Interior structure.*

- (1) *Generally.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep

that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a roominghouse, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

- (2) *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code, or the International Existing Building Code as required for existing buildings:
- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
  - b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
  - c. Structures or components thereof that have reached their limit state.
  - d. Structural members are incapable of supporting nominal loads and load effects.
  - e. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
  - f. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
  - g. Exceptions.
    1. When substantiated otherwise by an approved method.
    2. Demolition of unsafe conditions shall be permitted when approved by the code official.
- (3) *Structural members.* All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.
- (4) *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
- (5) *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- (6) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

- (7) *Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
- (h) *Component serviceability.* The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (1) *Unsafe conditions.* When any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the state building code:
- a. Soils that have been subjected to any of the following conditions:
    - 1. Collapse of footing or foundation system.
    - 2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
    - 3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
    - 4. Inadequate soil as determined by a geotechnical investigation.
    - 5. When the allowable bearing capacity of the soil is in doubt.
    - 6. Adverse effects to the footing, foundation, concrete or other structural element due to the groundwater table.
  - b. Concrete that has been subjected to any of the following conditions:
    - 1. Deterioration.
    - 2. Ultimate deformation.
    - 3. Fractures.
    - 4. Fissures.
    - 5. Spalling.
    - 6. Exposed reinforcement.
    - 7. Detached, dislodged or failing connections.
  - c. Aluminum that has been subjected to any of the following conditions:
    - 1. Deterioration.
    - 2. Corrosion.
    - 3. Elastic deformation.
    - 4. Ultimate deformation.
    - 5. Stress or strain cracks.
    - 6. Joint fatigue.
    - 7. Detached, dislodged or failing connections.



- d. Masonry that has been subjected to any of the following conditions:
  - 1. Deterioration.
  - 2. Ultimate deformation.
  - 3. Fractures in masonry or mortar joints.
  - 4. Fissures in masonry or mortar joints.
  - 5. Spalling.
  - 6. Exposed reinforcement.
  - 7. Detached, dislodged or failing connections.
- e. Steel that has been subjected to any of the following conditions:
  - 1. Deterioration.
  - 2. Elastic deformation.
  - 3. Ultimate deformation.
  - 4. Metal fatigue.
  - 5. Detached, dislodged or failing connections.
- f. Wood that has been subjected to any of the following conditions:
  - 1. Ultimate deformation.
  - 2. Deterioration.
  - 3. Damage from insects, rodents and other vermin.
  - 4. Fire damage beyond charring.
  - 5. Significant splits and checks.
  - 6. Horizontal shear cracks.
  - 7. Vertical shear cracks.
  - 8. Inadequate support.
  - 9. Detached, dislodged or failing connections.
  - 10. Excessive cutting and notching.

(2) *Exceptions.*

- a. When substantiated otherwise by an approved method.
- b. Demolition of unsafe conditions shall be permitted when approved by the code official.

(i) *Handrails and guardrails.* Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface. Guards shall not be required when exempted by the adopted building code.

(j) *Rubbish and garbage.*

- (1) *Accumulation of rubbish or garbage.* All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
- (2) *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
  - a. *Rubbish storage facilities.* The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
  - b. *Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.
- (3) *Disposal of garbage.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
  - a. *Garbage facilities.* The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.
  - b. *Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(k) *Pest elimination; infestation.* All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated and eliminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

- (1) *Owner.* The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.
- (2) *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.
- (3) *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a roominghouse or a nonresidential structure shall be responsible for extermination and pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for pest elimination.

- (4) *Occupant.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure; provided, however, that when the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

(Code 1995, § 906.05; Ord. No. 1583, 4-13-2020)

**Sec. 906.06. Light, ventilation and occupancy limitations.**

(a) *Generally.*

- (1) *Scope.* The provisions of this section shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.
- (2) *Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this section.
- (3) *Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

(b) *Light.*

(1) *Habitable spaces.*

- a. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. When walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.
- b. Exception. When natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.
- (2) *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one footcandle (11 lux) at floors, landings and treads.

- (3) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.
- (c) *Ventilation.*
- (1) *Habitable spaces.* Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in subsection (b)(1) of this section.
- a. Exception. When rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m2).
- b. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.
- (2) *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by subsection (c)(1) of this section except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
- (3) *Cooking facilities.*
- a. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.
- b. Exceptions.
1. When specifically approved in writing by the code official.
2. Devices, including, but not limited to, coffee pots and microwave ovens, shall not be considered cooking appliances.
- (4) *Process ventilation.* When injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.
- (5) *Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

(d) *Occupancy limitations.*

- (1) *Privacy.* Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
- (2) *Minimum room widths.* A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter fronts and appliances or counter fronts and walls.
- (3) *Minimum ceiling heights.* Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm). The following exceptions shall apply:
  - a. In one- and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.
  - b. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.
  - c. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.
- (4) *Sleeping and living room requirements.* Every sleeping and living room shall comply with the following requirements:
  - a. *Room area.* Every sleeping room occupied by one person shall contain not less than 70 square feet (6.5 m<sup>2</sup>) of floor area, and every sleeping room occupied by more than one person shall contain not less than 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof. Every living room shall contain not less than 120 square feet.
  - b. *Access from sleeping rooms.* Sleeping rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.
  - c. *Exception.* Units that contain fewer than two bedrooms.
  - d. *Water closet accessibility.* Every sleeping room shall have access to at least one water closet and one lavatory without passing through another sleeping room.

Every sleeping room in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the sleeping room or an adjacent story.

- e. *Prohibited occupancy.* Kitchens and non-habitable spaces shall not be used for sleeping purposes.
  - f. *Other requirements.* Sleeping rooms shall comply with the applicable provisions of this title, including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of section 906.07; the heating facilities and electrical receptacle requirements of section 906.08; and the smoke detector and emergency escape requirements of section 906.09.
- (5) *Overcrowding.* Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 906.06.

Table 906.06 Minimum Area Requirements Space

|                               | <i>Minimum Area in Square Feet</i>                  |                      |                            |
|-------------------------------|-----------------------------------------------------|----------------------|----------------------------|
|                               | <i>1—2 Occupants</i>                                | <i>3—5 Occupants</i> | <i>6 or More Occupants</i> |
| Living room <sup>a, b</sup>   | 120                                                 | 120                  | 150                        |
| Dining room <sup>a, b</sup>   | No requirements                                     | 80                   | 100                        |
| Sleeping room <sup>a, b</sup> | Shall comply with subsection (d)(4) of this section |                      |                            |

For SI: one square foot = 0.093 m<sup>2</sup>.

<sup>a</sup> See subsection (5)b of this section for combined living room/dining room spaces.

<sup>b</sup> See subsection (5)a of this section for limitations on determining the minimum occupancy area for sleeping purposes.

- a. *Sleeping area.* The minimum occupancy area required by Table 906.06 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with subsection (d)(4) of this section.
  - b. *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of Table 906.06 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.
- (6) *Efficiency unit.* Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:
- a. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>).

A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by subsections (d)(2) and (d)(3) of this section.

- b. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this chapter shall be provided.
  - c. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
  - d. The maximum number of occupants shall be three.
- (7) *Food preparation.* All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
- (Code 1995, § 906.06; Ord. No. 1583, 4-13-2020)

**Sec. 906.07. Plumbing facilities and fixture requirements.**

(a) *Generally.*

- (1) *Scope.* The provisions of this section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
- (2) *Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.

(b) *Required facilities.*

- (1) *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
- (2) *Roominghouses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
- (3) *Hotels.* When private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- (4) *Employees' facilities.* A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.



- (5) *Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
  - (6) *Public toilet facilities.* Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.
- (c) *Toilet rooms.*
- (1) *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
  - (2) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
  - (3) *Location of employee toilet facilities.*
    - a. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.
    - b. Exception. Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.
  - (4) *Floor surface.* In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.
- (d) *Plumbing systems and fixtures.*
- (1) *Generally.* All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
  - (2) *Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.
  - (3) *Plumbing system hazards.* When it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate

service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(e) *Water system.*

- (1) *Generally.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.
- (2) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (3) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (4) *Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(f) *Nonpotable water reuse systems.*

- (1) *Generally.* Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. When such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with section 1702.15 of the state plumbing code.
- (2) *Abandonment of systems.* When a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with section 1702.15 of the state plumbing code.

(g) *Sanitary drainage system.*

- (1) *Generally.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (2) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- (3) *Grease interceptors.* Grease interceptors and automatic grease removal devices shall be maintained in accordance with this title and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

(h) *Storm drainage.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. (Code 1995, § 906.07; Ord. No. 1583, 4-13-2020)

**Sec. 906.08. Mechanical and electrical requirements.**

(a) *Generally.*

- (1) *Scope.* The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided.
- (2) *Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this section.

(b) *Heating facilities.*

- (1) *Facilities required.* Heating facilities shall be provided in structures as required by this subsection (b).
- (2) *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used to provide required heating.
- (3) *Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, shall furnish heat to the occupants thereof shall supply heat during the period from September 30 to April 1 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

- (4) *Occupiable workspaces.* Indoor occupiable workspaces shall be supplied with heat during the period from September 30 to April 30 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied. The following exceptions shall apply:
    - a. Processing, storage and operation areas that require cooling or special temperature conditions.
    - b. Areas in which persons are primarily engaged in vigorous physical activities.
  - (5) *Room temperature measurement.* The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.
- (c) *Mechanical equipment.*
- (1) *Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.
  - (2) *Removal of combustion products.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. There shall be an exception for fuel-burning equipment and appliances which are labeled for unvented operation.
  - (3) *Clearances.* All required clearances for combustible materials shall be maintained.
  - (4) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.
  - (5) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
  - (6) *Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.
- (d) *Electrical facilities.*
- (1) *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.
  - (2) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.
  - (3) *Electrical system hazards.* When it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate

service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

- a. *Abatement of electrical hazards associated with water exposure.* The provisions of this subsection (d)(3) shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.
- b. *Electrical equipment.* Electrical distribution equipment, motor circuits, power equipment, trans formers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.
- c. *Exception.* The following equipment shall be allowed to be repaired when an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:
  1. Enclosed switches rated not more than 600 volts or less.
  2. Busways rated not more than 600 volts.
  3. Panelboards rated not more than 600 volts.
  4. Switchboards rated not more than 600 volts.
  5. Fire pump controllers rated not more than 600 volts.
  6. Manual and magnetic motor controllers.
  7. Motor control centers.
  8. Alternating current high-voltage circuit breakers.
  9. Low-voltage power circuit breakers.
  10. Protective relays, meters and current transformers.
  11. Low- and medium-voltage switchgear.
  12. Liquid-filled transformers.
  13. Cast-resin transformers.
  14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
  15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
  16. Luminaires that are listed as submersible.
  17. Motors.
  18. Electronic control, signaling and communication equipment.

- d. *Abatement of electrical hazards associated with fire exposure.* The provisions of this subsection (d) shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.
  - e. *Electrical equipment.* Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code; provided, however, that electrical switches, receptacles and fixtures that shall be allowed to be repaired when an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.
- (e) *Electrical equipment.*
- (1) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
  - (2) *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.
  - (3) *Luminaires.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.
  - (4) *Wiring.* Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.
- (f) *Elevators, escalators and dumbwaiters.*
- (1) *Generally.* Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17. I. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except when otherwise specified by the authority having jurisdiction.
  - (2) *Elevators.* In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.
  - (3) *Exception.* Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(g) *Duct systems.* Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. No. 1583, 4-13-2020)

**Sec. 906.09. Fire safety requirements.**

(a) *Generally.*

- (1) *Scope.* The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.
- (2) *Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this section.

(b) *Means of egress.*

- (1) *Generally.* A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.
- (2) *Aisles.* The required width of aisles in accordance with the International Fire Code shall be unobstructed.
- (3) *Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except when the door hardware conforms to that permitted by the International Building Code.
- (4) *Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction and shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(c) *Fire-resistance ratings.*

- (1) *Fire-resistance-related assemblies.* The provisions of this section shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.
- (2) *Unsafe conditions.* When any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the



building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with section 110 of the state fire code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. When the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with section 110 of the state fire code.

- (3) *Maintenance.* The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced when damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. When concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.
  - a. *Fire blocking and draft stopping.* Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.
  - b. *Smoke barriers and smoke partitions.* Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.
  - c. *Firewalls, fire barriers, and fire partitions.* Required firewalls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.
- (4) *Opening protectives.* Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the

opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced when fused or damaged. Fire door assemblies shall not be modified.

- a. *Signs.* When required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than one inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open:

FIRE DOOR—DO NOT BLOCK.

2. For doors designed to be kept normally closed:

FIRE DOOR—KEEP CLOSED.

- b. *Hold-open devices and closers.* Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position
  - c. *Door operation.* Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.
- (5) *Ceilings.* The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.
  - (6) *Testing.* Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.
  - (7) *Vertical shafts.* Interior vertical shafts, including stairways, elevator hoist ways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in chapter 11 of the International Fire Code. New floor openings in existing buildings shall comply with the International Building Code.
  - (8) *Opening protective closers.* When openings are required to be protected, opening protective shall be maintained self-closing or automatic closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135 degrees Fahrenheit (57 degrees Celsius).
- (d) *Fire protection systems.*
    - (1) Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the state fire code in an operative condition at all times and shall be replaced or repaired when defective.

- (2) Fire protection systems required by this title, the state fire code or the state building code shall be installed, repaired, operated, tested and maintained in accordance with this title. A fire protection system for which a design option, exception or reduction to the provisions of this title, the state fire code or the state building code has been granted shall be considered to be a required system.
- (3) Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following fire code requirements:
- Automatic sprinkler systems.
  - Automatic fire-extinguishing systems protecting commercial cooking systems.
  - Automatic water mist extinguishing systems.
  - Carbon dioxide extinguishing systems.
  - Carbon monoxide alarms and carbon monoxide detection systems.
  - Clean-agent extinguishing systems.
  - Dry-chemical extinguishing systems.
  - Fire alarm and fire detection systems.
  - Fire department connections.
  - Fire pumps.
  - Foam extinguishing systems.
  - Halon extinguishing systems.
  - Single- and multiple-station smoke alarms.
  - Smoke and heat vents and mechanical smoke removal systems.
  - Smoke control systems.
  - Wet-chemical extinguishing systems.
- (4) Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 906.09 and as required in this section.

Table 906.09. Fire Protection System Maintenance Standards

| <i>System</i>                            | <i>Standard</i> |
|------------------------------------------|-----------------|
| Portable fire extinguishers              | NFPA 10         |
| Carbon dioxide fire-extinguishing system | NFPA 12         |
| Halon 1301 fire-extinguishing systems    | NFPA 12A        |
| Dry-chemical extinguishing systems       | NFPA 17         |
| Wet-chemical extinguishing systems       | NFPA 17A        |
| Water-based fire protection systems      | NFPA 25         |
| Fire alarm systems                       | NFPA 72         |
| Smoke and heat vents                     | NFPA 204        |

| <i>System</i>                     | <i>Standard</i> |
|-----------------------------------|-----------------|
| Water-mist systems                | NFPA 750        |
| Clean-agent extinguishing systems | NFPA 2001       |

- (5) Records.
- Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.
  - Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.
- (6) Systems out of service. When a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, when required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. When utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with section 901 of the state fire code to bring the systems back in service.
- Emergency impairments.* When unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in section 901 of the state fire code.
  - Removal of or tampering with equipment.* It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system or other fire appliance required by this title except for the purposes of extinguishing fire, training, recharging or making necessary repairs.
  - Removal of or tampering with appurtenances.* Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.
  - Termination of monitoring service.* For fire alarm systems required to be monitored by the state fire code, notice shall be made to the fire code official when alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.
- (7) Fire department connection. When the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an

approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than six inches (152 mm) high and words in letters not less than two inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

- a. *Fire department connection access.* Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief. Fences, when provided with an access gate equipped with a sign complying with the legend requirements of section 912 of the state fire code and a means of emergency operation. This section shall not apply to a gate if the means of emergency operation is approved by the fire chief and maintained operational at all times.
  - b. *Clear space around connections.* A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1,981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.
- (8) Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in existing Group I-1 and R occupancies in accordance with section 907 of the state fire code and the following:
- a. When required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms.
  - b. Interconnection and power sources shall be in accordance with section 907 of the state fire code. Exceptions:
    1. When the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
    2. When smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
    3. When smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.
  - c. Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:
    1. In sleeping areas.
    2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
  - d. Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:
    1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bed rooms.
    2. In each room used for sleeping purposes.
    3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
  - e. Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a required location.
    1. Ionization smoke alarms shall not be installed less than 20 feet (6,096 mm) horizontally from a permanently installed cooking appliance.
    2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than ten feet (3,048 mm) horizontally from a permanently installed cooking appliance.
    3. Photoelectric smoke alarms shall not be installed less than six feet (1,829 mm) horizontally from a permanently installed cooking appliance.
    4. Ionization smoke alarms shall not be installed less than 20 feet (6,096 mm) horizontally from a permanently installed cooking appliance.
    5. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than ten feet (3,048 mm) horizontally from a permanently installed cooking appliance.
    6. Photoelectric smoke alarms shall not be installed less than six feet (1,829 mm) horizontally from a permanently installed cooking appliance.
  - f. Installation near bathrooms. Smoke alarms shall be installed not less than three feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a required smoke alarm.
- (9) Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source

and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. The following exceptions shall apply:

- a. Smoke alarms are permitted to be solely battery operated in buildings where construction is not taking place.
- b. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
- c. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

(10) Interconnection.

- a. *Generally.* When more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required. When listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.
- b. *Exceptions.*
  1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
  2. Smoke alarms in existing areas are not required to be interconnected. When alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

(11) Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following provisions of the state fire code:

- a. The fire alarm system shall comply with all applicable requirements of the state fire code.
- b. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit.



- c. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored.
  - (12) Testing and maintenance. Single and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one and two-family dwellings shall be replaced not more than ten years from the date of manufacture marked on the unit or shall be replaced if the date of manufacture cannot be determined.
  - (13) Carbon monoxide alarms and detection.
    - a. Carbon monoxide alarms shall be installed in dwellings in accordance with the state building code.
    - b. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.
- (Code 1995, § 906.09; Ord. No. 1583, 4-13-2020)

## **CHAPTER 907. CONTRACTOR REGISTRATION**

### **Sec. 907.01. Registration required.**

(a) Registration is required for all residential building and remodeling contractors who provide only one service and all commercial building and remodeling contractors who are not required to have a state license. Common services requiring registration include, but are not limited to:

- (1) Asphalt paving.
- (2) Cement work, cement block work, cement block laying or brick work.
- (3) General construction, including erection, alteration or repair of building.
- (4) Demolition of buildings.
- (5) Plastering, outside stucco work or lathing and drywall.
- (6) Heating.
- (7) Gas installation, including heating, appliances, devices or machinery, etc.
- (8) Sign and billboard erecting.
- (9) Excavators (for basements, foundations, grading of lots, etc.).
- (10) Water and sewer excavating, installation and connection.
- (11) Tree removal or tree trimming.
- (12) Ventilation system cleaning.

(b) Residential general contractors, roofing contractors and manufactured housing installers must be licensed by the state department of labor and industry.  
(Code 1995, § 307.01; Ord. No. 487, 4-11-1966; Ord. No. 906, 5-10-1982; amd. 1995 Code)

**Sec. 907.02. Commercial general contractors.**

(a) A registration granted to a general contractor shall include the right to perform all of the work included in the general contract. Such registration shall include any or all of the persons performing the work which is classified and listed in section 907.01, providing that each person performing such work is in the regular employ of such general contractor and qualified under state law and the provisions of this Code to perform such work. In these cases, the general contractor shall be responsible for all of the work so performed.

(b) Subcontractors on any work shall be required to comply with the sections of this Code pertaining to registration, bond, qualifications, etc., for their particular type of work.  
(Code 1995, § 307.02; Ord. No. 190, 7-20-1954)

**Sec. 907.03. Qualifications.**

Each applicant for a registration shall satisfy the building official that the applicant is competent by reason of education, special training and experience, and that the applicant is equipped to perform the work for which a registration is requested.  
(Code 1995, § 307.03; Ord. No. 190, 7-20-1954)

**Sec. 907.04. Requirements for registration.**

(a) *Application.* A completed and signed application shall be submitted to the community development department on forms furnished by the city.

(b) *Registration fee.* Payment of the registration fee as established in the city fee schedule prior to issuance of such registration.

(c) *Liability insurance.* Before a contractor registration shall be issued, the applicant shall provide a certificate of liability insurance.

- (1) Any person holding a registration under section 907.01 shall file with the community development department policies of public liability and property damage which shall remain and be in force and effect during the entire term of the registration and which shall contain a provision that they shall not be cancelled without ten days written notice to the city.
- (2) Public liability insurance shall not be less than \$50,000.00 for injuries, including accidental death to any one person, and subject to the same limit for each person in an amount of not less \$500,000.00 on account of any one accident and property damage insurance in the amount of not less than \$500,000.00 for each accident and not less than \$1,500,000.00 aggregate. No work shall be done until the insurance policies have been filed and approved by the building official.

(d) *Workers' compensation insurance.* Before a contractor registration shall be issued, the applicant shall file with the city a certificate indicating statutory workers' compensation coverage or evidence of self-insured status approved by the state.

(Code 1995, § 307.04; Ord. No. 1098, 8-12-1991)

**Sec. 907.05. Registration fee.**

The fees shall be as established by the city fee schedule.

(Code 1995, § 307.05)

**Sec. 907.06. Duration.**

All contractor registrations issued under this chapter are effective upon issuance and expire one year from the date of issuance.

(Code 1995, § 307.06; Ord. No. 1525, 4-24-2017)

**Sec. 907.07. Issuance.**

Notwithstanding section 301.02, the building official may issue a registration under this chapter upon satisfaction of all requirements contained herein.

(Code 1995, § 307.07)

**Sec. 907.08. Revocation of suspension.**

The city council may suspend or revoke any registration for violation of this Code or any state or federal statute or regulation after following applicable statutory provisions and where none, after reasonable notice and a due process hearing. The council may also suspend or revoke the registration of any person licensed under this Code who violates any of its provisions or whose work is found to be improper, defective or so unsafe as to jeopardize life or property.

(Code 1995, § 307.08; Ord. No. 1499, 5-1-2016)

Title 10

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**CHAPTER 1001. IN GENERAL****Sec. 1001.01. Short title. (Reserved)****Sec. 1001.02. Authority.**

(a) The ordinance from which this title is derived is enacted pursuant to the authority granted by the municipal planning act, Minn. Stat. §§ 462.351 to 462.365, inclusive.

(b) This title governs the use of all land and structures in the city, unless such regulation is specifically preempted by state or federal statutes or regulations.  
(Ord. No. 1606, § 1001.02, 11-8-2021)

**Sec. 1001.03. Intent and purpose.**

This title shall divide the city into districts and establish regulations in regard to land and the buildings thereon. These regulations are established to:

- (1) Protect and to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the community and its people through the establishment of minimum regulations governing land development and use;
- (2) Protect and enhance the character, stability, and vitality of residential neighborhoods as well as commercial areas;
- (3) Promote orderly development and redevelopment;
- (4) Assist in the implementation of the comprehensive plan;
- (5) Foster a harmonious, workable relationship among land uses;
- (6) Promote the stability of existing land uses that conform with the comprehensive plan and to protect them from inharmonious influences and harmful intrusions;
- (7) Ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial for the city as a whole;
- (8) Prevent excessive population densities and overcrowding of structures on the land;
- (9) Promote healthful movement of people, goods, and services;
- (10) Foster the provision of adequate off-street parking and off-street truck loading facilities;
- (11) Facilitate the appropriate location of community facilities and institutions;
- (12) Provide human and physical resources of sufficient quantity and quality to sustain needed public services and facilities;
- (13) Protect and enhance real property values;
- (14) Safeguard and enhance the appearance of the city, including natural amenities of open spaces, hills, woods, lakes, and ponds;
- (15) Prescribe penalties for violation of such regulations; and

- (16) Define powers and duties of the city staff, the city council, the planning commission, the board of adjustment and appeals, the variance board, the development review committee, the administrative deviation committee, and the master sign plan committee in relation to the zoning code.

(Ord. No. 1606, § 1001.03, 11-8-2021)

**Sec. 1001.04. Relationship to the comprehensive plan.**

It is the policy of the city that the enforcement, amendment, and administration of this title be accomplished with due consideration of the recommendations and policies contained in the comprehensive plan as developed and amended from time to time by the planning commission and city council. The city council recognizes the comprehensive plan as the policy for regulation of land use and development in accordance with the policies and purpose herein set forth.

(Ord. No. 1606, § 1001.04, 11-8-2021)

**Sec. 1001.05. Uses not provided for within zoning districts.**

Whenever a use is not specifically permitted in any zoning district and is determined by the community development department to not be consistent with a permitted and/or conditional use chart, the use shall be considered prohibited. In such case, the city council or the planning commission, on its own initiative or upon request, may direct the community development department to conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate as well as what conditions and standards should be imposed relating to development of the use. The city council, planning commission, or property owner, upon receipt of the community development department's study, may, if appropriate, initiate an amendment to this title to provide for the particular use under consideration or shall find that the use is not compatible for development within the city.

(Ord. No. 1606, § 1001.05, 11-8-2021)

**Sec. 1001.06. Application and implementation.**

The provisions of this title shall be the minimum requirements for the promotion of the public health, safety, morals, and general welfare. It is not the intention of this title to interfere with, abrogate, or annul any covenant or agreement between parties. Where this title imposes greater restrictions than any other applicable statute, ordinance, rule, or regulation, this title shall control when and to the extent allowed by state or federal law. Where any other applicable statute, ordinance, rule, or regulation imposes greater restrictions than this title, such other statute, ordinance, rule, or regulation shall control. The section, subsection, and paragraph headings are for reference only, and shall not be used to interpret, enlarge, or detract from the provisions of this title.

- (1) *Minimum requirements.* The provisions of this title are the minimum requirements for the promotion of the public health, safety, morals and general welfare.

- (2) *Essential services.* Essential services shall be permitted as authorized and regulated by state and/or federal law and ordinances of the city. Such essential services are exempt from the application of this title, except as regulated by the city's floodplain ordinance.
- (3) *Measurement.* All measured distance expressed in feet shall be to the nearest tenth of a foot. The measurement of distances when required by this title shall be done in a straight line in the plane located at a point one foot above the highest point in the surface of the ground along the path of measurement, from the closest exterior wall (extended vertically if a cantilever) of a building containing the use to the property line of the adjacent street, district, or lot, or other boundary line. If the use is not within a building, the measurement shall be the shortest distance from the location of the use to the property line of the adjacent street, district, or lot, or other boundary line.

(Ord. No. 1606, § 1001.06, 11-8-2021)

**Sec. 1001.07. Definitions.**

(a) The use of the phrase "used for" shall include the phrases "designed for," "intended for," "improved for," "maintained for," "offered for," and "occupied for."

(b) The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Abutting* means having a common border or boundary. The term "abutting" is used interchangeably with "adjacent" and "adjoining."

*Accessible electric vehicle charging station* means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

*Accessory* means a use or structure which is located on the same lot as a principal use or structure and which is clearly incidental and subordinate to the principal use or structure.

*Addition* means any walled and/or roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall or foundation.

*Adjacent.* See *Abutting*.

*Adjoining.* See *Abutting*.

*Aisle* means the traveled way by which vehicles enter and depart parking spaces.

*Alley* means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

*Alteration* means any change, addition, or modification in construction or occupancy of an existing structure, or modification to the surface of the ground.

*Animal boarding facility* means any lot or premises on which dogs, cats, and/or other household pets are kept, boarded, or raised for sale or adoption.

*Animal day care.* See *Animal boarding facility*.

*Animal hospital* means an establishment for the routine examination, medical, or surgical treatment and care of domestic animals, generally with overnight boarding facilities for animals in care.

*Antenna* means any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

*Arborist, certified,* means an individual who holds a current certification from the International Society of Arboriculture.

*Artisan workshop* means a use primarily involving the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed two horsepower each or a single kiln not exceeding eight cubic feet in volume and the incidental direct sale to consumers. Typical production includes custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing and crafts production.

*Assembly hall.* See *Theater*.

*Assisted living* means housing complexes primarily for the elderly or chronically ill in which assistance with daily activities, congregate dining, and limited health care may be provided.

*Athletic field* means an outdoor facility developed as a baseball diamond, softball diamond, soccer field, football field, lacrosse field, or other surface for conducting outdoor recreational activities.

*Awning.* See *Canopy*.

*Basement* means that portion of a building which is wholly or partly below ground level.

*Battery electric vehicle* means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's battery and produces zero tailpipe emissions or pollution when stationary or operating.

*Bed and breakfast establishment* means a private residence that rents rooms as temporary lodging and which is the principal residence of the operator.

*Berm* means a land alteration where fill is added to the surface of the ground in order to create a earthen mound or hill generally used in conjunction with walls, fences, or plant material to screen one parcel of land from another or from a street.

*Bingo hall* means a principal or accessory use of a structure or property to operate a bingo hall licensed under chapter 303 and Minn. Stat. § 349.164.

*Block* means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or shorelines of waterways. A block may be located in part beyond the boundary lines of the corporate limits of the city.

*Boarder*. See *Roomer*.

*Body shop*. See *Motor vehicle repair*.

*Boulevard* means that portion of a street right-of-way between the curbline and property line.

*Boutique sale (residential)* means the sale of handcrafted items conducted on residential premises, where the items sold are made by the occupant of the premises at which the sale takes place, or by friends of such occupant, and where the sale is conducted by said occupant or friends of such occupant and not by an agent or any other person to whom a commission, fee, or salary is paid. Items for sale shall be made in the home and not purchased for resale from any retail or wholesale business source nor received on consignment for the purpose of resale.

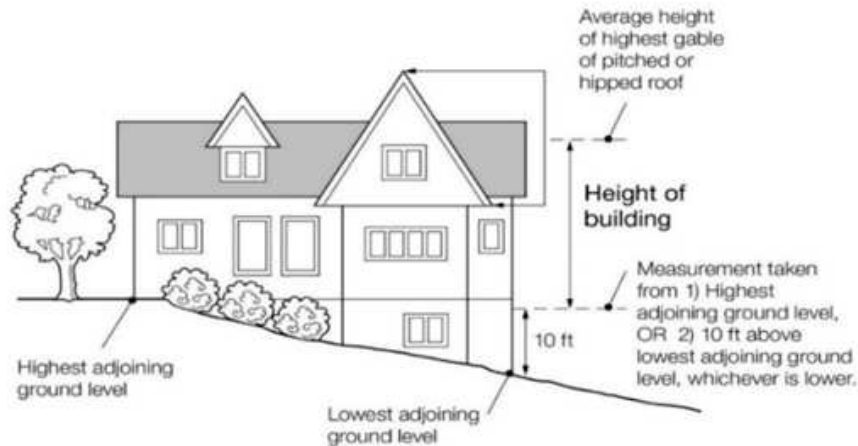
*Brewery* means a facility that produces for sale more than 3,500 barrels annually of cider, mead, beer or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. A brewery may include a taproom.

*Brewpub* means a restaurant that brews cider, mead, beer or other beverages made from malt by fermentation on the same premises and that also holds one or more retail on-sale licenses and that manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in Minn. Stat. § 340A.24, subd. 2.

*Building* means a structure with a permanent location on the land, enclosed by walls and having a roof that may provide shelter, support, protection or enclosure of persons, animals, or property of any kind.

*Building complex* means a group of two or more buildings, planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings or uses are located on the same lot or parcel.

*Building height* means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

**Building Height**

*Building materials sales* means an establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. The term "building materials sales" does not include a lumberyard or home improvement center.

*Building, attached,* means a building joined to another building or structure by a shared wall.

*Building, detached,* means a building surrounded on all sides by open space on the same lot.

*Building, mixed-use,* means a building that houses multiple uses, which may include residential and nonresidential uses.

*Building, nonresidential,* means a building that houses no residential uses, with the possible exception of a caretaker's dwelling.

*Building, principal,* means a building in which is conducted the principal use of the lot on which it is located.

*Building, residential,* means a building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types multiple-family dwelling, single-family attached dwellings, single-family detached dwellings, and two-family detached dwellings.

*Caliper inch* means the standard of each tree trunk measurement for replacement or landscaping trees. The caliper inch measurement of the trunk shall be taken at six inches above the ground for trees up to and including four-inch caliper size, and 12 inches above the ground for trees larger than four inch caliper.

*Cannabis combination business* means a business with a cannabis mezzobusiness license with a retail operations endorsement or a cannabis microbusiness license with a retail operations endorsement from the state office of cannabis management.

*Cannabis cultivation business* means a business with a cannabis cultivator license, medical cannabis cultivator license, or cultivation endorsement from the state office of cannabis management.

*Cannabis delivery/transportation business* means a business with a cannabis delivery service license or delivery service endorsement, or cannabis transporter license or transportation endorsement from the state office of cannabis management.

*Cannabis lounge* means a portion of the premises of a cannabis business or hemp business licensed or endorsed by the state office of cannabis management for on-site consumption of edible cannabis products and lower-potency hemp edibles.

*Cannabis or hemp industrial business* means a business with a cannabis manufacturer license, cannabis wholesaler license, cannabis testing facility license, medical cannabis manufacturer, medical cannabis combination business license, lower-potency hemp edible manufacturing license, or manufacturing or testing endorsement from the state office of cannabis management.

*Cannabis or hemp retailer* means a business with a cannabis retailer license, medical cannabis retailer license, lower-potency hemp edible retailer license, or retail endorsement from the state office of cannabis management.

*Canopy* means a roof-like structure projecting from the building over an entrance or window that provides weather protection for the entry or window and, perhaps, the immediately adjacent area. Canopies shall be considered part of the wall area for the purpose of allocation of signage.

*Canopy, auxiliary*, means a roof-like structure projecting over, including, but not limited to, fuel pump islands, drive-through banking, or any canopy with a drive-through lane. An auxiliary canopy provides weather protection for more than the building entrance or windows. Auxiliary canopies may be attached or detached from the principal building. For sign purposes, auxiliary canopies shall be considered a separate structure.

*Car wash* means an establishment where washing, drying, polishing, or vacuuming of an automobile or other motor vehicle is done by service personnel, the driver, or by automated machinery.

*Catering establishment* means a business that prepares food and beverages to be delivered off premises for consumption at a social, business, or civic function and may also provide service at the function.

*Cemetery* means an area used for the burial or entombment of one or more deceased persons, including graveyards, mausoleums, and columbaria.



*Charging levels* means standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms "1," "2" and "DC" are the most common charging levels and include the following specifications:

- (1) Level 1 is considered slow charging with 120v outlets.
- (2) Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.
- (3) DC is considered fast or rapid charging. Voltage is greater than 240.

*Clinic, medical, dental, or optical*, means a building in which a group of physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. The term "clinic" may include laboratories, diagnostic imaging, outpatient/inpatient procedures and facilities, or training facilities.

*Club, private*. See *Lodge, private*.

*Cocktail room* means an area for the on-sale consumption of distilled spirits produced on the premises of one distillery and in common ownership to the producer of the distilled spirits.

*Coffee shop* means an establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carry out, which may also include the sale of a limited number of food items.

*College or post-secondary school, campus*, means an institution for post-secondary education, public or private, offering courses in general, technical, or religious education, which incorporates administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, student housing, fraternities, sororities, and/or other related facilities in a campus environment.

*College or post-secondary school, office-based*, means an institution for post-secondary education, public or private, offering courses in general, technical, or religious education, which operates in commercial-type buildings, wholly or partially owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, and/or other related facilities.

*Co-location* means the provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

*Columbarium* means a place such as a vault for the respectful and usually public storage of cremated human remains within cinerary urns. Columbaria are accessory to places of assembly for worship, cemeteries, or mausoleums. The plural of the term "columbarium" is either columbaria or columbariums.

*Commercial laundry*. See *Dry cleaning establishment*.

*Community garden* means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as

flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

*Comprehensive plan, land use plan, or comp plan* means the city's 2030 comprehensive plan.

*Condominium* means an estate of real property consisting of an undivided interest in common with other purchasers in a portion of parcel of real property, together with separate interest in space in a building. A condominium may include, in addition, a separate interest in other portions of such real property, such as garage space or in the case of a cluster development, a townhome, or cluster development lot.

*Conforming* means a lot, use, or structure which satisfies all applicable requirements of this title as amended.

*Congregate care.* See *Assisted living*.

*Contractor yard* means an establishment providing general contracting, building/site maintenance, or building construction services, including, but not limited to, outdoor storage of large construction equipment or machinery (loader, grader, bulldozer, scraper, crane or similar) trailers and/or seasonal equipment, and loose materials. Outdoor storage of these items shall be consistent with the requirements of Table 1006.03 and section 1011.12(f)(8) through (10).

*Contractor yard, limited,* means an establishment providing general contracting, building/site maintenance, or building construction services, including (but not limited to) fleet vehicles (pickup, cargo, and/or cube variety trucks), outdoor storage of trailers or machinery and/or seasonal equipment. Outdoor storage of these items shall be consistent with the requirements of Table 1006.03 and section 1011.12(f)(8) through (10).

*Convent.* See *Monastery*.

*Courtyard development* means a form of a cluster development that designs the residential units around a common courtyard.

*Currency exchange business* means any entity, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders, or travelers' checks for a fee.

*Day care*, as defined in the Minnesota Rules, means the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

*Day care center* means a facility in which a child care program is operated when the facility is not excluded by state statutes and is not required to be licensed under said state statutes as a family or group family day care home.

*Day care, family*, as defined in the Minnesota Rules, means day care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

*Day care, group family*, as defined in the Minnesota Rules, means group family day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

*Density* means the number of dwelling units permitted per net acre of land.

*Development* means any human-made change to improved or unimproved real estate, including, but not limited to, the placement, construction, or modification of structures, ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations, and the deposition or extraction of earthen materials.

*Diameter breast height (DBH)* means the diameter of trees in inches at breast height, measured 4½ feet (54 inches) above the ground. The diameter of a multi-stemmed tree that splits below 4½ feet shall be measured at the smallest diameter below the split for both deciduous and coniferous trees.

*Distillery* means a facility that produces for sale ethyl alcohol, hydrated oxide of ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use. A distillery may include a cocktail room.

*Distribution center* means an enclosed building primarily used for receipt, temporary storage and redistribution of goods, typically involving heavy truck and/or freight rail traffic.

*Drip line* means a vertical line extending from the outer surface of a tree's branch tips down to the ground.

*Dormitory*. See *Student housing*.

*Dormer* means a window set vertically in a structure that projects through a sloping roof or a structure that contains such a window.

*Drive-through* means consisting of a driveway and window, opening, canopy, or other facilities used for serving patrons seated in an automobile, including the stacking spaces in which vehicles wait. Drive-throughs may be associated with principal uses such as restaurants, banks, or drugstores, or may be free-standing, such as coffee kiosks, ATMs, etc.

*Dry cleaning establishment* means an establishment that launders or dry cleans fabric, textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.

*Dwelling* means a building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels or other accommodations for the transient public, lodgingshouses, housing cooperative or other group living arrangements.

*Dwelling unit* means one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and a complete kitchen facility,

permanently installed, shall always be included with each dwelling unit. No dwelling unit may have more than one kitchen facility except that a single-family detached dwelling may have more than one kitchen facility, provided the dwelling is designed, arranged or used as living quarters for one family only. For purposes of this exception, the family shall not include roomers.

*Dwelling unit, accessory*, means a second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. The term "accessory dwelling unit" includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit.

*Dwelling, courtyard cottage*, means a development of one-family detached dwellings where a courtyard of open space fronts on the public street and the individual dwellings are accessed from shared driveways and serve the rear of the dwellings.

*Dwelling, four-family (quadruplex)*, means a building containing four dwelling units that are independent from one another, with yards on all sides of the building.

*Dwelling, multifamily*, means a building, or portion of a building, designed exclusively for occupancy by five or more families living independently of each other in individual dwelling units.

*Dwelling, one-family attached (townhouse, rowhouse)*, means a one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having totally exposed front and rear walls to be used for access, light and ventilation.

*Dwelling, one-family detached*, means a building designed exclusively for and occupied exclusively by one family in one dwelling unit, with yards on all sides.

*Dwelling, three-family (triplex)*, means a building containing three dwelling units that are independent from one another, with yards on all sides of the building.

*Dwelling, two-family attached (twin home)*, means a one-family dwelling which is attached on one side to another one-family dwelling with a common side wall, each of which is located on an individual lot.

*Dwelling, two-family detached (duplex)*, means a building located on one lot containing two dwelling units that are horizontally attached or vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.

*Easement* means the grant of one or more of the property rights by the owner to, or for the use by, the public, public utility, corporation, or another person or entity.

*Elderly housing*. See *Senior housing*.

*Electric vehicle* means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes. The term "electric vehicle" includes battery electric vehicles and plug-in hybrid electric vehicles.

*Electric vehicle charging infrastructure* means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

*Electric vehicle charging station (EVCS)* means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

*Electric vehicle parking space* means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

*Electric vehicle supply equipment (EVSE)* means any equipment or electrical component used in charging electric vehicles at a specific location. The term "EVSE" does not include equipment located on the electric vehicles themselves.

*Electrical capacity* means, at minimum:

- (1) Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240v outlet per charger;
- (2) Conduit from an electric panel to a future EVCS location.

*Electrical substation* means an assemblage of equipment through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of consumers.

*Entrance, primary*, means the building entrance which faces the front lot line or is closest to the front lot line and which entrance provides direct access to the principal use.

*Environmental service center* means a multi-purpose government-owned facility where the principal use involves the collection of household hazardous waste, recycling, and organics, including associated offices and public outreach rooms

*Equipment building, shelter, or cabinet* means a building or cabinet used to house equipment used by telecommunication providers.

*Façade, front*, means the wall of building closest to the street that separates interior spaces from exterior. An open porch without living space above it shall not be considered a front façade. For buildings on corner or through lots, the front façade is usually that façade that fronts the street of higher classification.

*Family* means one of the following:

- (1) Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care;
- (2) Up to four people not so related, living together as a single housekeeping unit;

- (3) Any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency, or for other reasons; or
- (4) Any individual, who is the owner, living, and maintaining a common household and using a common cooking and kitchen facility.

*Fence* means a structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

*Fitness center.* See *Health club*.

*Floor area*, when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, means the sum of the gross horizontal areas of the several floors of the buildings devoted to such use, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, with the common areas divided proportionately according to the usage of said buildings.

*Forester, degreed*, means a person who holds a minimum of a Bachelor of Science degree in arboriculture, urban forestry or similar field from an accredited academic institution.

*Frontage* means the relationship between the front façade of a building and the abutting street, encompassing the placement of the building and its entrances, and the treatment of front setback areas.

*Funeral home.* See *Mortuary*.

*Garage, private*, means a detached accessory building or portion of the principal building, including a carport, which is used for storing passenger vehicles, trailer of the occupant, or trucks of a rated capacity not in excess of  $\frac{3}{4}$  ton.

*Garage sale, yard sale, attic sale, rummage sale, or moving sale* means the sale of used household and personal items conducted on residential premises, where the property sold consists of items owned by the occupant of the premises at which the sale takes place, or by friends of such occupant and where the sale is conducted by such occupant or friends, and not by an agent or any other person to whom a commission, fee or salary is paid. Items for sale shall not have been purchased for resale or received on consignment for the purpose of resale. Except during the sales day and one day before and after for setup, items for sale shall be stored within the garage or residence.

*Gazebo* means a detached accessory building which is used for the social or recreational shelter of persons and is not used as living quarters.

*Greenhouse* means an establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display, and may include sales of lawn furniture and garden supplies.



*Grocery store* means a retail establishment that offers for sale food products, beverages, household items and may include pharmacy, and prepared food items.

*Group home.* See *Community residential facility*.

*Health club* means an establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices, and classrooms, and where use is offered on a membership basis.

*Home occupation* means an office or studio, service business, or limited production of goods within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes.

*Hospital* means an institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

*Hotel.* See *Lodging*.

*Impervious surface* means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

*Indoor entertainment center* means a facility where the principal purpose is offering indoor attractions such as video games, inflatables, bowling, climbing structures, kart racing, miniature golf, laser tag, virtual reality, puzzle rooms, tabletop games, and archery ranges, but not including theaters, concert venues, or athletic training or fitness facilities.

*Inn.* See *Lodging*.

*Junkyard* means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles and unlicensed or inoperable motor vehicles and parts thereof. A junkyard includes an automobile wrecking or dismantling yard.

*Kennel.* See *Animal boarding facility*.

*Kitchen facility* means a kitchen facility is one which includes kitchen fixtures such as cabinets, sinks, refrigerators and stoves, or articles used or intended to be used for cooking.

*Laboratory for research, development, and/or testing* means a room, building, or facility equipped for medical, scientific, or technological research, experiments, and/or testing, which may include limited accommodations for researchers or research subjects.

*Lattice tower* means a self-supporting structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.



*Landscape plan* means an integrated set of documents that may consist of both drawn and written materials whose purpose is to identify, for a proposed development, the means of compliance with the landscaping, screening and site stabilization standards of the Code.

*Limited production/processing, accessory use*, means light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar uses which are conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or complex. Limited production/processing generally does not include industrial processing from raw materials.

*Limited production/processing, principal use*, means light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar principal or primary uses which are predominantly conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or complex. Limited production/processing as a principal/primary use generally does not include industrial processing from raw materials.

*Limited warehousing and distribution* means an establishment providing storage and distribution of merchandise and bulk goods, including those associated with a limited production and processing use, and which use shall involve pickup, cargo, and/or cube variety trucks to distribute goods.

*Live-work unit* means a dwelling unit in combination with a shop, office, studio, or other workspace within the same unit, where the resident occupant both lives and works.

*Loading area* means a space accessible from a street, alley or way in a building or on a lot for the use of trucks while loading and unloading merchandise or materials.

*Lodge, private*, means an association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.

*Lodging* means a building containing rooming units providing temporary sleeping accommodations (less than 30 days duration) to the general public, which may include additional facilities for food service, meeting space, and/or recreation.

*Lot* means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

*Lot area* means the area of a horizontal plane bounded by the front, side and rear lot lines.

*Lot depth* means the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

*Lot line, front*, means the boundary of a lot which abuts an existing, dedicated or officially mapped street. In the case of a lot abutting more than one street, the owner may choose any

street lot line as the front lot line, with the consent of community development department, based on the effects of such choice on development of the lot itself or on adjacent properties.

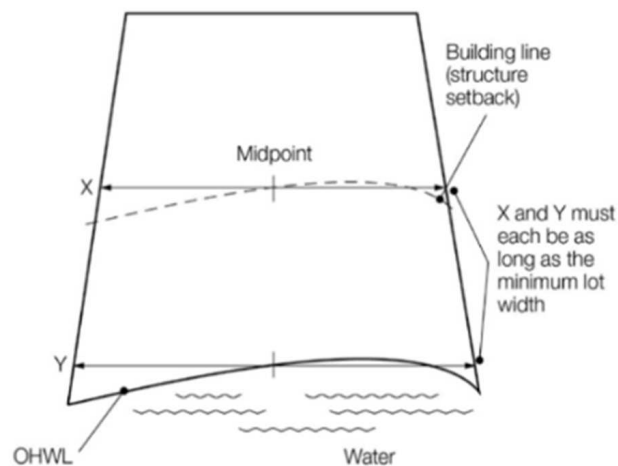
*Lot line, rear*, means that lot line which is opposite and most distant from the front lot line.

*Lot line, side*, means any lot line that is not a front lot line or a rear lot line.

*Lot width* means the minimum distance between:

- (1) Side lot lines measured at the midpoint of the building line; and
- (2) Side lot lines at the ordinary high water level, if applicable (see figure below). Otherwise, side lot lines at the rear yard building setback line.

**Lot Width**



*Lot, corner*, means a lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.

*Lot, key*, means the first interior lot to the rear of a reverse corner lot.

*Lot, nonconforming*, preexisting means any lot which does not comply with existing code requirements, but which complied with existing regulations at the time the lot was established.

*Lot, reverse corner*, means a corner lot the street side lot line of which is substantially a continuation of the front lot line of the key lot to its rear.

*Lot, through*, means a lot having a pair of opposite lot lines along, and access to, two more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a recreational vehicle.

*Manufacturing, production and processing* means manufacturing, assembly, processing, research, development, or similar uses which may involve raw materials and have the potential to produce objectionable influences on surrounding properties or adverse effects on the environment. Manufacturing, production and processing uses require special measures and careful site selection to ensure compatibility with the surrounding area.

*Massage therapy* means a profession in which the practitioner applies massage techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client. Massage therapy does not include diagnosis, except to the extent of determining whether massage therapy is indicated. Further, the term "massage" is manual manipulation of the human body, including holding, positioning, causing movement, and applying touch and pressure to the body; the term "therapy" is action aimed at achieving or increasing health and wellness; and the term "adjunctive therapies" may include:

- (1) Application of heat, cold, water, mild abrasives, topical preparations not classified as prescription drugs;
- (2) The use of mechanical devices and tools which mimic or enhance manual actions; and
- (3) Instructed self-care and stress management.

*Microbrewery* means a facility that produces for sale no more than 3,500 barrels annually of cider, mead, beer or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. A microbrewery may include a taproom.

*Micro unit* means a mobile residential dwelling providing permanent housing within a sacred community that meets the requirements of Minn. Stat. § 327.30, subd. 4.

*Mini-storage facility* means a building or group of buildings having the following characteristics: control access and secured areas which contain varying sizes of individually compartmentalized and controlled access stalls or lockers for the dead storage of the customer's goods or possessions. Access to all storage units shall be oriented into interior courtyards fully enclosed by buildings or walls, except for ingress and egress openings. Exterior finish shall be face brick or equal.

*Mobile home*. See *manufactured home*.

*Monastery* means a place of residence for members of a religious order who carry on religious, medical, educational or charitable work within related or unrelated institutions.

*Monopole* means a monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

*Mortuary* means a facility where funeral arrangements are made and/or funeral services for the dead are held and where dead bodies are embalmed or otherwise prepared for final disposition.

*Motel.* See *Lodging*.

*Motor freight terminal* means a building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

*Motor fuel sales* means a place where gasoline, kerosene, or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.

*Motor vehicle dealer* means any person licensed by the state and engaging in the business of selling, purchasing, and generally dealing in new and used motor vehicles having an established place of business for the sale, trade, and display of new and used motor vehicles and having in such motor vehicle dealer's possession new and used vehicles for the purposes of sale or trade.

*Motor vehicle rental/leasing facility* means a facility primarily engaged in the rental or leasing of automobiles or light trucks and vans that may include incidental parking and servicing.

*Motor vehicle repair* means the repair and/or replacement of any part or repair of any part, including such items as the engine head or pan, engine transmission or differential, rebuilding or reconditioning of engines, bodywork, framework, welding, painting, upholstering service to passenger vehicles and trucks not exceeding three-quarter-ton capacity.

*Motor vehicle repair, large* means the repair and/or replacement of any part or repair of any part, including such items as the engine head or pan, engine transmission or differential, rebuilding or reconditioning of engines, bodywork, framework, welding, painting, upholstering service to passenger vehicles, commercial vehicles (e.g., vans, trucks, semis and buses), and large machinery (e.g., construction equipment and farm implements) of any size.

*Mulch* means a protective covering of materials placed around plants to control weeds and moderate evaporation of moisture or freezing. Examples of mulch include organic mulch such as wood chips, shredded hardwood, and cocoa beans and inorganic mulch such as stones or rocks. Materials creating an impermeable cover shall not be considered mulch.

*Natural grade* means the grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the zoning administrator.

*Nonconforming, illegal*, means a lot, use, or structure which failed to satisfy all applicable zoning requirements and was, therefore, illegally established when it was created, initiated, or constructed and which currently fails to satisfy all applicable requirements of this title as amended.

*Nonconforming, legal*, means a lot, use, or structure which satisfied all applicable zoning requirements when it was created, initiated, or constructed but which currently fails to satisfy all applicable requirements of this title as amended.

*Non-motorized pathways* means on-road and off-road pathways which are used for pedestrian, bicycle, and other non-motorized means of transportation, the specifications of which shall be established by the public works director.

*Noxious matter* means material which is capable of causing injury or malaise to living organisms or is capable of causing detrimental effect upon the health or the psychological, social or economic well-being of human beings.

*Nursery school* means a public or private facility, licensed by the state, the principal function of which is to provide an educational experience outside of the family home for children of preschool age.

*Nursing home* means a state-licensed establishment having accommodations for the continuous care of two or more invalid, infirm, aged convalescent patients, or disabled persons that are not related.

*Office* means the general use of a building for administrative, executive, professional, or similar organizations having only limited contact with the public. The term "office" is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, or legal services.

*Office showroom* means a facility in which up to 50 percent of the total floor area is utilized for the conduct of a business that involves the display and sale of goods or merchandise on the premises.

*Ordinary high water level* means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

*Outdoor display* means the display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.

*Outdoor sales events* means a seasonal or occasional sale held on the sidewalk or other location outside a building.

*Outdoor storage, equipment and goods*, means storage of equipment (e.g., household lawn/garden implements, larger construction equipment, trailers, etc.) or salable goods on racks, pallets, bundles, etc., outside of an enclosed building. For the purpose of outdoor storage regulation, the term "equipment" does not include snow removal machinery that may be seasonally present on a property for on-site use.

*Outdoor storage, fleet vehicles*, means storage outside of an enclosed building of fleet vehicles, ranging in size from passenger cars to commercial trucks, which are in active use by a rental agency, dispatch service, or other similar distribution or transportation service. Inoperable vehicles in need of repair or vehicles which are stored for seasonal use (e.g., snow plows in summer months) are defined and regulated as inoperable/out of service vehicles or equipment.

*Outdoor storage, inoperable/out of service vehicles or equipment*, means storage outside of an enclosed building of vehicles or equipment which are in need of repair or unused for more than 72 hours.

*Outdoor storage, loose materials*, means storage outside of an enclosed building of gravel, rock, mulch, sand, salt, or other such material stored in piles or bins.

*Overhead door* means a door for vehicle access to loading docks, service bays, garages, or other similar areas that opens vertically or horizontally.

*Overlay district* means a zoning district that encompasses one or more primary zoning districts or portions thereof and that imposes additional requirements or relaxes one or more standards required by the primary zoning district.

*Owner (of building or land)* means any sole owner, part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety.

*Parking facility* means an area used for parking of customer or employee vehicles; includes parking lots and parking structures.

*Parking lot* means a one-level, surfaced, open-to-the-air area used for parking vehicles.

*Parking space* means a paved surface located in a permanently maintained area, either within or outside of a building, of sufficient size to store one automobile.

*Parking structure* means a multi-level parking area, wherein one or more levels are supported above the lowest level, and is commonly called a parking garage or parking ramp.

*Pawnshop* means any business establishment operated by a pawnbroker, as defined in chapter 307, in which pawn transactions take place.

*Permitted* means a use or structure which may be lawfully established in a particular district, provided it conforms with all requirements and regulations of the district in which it is located.

*Pervious pavement or pavers* means pavement or pavers that are designed and maintained to allow precipitation to infiltrate into the ground, in order to reduce the volume and velocity

of stormwater runoff. Pervious pavement materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, and similar materials determined by the city engineer to qualify.

*Photovoltaic system* means an active solar energy system that converts solar energy directly into electricity.

*Place of assembly* means a facility providing for the assembly of persons for interaction as a primary use, including community centers, and religious institutions. Places of assembly do not include community education or art centers, schools, instructional centers, day care facilities, family day shelters, conservatories, convention centers, libraries, museums, residential dwellings, recreational and entertainment facilities, theaters, or social service distribution facilities which fall under separate definitions in this Code.

*Plant nursery.* See *Greenhouse*.

*Play equipment* means equipment used by residents of a principal building for on-premises games and sports, including, but not limited to, swings, slides, climbers, teeter-totters, basketball baskets and backboards, badminton nets, and similar equipment, but not including recreational devices normally utilized off the premises, including, but not limited to, boats, boat trailers, campers, travel trailers, and snowmobiles.

*Plug-in hybrid electric vehicle* means an electric vehicle that:

- (1) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
- (2) Charges its battery primarily by connecting to the grid or other off-board electrical source;
- (3) May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
- (4) Has the ability to travel powered by electricity.

*Portable storage units* means a portable structure used for temporary storage of household goods in residential areas.

*Principal* means the main use or structure to which the premises are devoted or the primary purpose for which the premises exist.

*Property* means tangible or intangible, real, personal, or mixed property.

*Public way* means any sidewalk, street, alley, highway, or other public thoroughfare.

*Recreational vehicle* means:

- (1) Any properly and currently licensed vehicular, portable structure which is built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses;



- (2) Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation;
- (3) Any portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle; and
- (4) Any folding structure, mounted on wheels and designed for travel, recreation and vacation use.

*Recycling center* means a facility for the deposit, sorting, or batching, including limited compacting or crushing of recyclable materials, but no further processing of post-consumer recyclable materials.

*Renewable energy easement* means an easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

*Renewable energy system* means a solar energy or wind energy system. Passive systems that serve dual functions, such as greenhouses or windows, are not considered renewable energy systems.

*Restaurant, fast food*, means an establishment where customers are served their food from a counter or in a motor vehicle, mostly in disposable packages prepared to leave the premises or to be taken to a table or booth for consumption on the premises. Fast food can be a café, coffee shop, ice cream shop, and/or deli. Fast food restaurants may or may not serve intoxicating alcoholic beverages to be consumed upon the premises. Food sales shall account for over 50 percent of the gross receipts at any restaurant serving intoxicating alcoholic beverages. Fast food restaurants may include drive-through facilities, which are regulated separately.

*Restaurant, traditional*, means an establishment in which customers are served their food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within a building, and which may or may not serve intoxicating alcoholic beverages to be consumed upon the premises. Food sales shall account for over 50 percent of the gross receipts at any restaurant serving intoxicating alcoholic beverages. Traditional restaurants may also be a café, cafeteria or buffet, coffee shop, and/or deli. Customers may take away food, but drive-through facilities are not allowed.

*Retail, general and personal services*, includes the retail sale of products and/or consumer services to the general public and produces minimal off-site impacts.

*Retail, large format*, where retail building size is regulated, means a stand-alone, single-tenant retail structure with a gross floor area of 100,000 square feet or more, distributed on one or more stories. The term "large format retail" includes interior space that may be leased to third-party financial, clinical, or other service providers accessible to

customers within the large format retail store, but does not include typical multi-tenant retail centers or regional malls that may comprise gross floor area of more than 100,000 square feet.

*Reverse corner.* See *Lot, reverse corner*.

*Right-of-way* means any street, alley, boulevard, parkway, highway, or other public thoroughfare.

*Roof pitch* means the final exterior slope of a building roof typically but not exclusively expressed as a ratio of the distance, in inches, of vertical "rise" to the distance, in inches, of horizontal "run," such as 3:12, 9:12, 12:12.

*Room* means a partitioned part of the inside of a building. For the purpose of this definition, the term "partition" shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom, or bedroom through a bathroom situation is created.

*Roomer* means a person living in a dwelling unit who is other than part of the family because of blood, marriage, or legal adoption, and is other than a foster child.

*Rowhouse.* See *Townhouse*.

*Sacred community* means a residential settlement established on or contiguous to the grounds of a religious institution's primary worship location primarily for the purpose of providing permanent housing for chronically homeless persons, extremely low-income persons, and designated volunteers that meet the requirements of Minn. Stat. § 327.30, subd. 3.

*Salvage yard.* See *Junkyard*.

*Schools, elementary or secondary,* means public or private schools which provide an educational program for one or more grades between kindergarten and grade 12 and which are commonly known as elementary schools, grade schools, middle schools, junior high schools, or high schools.

*Screening* means a hedge, wall, or fence to provide a visual separator and physical barrier not less than four feet nor more than six feet in height, unless otherwise provided for in this title.

*Seasonal sales, outdoor* means outdoor seasonal retail sales, where permitted, including, but not limited to, the seasonal sale of Christmas trees, plants, flowers, vegetables and related products available on a seasonal basis.

*Secondhand store.* See *Consignment store*.

*Self-storage facility.* See *Mini-storage facility*.

*Senior housing* means a residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from assisted living or nursing homes.

*Services, personal.* See *Retail, general*.

*Setback* or *required yard* means the minimum horizontal distance required between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road or highway right-of-way, property line, or other facility.

*Setback, front,* means the minimum distance by which any building or structure must be separated from the front lot line.

*Setback, rear,* means the minimum distance by which any building or structure must be separated from the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line ten feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining the rear yard setback.

*Setback, side,* means the minimum distance by which any building or structure must be separated from the side lot line.

*Shrub* means a low, usually several stemmed, woody plant.

*Sidewalk* means the portion of the street between the curblin and the adjacent property line intended for the use of pedestrians.

*Sign* means a name, identification, description, display, illustration, or device which is affixed, painted, or represented directly or indirectly upon the outside of a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign shall be considered as a structure or a part of a structure for the purpose of applying yard and height regulations. Official court or public notices, or any flag, emblem, or insignia of a nation, political unit, school, or religious group, shall not be considered a sign under this title. See section 1010.02 for additional sign definitions.

*Site* means a lot or group of adjacent lots intended, designated, or approved to function as an integrated unit, that is proposed for development in accord with the provisions of this Code and is in a single ownership or has multiple owners, all of whom execute a joint application for development.

*Sports club.* See *Health club*.

*Solar access* means a view of the sun, from any point on the collector surface, that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 a.m. and 3:00 p.m. standard time on any day of the year.

*Solar collector* means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

*Solar collector surface* means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

*Solar daylighting* means a device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

*Solar energy* means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

*Solar energy device* means a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar systems shall clearly be designed as a solar energy device such as a Trombe wall and not merely a part of a normal structure such as a window.

*Solar energy easement.* See *Renewable energy easement*.

*Solar energy system* means a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

*Solar heat exchanger* means a component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

*Solar hot water system* means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

*Solar mounting devices* means devices that allow the mounting of a solar collector onto a roof surface or the ground.

*Solar storage unit* means a component of a solar energy device that is used to store solar generated electricity or heat for later use.

*Solar system, active*, means a solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

*Solar system, building-integrated*, means an active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

*Solar system, grid-intertie*, means a photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

*Solar system, off-grid*, means a photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

*Solar system, passive*, means a solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

*Start of construction*, for the purpose of floodplain regulation only, means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Storage, outdoor*. See *Outdoor storage*.

*Story* means that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of this title, there shall be only one basement which shall be counted as a story when the front exterior wall of the basement level is exposed more than 50 percent.

*Street* means a public right-of-way which affords a primary means of access to abutting property.

*Structure* means anything constructed or erected, including paved surfaces, the use of which requires, more or less, a permanent location on the ground, or attached to something having a permanent location on the ground, and, in the case of floodplain areas, in the streambed or lakebed. The term "structure" includes, but is not limited to, decks, driveways, and at-grade patios. The term "structure" does not include aerial or underground utility lines such as sewer, electric, telephone, and gas, and towers, poles, and other supporting structures.

*Student housing* means group living quarters designed for students of an elementary, middle, junior, or high school, college, university, or seminary, organized and owned by such institution.

*Swimming pool* means any structure intended for swimming or recreational bathing that contains water over 24 inches.

*Taproom* means an area for the on-sale consumption of cider, mead, beer or other beverages made from malt by fermentation produced for consumption on the premises of a brewery. A taproom may also include sale for off-premises consumption of cider, mead, beer or other beverages made from malt by fermentation produced at the brewery location and owned by the brewery for off-premises consumption, packaged subject to Minn. Stat. § 340A.301, subd. 7(b), or its successor.

*Telecommunication facilities* means any plant or equipment used to carry wireless commercial telecommunications services by radio signal or other electromagnetic waves, including towers, antennas, equipment buildings, parking area, and other accessory development.

*Telecommunications tower* means a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than 15 feet tall and six inches in diameter supporting one or more antennas, dishes, or arrays shall be considered a telecommunications tower.

*Tenant* means any person who occupies the whole or any part of a building or land, either alone or with others.

*Theater* means a facility for presenting motion pictures or live performances for patrons. This term includes an outdoor stage, band shell, or amphitheater but does not include an adult entertainment establishment.

*Townhouse* means a form of one-family attached dwelling.

*Trailer* means any structure which is or may be mounted upon wheels for moving about, is drawn by an external motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation, or is used for hauling purposes.

*Transportation demand management (TDM)* means measures, including, but not limited to, carpooling, vanpooling, public transit bicycling, walking, telecommuting, and compressed or deviated work schedules that reduce individual vehicle trips and promote alternatives to single occupant vehicle use especially at peak commuting times.

*Tree* means a self-supporting woody perennial having one or several self-supporting stems or trunks and numerous branches which normally attains an overall height of 15 feet at maturity. Trees may be classified as deciduous or evergreen.

*Tree protection zone* means an area around a tree defined by either the tree's unique dripline, or the tree's typical root protection zone.

*Tree, canopy*, means a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

*Tree, coniferous/evergreen*, means a woody plant having foliage on the outermost portions of the branches year-round which at maturity is at least 12 feet or more in height. Tamaracks and larch are included as coniferous tree species.

*Tree, deciduous*, means a woody plant, which sheds leaves annually, having a defined crown and at maturity is at least 15 feet or more in height.

*Tree, invasive*, means any tree species that is not native to the state or its regional ecosystem that can spread or be spread into any non-cultivated soil site and establish itself, expanding the plant species' population by its own volition and generally harm, destroy or prevent native plants. Invasive tree species include Norway maple, black locust, Amur maple, Siberian elm, and buckthorn.

*Tree, ornamental*, means any tree planted primarily for its ornamental value or for screening purposes and tends to be smaller at maturity than canopy trees.

*Tree, overstory*, means a self-supporting woody plant or species normally growing to a mature height over 25 feet and a mature spread of at least 25 feet. Many overstory trees are considered deciduous trees.

*Tree, understory*, means a self-supporting woody plant or species normally growing to a mature height between 15 and 30 feet and a mature spread of at least 15 feet. Many understory trees are considered ornamental trees.

*Typical root protection zone* means a circle radius around a tree in feet equal to 1.25 times the tree's diameter breast height (in inches) for both deciduous and coniferous trees.

*University*. See *College*.

*Usable open space* means that portion of a site, outside of a required front or corner side yard, as extended to the rear lot line, that is available to all occupants for outdoor use. The term "usable open space" shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five feet, and pervious pavement may be included in usable open space. The term "usable open space" may include balconies and roof decks where specified in this title.



*Use.* The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.

*Use, conditional,* means a conditional use is a use or structure which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A special exception to the height standards of this title may also be allowed as a conditional use, where specified. After due consideration, as provided for in this title, of the impact of such use or exception upon neighboring land and of the public need for the particular use at a particular location, the conditional use may or may not be granted.

*Vehicle.* See *Motor vehicle*.

*Veterinary clinic.* See *Animal hospital*.

*Warehouse* means an enclosed building with the principal use of storing materials or equipment.

*Wetland* means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does not support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

*Wholesale establishment* means an establishment providing storage, distribution, and sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale, or retail sales of goods received by the establishment but generally not sale of goods for individual consumption.

*Yard* means open space on a lot between the principal building and the adjoining lot lines.

*Yard sale.* See *Garage sale*.

*Yard, front,* means a yard extending along the full length of the front lot line between the side lot lines.

*Yard, rear,* means a yard extending along the full length of the rear lot line between the side lot lines.

*Yard, required.* See *Setback*.

*Yard, side,* means a yard extending along a side lot line from the front yard to the rear yard.  
(Ord. No. 1606, § 1001.10, 11-8-2021; Ord. No. 1581, 3-9-2020; Ord. No. 1629, § 1, 3-20-2023; Ord. No. 1634, § 1, 7-10-2023; Ord. No. 1644, § 1, 10-23-2023; Ord. No. 1682, § 1(1001.10), 11-25-2024)

## **CHAPTER 1002. ADMINISTRATION AND ENFORCEMENT**

### **Sec. 1002.01. Introduction.**

(1) This title shall be administered and enforced by the community development and police departments. No building permit shall be issued until the community development department has certified that the proposed building or alteration complies with all the provisions of this title

(2) The community development and police departments shall have all the powers, duties, and responsibilities necessary to enforce the provisions of this title.

(Ord. No. 1606, § 1002.01, 11-8-2021)

### **Sec. 1002.02. Enforcement.**

(a) Any person, firm, or corporation shall be guilty of a misdemeanor who:

(1) Violates, disobeys, admits, neglects, or refuses to comply with any provision of this title; or

(2) Resists the enforcement of any of the provisions of this title.

(b) Separate offences. Each day that a violation continues to exist shall constitute a separate offense punishable under this Code.

(Ord. No. 1606, § 1002.02, 11-8-2021)

### **Sec. 1002.03. Revocation.**

If an approved conditional use or interim use is in violation of this title or the conditions of approval, the city may initiate a process to revoke the conditional use or interim use. The city shall then conduct a public hearing to consider the revocation of a conditional use approval. Notifications shall be distributed and published according to chapter 107. In considering revocation, the commission and the city council shall consider compliance with the approved conditions of the conditional use or interim use and the standards listed identified in chapter 1009, procedures. Following a vote by the city council to revoke the conditional use or interim use, the city shall file a certified copy thereof, including a legal description of the property with the county recorder and/or registrar of title.

(Ord. No. 1606, § 1002.03, 11-8-2021)

### **Sec. 1002.04. Nonconforming use.**

(a) (1) Any legal nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this title, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

a. The nonconformity or occupancy is discontinued for a period of more than one year; or

- b. Any nonconforming structure is destroyed by fire or other peril to the extent of greater than 50 percent of its market value and no building permit has been applied for within 180 days of when the property is damaged. In this case, the city may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
- (2) Exceptions. Notwithstanding the requirements of subsection (a)(1) of this section, preexisting nonconforming structures or uses on LDR- or LMDR-zoned properties, including those within shoreland or wetland management districts, may be expanded when:
- a. Nonconforming setbacks are not further reduced;
  - b. Nonconforming building separations are not further reduced;
  - c. Nonconforming height is not further increased;
  - d. Nonconforming improvement area is not further increased; and
  - e. No new nonconforming conditions are created.
- (b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
- (c) Notwithstanding subsection (a) of this section the city shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas consistent with the city's floodplain ordinance.
- (d) Unimproved lots. Any platted lot existing on January 1, 2011, and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a lawful structure, even though its area and width are less than the current minimum requirements so long as the remaining zoning requirements are met (or as a variance may permit).
- (e) All districts exception. Where a preexisting principal or accessory structure, including expansion thereof, for which a property line setback dimension has been made substandard by eminent domain or other formal public agency action, such structure shall be considered a legally conforming structure. All future additions to the structure or use shall meet the current required setback from the revised property or easement line.  
(Ord. No. 1606, § 1002.04, 11-8-2021)

**Sec. 1002.05. Official zoning map changes and chapter amendments.**

- (a) No change shall be made in the boundary line of any zoning district, in the permitted and/or conditional uses, or in the regulation for any zoning district except through the procedure established in section 1009.06.

(b) The adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from a residential district to a commercial, community mixed-use, employment, or institutional district requires a two-thirds majority of all members of the city council.

(Ord. No. 1606, § 1002.05, 11-8-2021)

**Sec. 1002.06. Authority and duties for administration.**

The city officials and bodies identified in this section, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this title.

(1) *Community development department.*

- a. *Membership.* The community development department shall be comprised of positions created by the city council which are primarily responsible for matters related to land use, zoning, building permits, code enforcement, and development.
- b. *Duties.* The community development department shall have the following responsibilities:
  1. Conduct inspections of buildings and uses of land to determine compliance with the provisions of this title;
  2. Maintain permanent and current records of this title, including, but not limited to, all associated maps, amendments, conditional uses, variances, and appeals;
  3. Receive, file, and forward all applications for building permits, appeals, variances, conditional use, interim use, zoning ordinance amendments, or other matters to the appropriate decision-making body;
  4. Hold preapplication meetings, as necessary;
  5. Make a determination of compliance with this title on all applications for building permits, land use applications, and certificates of occupancy;
  6. Provide zoning information to residents and others upon request; and
  7. Interpret the provisions of this title.

(2) *Development review committee.*

- a. *Membership.* The development review committee (DRC) shall be composed of city staff members representative of departments and/or divisions of the city dealing with various aspects of development and land use.
- b. *Duties.* The DRC shall have the following responsibilities:
  1. Reviewing land use applications for conformance with the technical requirements of this Code, maintaining a schedule for processing the

application within the time frames of this Code and of state law, and as necessary, meeting with applicants and soliciting comments of other public agencies; and

2. To determine land use application completeness and to develop appropriate information and recommendations in order to adequately and appropriately advise city commissions and the city council on land use applications.

- c. *Meetings.* The DRC shall meet when necessary as land use applications are received and/or other proposed developments require review and comment of the full committee.

(3) *Administrative deviation committee.*

- a. *Membership.* The administrative deviation committee (ADC) shall comprise members of the development review committee from the public works and community development department.
- b. *Duties.* The ADC shall review applications for administrative deviation made pursuant to section 1009.01 and provide recommendations pertaining to the approval or denial of the request to the community development director.
- c. *Meetings.* The ADC shall meet as necessary to review and process administrative deviation applications.

(4) *Master sign committee.*

- a. *Membership.* The master sign plan committee shall be composed of members of the community development department and, when deemed necessary, other members of the city staff may be invited to attend and provide comments and a recommendation regarding a proposed master sign plan (MSP).
- b. *Duties.* The master sign plan committee shall have the following responsibilities:
  1. To establish fair and equitable criteria for complex signage situations that accommodate the need for a well-maintained, safe, and attractive community, and the need for effective communications, including business identification.
  2. To review proposed MSP's and their specifications for conformance with the technical requirements of chapter 1010.
  3. To provide applicants with necessary and/or applicable modifications in accordance with MSP criteria.
  4. To approve all master sign plans.
- c. *Meetings.* The master sign plan committee shall meet as necessary to take action on submitted MSP applications.

(5) *Planning commission.*

- a. Membership and organization of the planning commission is established in chapter 201.
- b. Duties. The planning commission shall have the following responsibilities:
  - 1. Hear and make recommendations to the city council regarding all applications for conditional uses;
  - 2. Hear and make recommendations to the city council regarding applications for interim uses;
  - 3. Hear and make recommendations to the city council regarding all applications for an amendment to this title, both text amendments and amendments to the district boundaries on the official zoning map;
  - 4. Review this title from time to time and make recommendations to the city council that changes be initiated;
  - 5. Hear and make recommendations on any other matter referred to it by the city council; and
  - 6. Adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record.
- c. Meetings. The commission shall hold at least one regular meeting on the first Wednesday of each month, as necessary.

(6) *Variance board.*

- a. *Membership.* In accordance with Minn. Stat. § 462.354, as may be amended, the variance board shall be comprised of three members and one alternate appointed by the city council from among the members of the planning commission.
- b. *Duties.* The variance board shall hear and make decisions on all applications for a variance from the literal provisions of this title.
- c. *Meetings.* The variance board shall meet on the first Wednesday of each month, as necessary.

(7) *City council.*

- a. *Authority.* The city council shall have the authority given to it by state statutes.
- b. *Duties.* The city council shall hear and make the final decision on all matters identified as requiring city council action in this title.

(8) *Board of zoning adjustments and appeals.*

- a. *Membership.* In accordance with Minn. Stat. § 462.354, as amended, the city council will act as the board of zoning adjustments and appeals.
- b. *Duties.* The board of zoning adjustments and appeals hears and makes decisions on all applications for an appeal of any administrative order, requirement,

determination, final decision made by the community development department, or an appeal of a variance decision by the variance board, pursuant to the appeal procedure established in section 1009.08.

(Ord. No. 1606, § 1002.06, 11-8-2021)

## **CHAPTER 1003. ESTABLISHMENT OF DISTRICTS, BOUNDARIES AND DISTRICT REGULATIONS**

### **Sec. 1003.01. Districts.**

For the purpose of the zoning ordinance, the city is divided into the following districts:

(1) *Residential districts.*

- a. LDR: Low Density Residential District.
- b. LMDR: Low to Medium Density District.
- c. MDR: Medium Density Residential District.
- d. HDR: High Density Residential District.

(2) *Mixed-use districts.*

- a. MU-1: Neighborhood Mixed-Use District.
- b. MU-2A: Community Mixed-Use A District.
- c. MU-2B: Community Mixed-Use B District.
- d. MU-3: Corridor Mixed-Use District.
- e. MU-4: Core Mixed-Use District.

(3) *Employment districts.*

- a. E-1: Employment District.
- b. E-2: Employment Center District.
- c. I: Industrial District.

(4) *Other districts.*

- a. INST: Institutional District.
- b. PR: Park and recreation District.

(Ord. No. 1606, § 1003.01, 11-8-2021)

### **Sec. 1003.02. Official zoning map.**

(a) The location and boundaries of the districts established by the zoning code are hereby set forth on the zoning map, which shall consist of 14 districts, entitled "Official Zoning Map," dated November 8, 2021. This map is hereby adopted as the official zoning map of the city. The official zoning map shall become part of the zoning code as set forth and described herein.



(b) The official zoning map shall be identified by the signature of mayor and city manager under the following words: "This is to certify that this is the official zoning map referred to in section 1003.02 of the Code of Ordinances of the City of Roseville, Minnesota."

(c) Regardless of the existence of the printed copies of the zoning map which may from time to time be made or published, the official zoning map located at city hall shall be the final authority as to the current zoning status of land, platted areas, buildings, and other structures in the city.

(d) All of the lands in the city shown within the district lines on the zoning map and designated as provided in this title are hereby zoned as indicated in their respective districts.

(e) Boundary lines. District boundary lines recorded on the zoning map are generally intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-way lines, the center of watercourses, or the corporate limit lines as they exist at the time of the enactment of the ordinance from which this title is derived. Where uncertainty exists with respect to the boundaries of any of the established districts as shown on the zoning map, the rules of this section shall apply.

- (1) *Boundaries of public right-of-way.* Boundaries indicated as approximately following the centerlines or street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways shall be construed to be such district boundaries.
- (2) *Boundaries parallel to the right-of-way.* Where district boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way lines of streets, alleys, highways, railroads, etc., the district boundaries shall be construed as being parallel thereto and distant therefrom as indicated on the zoning map.
- (3) *Boundaries on shorelines.* District boundaries following a lake, wetland, or other body of water shall be construed to be at the limit of the jurisdiction of the city unless otherwise indicated.
- (4) *Areas under water.* All areas within the corporate limits under water shall be subject to all of the regulations of the district which immediately adjoins the water area.
- (5) *Public or semi-public property.* Any areas shown on the zoning map as parks, playgrounds, schools, cemeteries, water, etc., shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.
- (6) *Vacated property.* Whenever any street, alley, or other public way is vacated, the zoning district adjoining the vacated property shall be automatically extended to the center of the vacated area. Further, all area included therein shall be subject to all regulations of the extended district.
- (7) *Boundaries on lot lines.* Boundaries indicated as approximately platted lot lines shall be construed as following such lot lines.

- (8) *Boundaries on city limit lines.* Boundaries indicated as approximately following city limits shall be construed as following city limits.

(f) *Maintenance of map and amendments.* It shall be the responsibility of the community development department to maintain the official zoning map. Amendments shall be recorded on such zoning map within a reasonable time after official publication of amendments. The official zoning map shall be kept on file in the city offices and shall be open to public inspection at all times during which the city offices are customarily open.

(Ord. No. 1606, § 1003.02, 11-8-2021)

## CHAPTER 1004. RESIDENTIAL DISTRICTS

### Sec. 1004.01. Statement of purpose.

The residential districts are designed to protect and enhance the residential character and livability of existing neighborhoods, and to achieve a broad and flexible range of housing choices within the community. Each residential district is designed to be consistent with the equivalent land use category in the comprehensive plan: low density residential, medium density residential, and high density residential. The districts are also intended to meet the relevant goals of the comprehensive plan regarding residential land use, housing, and neighborhoods.

(Ord. No. 1606, § 1004.01, 11-8-2021)

### Sec. 1004.02. Accessory buildings.

(a) *One- and two-family dwellings.* The following standards apply to accessory buildings that serve one- and two-family dwellings.

- (1) *Number allowed.* Each principal dwelling unit is allowed up to two detached accessory buildings for storage meeting the standards in Table 1004.02.
- (2) *Accessory building performance standards.* Accessory buildings for storage totaling 1,008 square feet may be permitted if the community development department determines that three of the following performance standards have been met:
  - a. Matching the roof pitch to be similar to that of the principal structure;
  - b. Adding windows or architectural details to improve the appearance of rear and side walls;
  - c. Using raised panels and other architectural detailing on garage doors;
  - d. Increasing side and/or rear yard setback; or
  - e. Installing landscaping to mask or soften the larger building.

Table 1004.02 Accessory Building

|                                                                 |                                                                                                                            |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Maximum combined storage size/area                              | 864 square feet; up to 1,008 square feet by meeting performance standards in section 1004.02(a)(2).                        |
|                                                                 | In any case, combined area of accessory buildings shall not exceed 85 percent of the footprint of the principal structure. |
| Maximum height                                                  | 15 feet; 9 feet wall height <sup>a</sup>                                                                                   |
| Minimum front yard building setback                             | 30 feet <sup>b</sup>                                                                                                       |
| Minimum rear yard building setback                              | 5 feet                                                                                                                     |
| Minimum side yard building setback                              |                                                                                                                            |
| Interior                                                        | 5 feet <sup>c</sup>                                                                                                        |
| Corner                                                          | 10 feet <sup>d</sup>                                                                                                       |
| Reverse corner                                                  | Behind established building line of principal structure                                                                    |
| Minimum setback from any other building or structure on the lot | 5 feet                                                                                                                     |

<sup>a</sup> Notwithstanding the allowed maximum height, the height of an accessory building shall not exceed the height of the principal structure.

<sup>b</sup> Where the natural grade of a lot at the building line of a house is eight feet or more above the established street centerline, the community development department may permit a detached garage to be erected within any required yard to enable a reduction of the slope of the driveway to as little as ten percent, provided that at least one-half of the wall height is below grade level.

<sup>c</sup> Accessory buildings containing an accessory dwelling unit shall have the same rear yard setback as required in Table 1004.09 for principal buildings.

<sup>d</sup> The corner side yard setback requirement applies where a parcel is adjacent to a side street or right-of-way. The required setback from an unimproved right-of-way may be reduced to the required interior side yard setback by the community development department upon the determination by the public works director that the right-of-way is likely to remain undeveloped.

(b) *Attached and multifamily buildings.* Attached and multifamily buildings are allowed one storage or maintenance structure and one garden shed per complex, plus detached garage structures as needed. Accessory buildings and sheds shall be located in rear or side yards behind the front building line of the principal structure. Accessory buildings and sheds shall be set back a minimum of ten feet from rear or side lot lines and from principal buildings.

(c) *Color, design, and materials.* The exterior design and materials of an accessory storage building greater than 120 square feet in area and/or greater than 12 feet in height shall be similar to or compatible with those of the principal structure.

(d) *Driveway required.* Any accessory building used for storing one or more motorized vehicles and/or trailers shall be served by a hard-surfaced driveway to an adjacent public street, if any of these items are removed from the accessory building more than two times in a ten-day period.

(e) *Construction timing.* Accessory buildings shall not be constructed prior to the construction of the principal structure on the same site.

(f) *Permit required.* Permits are required for all detached accessory buildings prior to construction.

(Ord. No. 1606, § 1004.02, 11-8-2021)

#### **Sec. 1004.03. Residence relocations.**

In order to protect the character of residential neighborhoods, relocated dwellings shall meet all standards of the zoning district where they will be located. Relocations of dwellings require a relocation permit.

(Ord. No. 1606, § 1004.03, 11-8-2021)

#### **Sec. 1004.04. Existing setbacks.**

If existing houses on 50 percent or more of the frontage of any block have a predominant front yard setback less than the minimum required in this chapter, any new construction on that block frontage may have a reduced front yard setback equal to the average front yard setback of the two adjacent houses on the same side of the street.

(Ord. No. 1606, § 1004.04, 11-8-2021)

#### **Sec. 1004.05. Building arrangement.**

Buildings in residential districts may be organized in several ways, including the following examples:

- (1) Arranged along the street without a common open space. Open space is provided on individual lots or on privately defined spaces to the rear of attached dwellings.
- (2) Arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings.
  - a. The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit;
  - b. One-family detached dwellings arranged this way would be considered courtyard cottage dwellings.
- (3) Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multifamily developments. The open space area for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.

(Ord. No. 1606, § 1004.05, 11-8-2021)

**Sec. 1004.06. One and two-family design standards.**

(a) *One- and two-family design standards.* The standards in this section are applicable to all one- and two-family buildings, with the exception of accessory dwelling units. The intent of these standards is to create streets that are pleasant and inviting, and to promote building faces which emphasize living area as the primary function of the building or function of the residential use.

- (1) Garage doors shall not occupy more than 40 percent of the building façade (total building front); and
- (2) Garage doors shall be allowed to extend forward a maximum of five feet from the predominant portion of the principal use, while still required to meet the three-foot principal structure front yard setback and
- (3) Homes with an attached garage that is set back 100 feet or more from the front property line are exempt from meeting the requirement in subsection (a)(1) of this section, but must meet all other requirements of subsection (a) of this section.

(b) *Requirements apply to all new construction.* On lots with physical constraints, such as lakefront lots, where the community development department determines that compliance with these requirements is impactful, the community development department may waive the requirements and instead require design enhancements to the garage doors to ensure that the purpose of the requirements is achieved. Design enhancements required for garage doors where the preceding requirements cannot be met may include such things as paint, raised panels, decorative windows, and other similar treatments to complement the residential portion of the façade.

(Ord. No. 1606, § 1004.06, 11-8-2021)

**Sec. 1004.07. Multifamily design standards.**

(a) The standards in this section are applicable to all structures that contain three or more units. Their intent is to encourage multifamily building design that respects its context, incorporates some of the features of one-family dwellings within the surrounding neighborhood, and imparts a sense of individuality rather than uniformity.

(b) The following standards apply to new buildings and major expansions (i.e., expansions that constitute 50 percent or more of building floor area). Design standards apply only to the portion of the building or site that is undergoing alteration.

- (1) Orientation of buildings to streets. Buildings shall be oriented so that a primary entrance faces one of the abutting streets. In the case of corner lots, a primary entrance shall face the street from which the building is addressed. Primary entrances shall be defined by scale and design.
- (2) Street-facing façade design. No blank walls are permitted to face public streets, walkways, or public open space. Street-facing façades shall incorporate offsets in the form of projections and/or recesses in the façade plane at least every 40 feet of façade frontage. Wall offsets shall have a minimum depth of two feet. Open porches and

balconies are encouraged on building fronts and may extend up to eight feet into the required setbacks. In addition, at least one of the following design features shall be applied on a street-facing façade to create visual interest:

- a. Dormer windows or cupolas;
  - b. Recessed entrances;
  - c. Covered porches or stoops;
  - d. Bay windows with a minimum 12-inch projection from the façade plane;
  - e. Eaves with a minimum six-inch projection from the façade plane; or
  - f. Changes in materials, textures, or colors.
- (3) Four-sided design. Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing façades. All façades shall contain window openings.
  - (4) Maximum length. Building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.
  - (5) Landscaping of yards. Front yards must be landscaped according to chapter 1011.
  - (6) Detached garages. The exterior materials, design features, and roof forms of garages shall be compatible with the principal building served.
  - (7) Attached garages. Garage design shall be set back and defer to the primary building face. Front loaded garages (toward the front street), if, provided shall be set back a minimum of five feet from the predominant portion of the principal use.
  - (8) Surface parking. Surface parking shall not be located between a principal building front and the abutting primary street except for drive/circulation lanes and/or handicapped parking spaces. Surface parking adjacent to the primary street shall occupy a maximum of 40 percent of the primary street frontage and shall be landscaped according to chapter 1013.
  - (9) All exterior wall finishes on any building must be a combination of the following materials: face brick, natural or cultured stone, textured concrete block, stucco, wood, vinyl siding, fiber-reinforced cement board and prefinished metal, or similar materials approved by the community development department.
- (Ord. No. 1606, § 1004.07, 11-8-2021)

**Sec. 1004.08. Table of allowed uses.**

Table 1004.08 lists all permitted and conditional uses in the residential districts.

- (1) Uses marked as "P" are permitted in the districts where designated.
- (2) Uses marked with a "C" are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.

- (3) Uses marked as "NP" are not permitted in the districts where designated.
- (4) Uses marked with a "Y" in the "standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in chapter 1011; standards for conditional uses are included in chapter 1009.

Table 1004.08

|                                                                      | <i>LDR</i> | <i>LMDR</i> | <i>MDR</i> | <i>HDR</i> | <i>Standards</i> |
|----------------------------------------------------------------------|------------|-------------|------------|------------|------------------|
| Residential—Family living                                            |            |             |            |            |                  |
| Dwelling, one-family detached                                        | P          | P           | P          | NP         |                  |
| Dwelling, two-family detached (duplex)                               | P          | P           | P          | NP         |                  |
| Dwelling, two-family attached (twinhome)                             | P          | P           | P          | NP         |                  |
| Dwellings, courtyard cottage                                         | P          | P           | P          | NP         |                  |
| Dwelling, one-family attached (townhome, rowhouse)                   | NP         | C           | P          | P          |                  |
| Dwelling, three-family                                               | NP         | P           | P          | NP         |                  |
| Dwelling, four-family                                                | NP         | P           | P          | NP         |                  |
| Dwelling, multifamily (5-8 units per building)                       | NP         | NP          | P          | P          |                  |
| Dwelling, multifamily (more than 8 units per building)               | NP         | NP          | C          | P          |                  |
| Manufactured home park                                               | C          | C           | C          | C          | Y                |
| Dwelling unit, accessory                                             | P          | P           | NP         | NP         | Y                |
| Live-work unit                                                       | NP         | NP          | NP         | C          | Y                |
| Residential—Group living                                             |            |             |            |            |                  |
| Community residential facility, state licensed, serving 1—6 persons  | P          | P           | NP         | NP         | Y                |
| Community residential facility, state licensed, serving 7—16 persons | NP         | NP          | C          | C          | Y                |
| Nursing home                                                         | NP         | NP          | C          | C          | Y                |
| Assisted living facility                                             | NP         | NP          | P          | P          | Y                |
| Accessory uses                                                       |            |             |            |            |                  |
| Bed and breakfast establishment                                      | C          | C           | NP         | NP         | Y                |
| Home occupation                                                      | P          | P           | P          | P          | Y                |
| Day care facility, family                                            | P          | P           | P          | P          | Y                |
| Day care facility, group family                                      | C          | C           | C          | C          | Y                |



|                                                                                  | <i>LDR</i> | <i>LMDR</i> | <i>MDR</i> | <i>HDR</i> | <i>Standards</i> |
|----------------------------------------------------------------------------------|------------|-------------|------------|------------|------------------|
| Day care center                                                                  | NP         | NP          | C          | C          | Y                |
| Roomer, boarder                                                                  | P          | P           | P          | P          | Y                |
| Accessory buildings and structures                                               |            |             |            |            |                  |
| Accessibility ramp and other accommodations                                      | P          | P           | P          | P          |                  |
| Detached garages and off-street parking space                                    | P          | P           | P          | P          |                  |
| Gazebo, arbor, patio, play equipment, tree-house, chicken coop, etc.             | P          | P           | P          | P          |                  |
| Renewable energy system                                                          | P          | P           | P          | P          | Y                |
| Swimming pool, hot tub, spa                                                      | P          | P           | P          | P          | Y                |
| Tennis and other recreational courts                                             | P          | P           | P          | P          | Y                |
| Garden shed and similar buildings for storage of domestic supplies and equipment | P          | P           | P          | P          | Y                |
| Communications equipment—shortwave radio and TV antennas                         | P          | P           | P          | P          | Y                |
| Temporary uses                                                                   |            |             |            |            |                  |
| Temporary structure, construction sites                                          | P          | P           | P          | P          | Y                |
| Garage and boutique sales                                                        | P          | P           | P          | P          | Y                |
| Personal storage container                                                       | P          | P           | P          | P          | Y                |
| Seasonal garden structure                                                        | P          | P           | P          | P          | Y                |
| Private garden, community garden                                                 | P          | P           | P          | P          | Y                |

(Ord. No. 1606, § 1004.08, 11-8-2021)

**Sec. 1004.09. Low Density Residential (LDR) District.**

(a) *Statement of purpose.* The LDR district is designed to be the lowest density residential district. The intent is to provide for a residential environment of predominantly low-density housing types, including one-family dwellings, accessory dwelling units, two-family dwellings, and courtyard cottages, along with related uses such as public services and utilities that serve the residents in the district. The district is established to stabilize and protect the essential characteristics of existing residential areas, and to protect, maintain, and enhance wooded areas, wetlands, wildlife and plant resources, and other sensitive natural resources.

(b) *Dimensional standards.* Specific dimensional standards developments in the LDR district are established in the table below but developments may be organized according to section 1004.05.

Table 1004.09

|                                     | <i>One-Family</i>                                                          | <i>Two-Family</i>  | <i>Courtyard<br/>Cottage</i> |
|-------------------------------------|----------------------------------------------------------------------------|--------------------|------------------------------|
| Minimum density                     | 1.5 units/net acre—Averaged across development site                        |                    |                              |
| Maximum density                     | 8 units/net acre—Averaged across development site                          |                    |                              |
| Minimum lot area                    | 9,350 sq. ft.                                                              | 5,500 sq. ft./unit | 5,500 sq. ft./unit           |
| Minimum lot width                   | 85 feet                                                                    | 45 feet/unit       | n/a                          |
| Minimum rear lot width <sup>d</sup> | 45 feet                                                                    | 45 feet            | n/a                          |
| Maximum building height             | 30 feet                                                                    |                    |                              |
| Minimum front yard building setback | 30 feet <sup>a, b</sup>                                                    |                    |                              |
| Minimum side yard building setback  |                                                                            |                    |                              |
| Interior                            | 5 feet                                                                     |                    |                              |
| Corner                              | 10 feet <sup>c</sup>                                                       |                    |                              |
| Reverse corner                      | Equal to existing front yard of adjacent lot, but not greater than 30 feet |                    |                              |
| Minimum rear yard setback           | 30 feet                                                                    |                    |                              |

<sup>a</sup> See section 1004.04.

<sup>b</sup> Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front property line.

<sup>c</sup> The corner side yard setback requirement applies where a parcel is adjacent to a side street or right-of-way. The required setback from an unimproved right-of-way may be reduced to the required interior side yard setback by the community development department upon the determination by the public works director that the right-of-way is likely to remain undeveloped.

<sup>d</sup> The horizontal distance between side lines of a lot, measured at right angles to its depth at the minimum required rear yard building setback line.

(c) *Improvement area.* The improvement area, including paved surfaces, the footprints of principal and accessory buildings, and other structures like decks, pergolas, pools, etc., shall be limited to 50 percent of the parcel area. The purpose of this overall improvement area limit is to allow for rather liberal construction on a residential property while preventing over-building.

- (1) For the purposes of this section, the term "improvements" does not include yard ornaments, fences, retaining walls, gardens, planting beds, or other landscaping.
- (2) Within this improvement area limit, impervious surfaces shall be limited to 25 percent of the area within a shoreland management overlay district, or within the stormwater management or wetland protection overlay districts regulated in title 8, to mitigate surface water impacts caused by excess stormwater runoff.

- (3) Within this improvement area limit, impervious surfaces shall be limited to 30 percent of the parcel area for all other parcels. The purpose of these further limits on impervious surfaces within the overall improvement area allowance is to prevent problems caused by excess stormwater runoff. This impervious surface limit may be exceeded, within the allowed improvement area, by receiving approval from the city engineer to mitigate excess stormwater runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions.

(Ord. No. 1606, § 1004.09, 11-8-2021; Ord. No. 1629, § 2(1004.09), 3-20-2023)

**Sec. 1004.10. Low to Medium Density Residential (LMDR) District.**

(a) *Statement of purpose.* The LMDR district is designed to provide an environment of one-family dwellings on small lots, accessory dwelling units, two-family to four-family dwellings, courtyard cottages, and townhouse dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is established to allow for a greater diversity of housing types throughout the city.

(b) *Dimensional standards.*

Table 1004.10

|                                     | <i>One-Family</i>                                                          | <i>Two-Family</i>      | <i>Three-Family<br/>&amp;<br/>Four-Family</i> | <i>Attached &amp;<br/>Courtyard Cot-<br/>tage</i> |
|-------------------------------------|----------------------------------------------------------------------------|------------------------|-----------------------------------------------|---------------------------------------------------|
| Minimum density                     | 5.0 units/net acre—Averaged across development site                        |                        |                                               |                                                   |
| Maximum density                     | 12 units/net acre—Averaged across development site                         |                        |                                               |                                                   |
| Minimum lot area                    | 6,000 sq. ft.                                                              | 4,800 sq. ft./<br>unit | 3,600 sq. ft./<br>unit                        | 3,600 sq. ft./<br>unit                            |
| Minimum lot width                   | 60 feet                                                                    | 30 feet/unit           | 24 feet/unit                                  | n/a                                               |
| Maximum building height             | 35 feet                                                                    | 35 feet                | 35 feet                                       | 35 feet                                           |
| Minimum front yard building setback |                                                                            |                        |                                               |                                                   |
| Street                              | 30 feet <sup>a, b</sup>                                                    |                        |                                               |                                                   |
| Interior courtyard                  | 10 feet <sup>c</sup>                                                       |                        |                                               |                                                   |
| Minimum side yard building setback  |                                                                            |                        |                                               |                                                   |
| Interior                            | 5 feet                                                                     | 5 feet                 | 8 feet<br>(end unit)                          | 8 feet<br>(end unit)                              |
| Corner                              | 10 feet                                                                    | 10 feet                | 15 feet                                       | 15 feet                                           |
| Reverse corner                      | Equal to existing front yard of adjacent lot, but not greater than 30 feet |                        |                                               |                                                   |
| Minimum rear yard setback           | 30 feet                                                                    |                        |                                               |                                                   |

<sup>a</sup> See section 1004.04.

<sup>b</sup> Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front street right-of-way line.

<sup>c</sup> Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of four feet to the front courtyard parcel boundary.

(c) *Improvement area.* Improvement area, including paved surfaces, the footprints of principal and accessory buildings, and other structures like decks, pergolas, pools, etc., shall be limited to 60 percent of the parcel area. The purpose of this overall improvement area is to allow for rather liberal construction on residential property while preventing overbuilding.

- (1) For the purposes of this section, the term "improvements" does not include yard ornaments, fences, retaining walls, gardens, planting beds, or other landscaping.
- (2) Within this improvement area limit, impervious surfaces shall be limited to 25 percent of the area within a shoreland management overlay district, or within the stormwater management or wetland protection overlay districts regulated in title 8, to mitigate surface water impacts caused by excess stormwater runoff.
- (3) Within this improvement area limit, impervious surfaces shall be limited to 35 percent of the parcel area for all other parcels. The purpose of these further limits on impervious surfaces within the overall improvement area allowances is to prevent problems caused by excess stormwater runoff. This impervious surface limit may be exceeded, within the allowed improvement area, by receiving approval from the city engineer to mitigate excess stormwater runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions.

(Ord. No. 1606, § 1004.10, 11-8-2021; Ord. No. 1629, § 2(1004.10), 3-20-2023)

#### **Sec. 1004.11. Medium Density Residential (MDR) District.**

(a) *Statement of purpose.* The MDR district is designed to provide an environment of varied housing types, including single-family attached dwellings, small multifamily buildings, two-family and small-lot, one-family dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is intended to promote flexible development standards for new residential developments and to allow innovative development patterns, consistent with the comprehensive plan.

(b) *Dimensional standards.*

Table 1004.11

|                                                             | <i>One-Family</i>                                                          | <i>Two-Family,<br/>Three-Family,<br/>&amp;<br/>Four-Family</i> | <i>Attached &amp;<br/>Courtyard<br/>Cottage</i> | <i>Multifamily</i> |
|-------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------|--------------------|
| Minimum density                                             | 5 units/net acre—Averaged across development site                          |                                                                |                                                 |                    |
| Maximum density                                             | 12 units/net acre—Averaged across development site                         |                                                                |                                                 |                    |
|                                                             | Up to 18 units/net acre requires CU                                        |                                                                |                                                 |                    |
| Minimum lot area per unit                                   | 4,800 sq. ft.                                                              | 3,600 sq. ft.                                                  | 3,600 sq. ft.                                   | 3,600 sq. ft.      |
| Minimum lot width                                           | 40 feet                                                                    | 24 feet/unit                                                   | n/a                                             | n/a                |
| Maximum building height                                     | 45 feet                                                                    | 45 feet                                                        | 45 feet                                         | 45 feet            |
| Maximum improvement area                                    | 65 percent                                                                 |                                                                |                                                 |                    |
| Minimum front yard building setback                         |                                                                            |                                                                |                                                 |                    |
| Street                                                      |                                                                            |                                                                |                                                 |                    |
| Local                                                       | 30 feet <sup>a</sup>                                                       |                                                                |                                                 |                    |
| Non-local (A and B minor<br>reliever and A minor augmentor) | n/a                                                                        | n/a                                                            | 0 feet <sup>b</sup>                             | 30 feet            |
| Interior courtyard                                          |                                                                            |                                                                |                                                 |                    |
| 40-foot or less courtyard width                             | 15 feet <sup>c</sup>                                                       |                                                                |                                                 |                    |
| 41—45-foot courtyard width                                  | 10 feet <sup>c</sup>                                                       |                                                                |                                                 |                    |
| 45 feet or greater courtyard<br>width                       | 5 feet <sup>d</sup>                                                        |                                                                |                                                 |                    |
| Minimum side yard building setback                          |                                                                            |                                                                |                                                 |                    |
| Interior                                                    | 5 feet                                                                     | 5 feet                                                         | 5 feet                                          | 10 feet            |
| Periphery                                                   | 5 feet                                                                     | 5 feet                                                         | 8 feet                                          | 20 feet            |
| Corner/street                                               | 10 feet                                                                    | 10 feet                                                        | 15 feet                                         | 20 feet            |
| Reverse corner/street                                       | Equal to existing front yard of adjacent lot, but not greater than 30 feet |                                                                |                                                 |                    |
| Minimum rear yard building setback                          |                                                                            |                                                                |                                                 |                    |
| Interior                                                    | 0 feet                                                                     |                                                                |                                                 |                    |
| Periphery                                                   | 30 feet                                                                    | 30 feet                                                        | 45 feet                                         | 45 feet            |
| Minimum periphery alley setback                             | 10 feet <sup>e</sup>                                                       |                                                                |                                                 |                    |

<sup>a</sup> Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front street right-of-way line.

<sup>b</sup> Zero feet setback for non-enclosed porch or 15 feet from A/B minor reliever or A minor augmentor, whichever is greater.

<sup>c</sup> Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of four feet to the front courtyard parcel boundary.

<sup>d</sup> Where courtyards are equal to or exceed 45 feet, covered entries and porches sheltering (but not enclosing) front doors may extend to the front courtyard parcel boundary.

<sup>e</sup> Requires landscaping and/or fencing approved by the community development department.

(Ord. No. 1606, § 1004.11, 11-8-2021)

### **Sec. 1004.12. High Density Residential (HDR) District.**

(a) *Statement of purpose.* The HDR district is designed to provide an environment of predominantly high-density housing types, including large and small multifamily buildings, and single-family attached dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is intended to promote flexible development standards for new residential developments and to allow innovative development patterns, consistent with the comprehensive plan.

(b) *Dimensional standards.*

Table 1004.12

|                                                                                                                   | Attached                                                                                                                                                                                                                                         | Multifamily                                                                   |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Minimum density                                                                                                   | 12 units/net acre                                                                                                                                                                                                                                |                                                                               |
| Maximum density                                                                                                   | 24 units/net acre                                                                                                                                                                                                                                |                                                                               |
|                                                                                                                   | Higher than 24 units/net acre requires CU                                                                                                                                                                                                        |                                                                               |
| Maximum building height                                                                                           | 55 feet                                                                                                                                                                                                                                          | 55 feet                                                                       |
|                                                                                                                   | Higher than 55 feet requires CU                                                                                                                                                                                                                  | Higher than 55 feet requires CU                                               |
| Maximum improvement area                                                                                          | 75 percent                                                                                                                                                                                                                                       |                                                                               |
| Minimum front yard building setback                                                                               |                                                                                                                                                                                                                                                  |                                                                               |
| Street                                                                                                            | 30 feet                                                                                                                                                                                                                                          |                                                                               |
| Interior courtyard                                                                                                | 10 feet                                                                                                                                                                                                                                          |                                                                               |
| Minimum side yard building setback                                                                                |                                                                                                                                                                                                                                                  |                                                                               |
| Interior—Adjacent to LDR, LMDR, and MDR                                                                           | Buildings up to 35 feet: 8 feet (end unit)                                                                                                                                                                                                       | 20 feet; otherwise, for buildings over 45 feet, 50 percent of building height |
|                                                                                                                   | Buildings over 45 feet: 50 percent of building height                                                                                                                                                                                            |                                                                               |
|                                                                                                                   | Otherwise 20 feet                                                                                                                                                                                                                                |                                                                               |
| Interior—Adjacent all other districts                                                                             | 8 feet (end unit)                                                                                                                                                                                                                                | 10 feet                                                                       |
| Corner                                                                                                            | 15 feet                                                                                                                                                                                                                                          | 20 feet                                                                       |
| Minimum rear yard building setback                                                                                | 30 feet                                                                                                                                                                                                                                          |                                                                               |
| Upper floors setback—Side or rear property line adjacent to, or front property line facing, LDR or LMDR districts | All floors above the third story shall be stepped back a minimum of 8 feet from the ground floor façade; if the entire building (ground floor) is placed at the upper floors setback, an additional setback is not required for the upper floors |                                                                               |

(Ord. No. 1606, § 1004.12, 11-8-2021)

**CHAPTER 1005. MIXED-USE DISTRICTS****Sec. 1005.01. Statement of purpose.**

The mixed-use districts are designed to:

- (1) Promote an appropriate mix of commercial, office, and residential development types within the community;
  - (2) Provide attractive, inviting, high-quality retail shopping and service areas, mixed-use sites, including vertical mixed-use, and medium- and high-density residential projects that are conveniently and safely accessible by multiple travel modes, including vehicle, walking, and bicycling;
  - (3) Improve the community's mix of land uses, including vertical mixed-use, by encouraging mixed medium- and high-density residential uses with high quality commercial and employment uses in designated areas. Mixed-Use is a development type that blends residential, commercial, entertainment, or other uses, where those functions are physically and functionally integrated, and that provides pedestrian connections;
  - (4) Encourage appropriate transitions between higher-intensity uses within commercial and mixed-use centers and adjacent lower-density residential districts; and
  - (5) Encourage sustainable design practices that apply to buildings, private development sites, and the public realm in order to enhance the natural environment.
- (Ord. No. 1606, § 1005.01, 11-8-2021)

**Sec. 1005.02. Design standards—Nonresidential and mixed-use projects.**

The following standards apply to new buildings and major expansions of existing buildings (i.e., expansions that constitute 50 percent or more of building floor area), and changes in use in all mixed-use districts. Design standards apply only to the portion of the building or site that is undergoing alteration.

- (1) *Corner building placement.* At intersections, buildings shall have front and side façades aligned at or near the front property line.
- (2) *Entrance orientation.* Where appropriate and applicable, primary building entrances shall be oriented to the primary abutting public street. Additional entrances may be oriented to a secondary street or parking area. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
- (3) *Vertical façade articulation.* Buildings shall be designed with a base, a middle, and a top, created by variations in detailing, color, and materials. A single-story building need not include a middle.
  - a. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.



- b. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.
- (4) *Horizontal façade articulation.* Façades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:
- a. Stepping back or extending forward a portion of the façade;
  - b. Variations in texture, materials or details;
  - c. Division into storefronts;
  - d. Stepbacks of upper stories; or
  - e. Placement of doors, windows and balconies.
- (5) *Window and door openings.*
- a. For nonresidential uses, windows, doors, or other openings shall comprise at least 60 percent of the length and at least 40 percent of the area of any ground floor façade fronting a public street. At least 50 percent of the windows shall have the lower sill within three feet of grade.
  - b. For nonresidential uses, windows, doors, or other openings shall comprise at least 20 percent of side and rear ground floor façades not fronting a public street. On upper stories, windows or balconies shall comprise at least 20 percent of the façade area.
  - c. On residential façades, windows, doors, balconies, or other openings shall comprise at least 20 percent of the façade area.
  - d. Glass on windows and doors shall be clear or slightly tinted to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas.
  - e. Window shape, size, and patterns shall emphasize the intended organization and articulation of the building façade.
  - f. Displays may be placed within windows. Equipment within buildings shall be placed at least five feet behind windows.
- (6) *Materials.* All exterior wall finishes on any building must be a combination of the following materials: No less than 60 percent face brick; natural or cultured stone; pre-colored or factory stained or stained on site textured pre-cast concrete panels; textured concrete block; stucco; glass; fiberglass; or similar materials and no more than 40 percent pre-finished metal, weathering steel, copper, premium grade wood with mitered outside corners (e.g., cedar, redwood, and fir), or fiber cement board. Under no circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or plain concrete block be acceptable as an exterior wall material on buildings within the city. Other materials of equal quality to those listed may be approved by the community development department.

- (7) *Four-sided design.* Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing façades. All façades shall contain window openings. This standard may be waived by the community development department for uses that include elements such as service bays on one or more façades.
  - (8) *Maximum building length.* Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry, except where a more restrictive standard is specified for a specific district.
  - (9) *Garages doors and loading docks.* Overhead doors, refuse, recyclables, and/or compactors shall be located, and to the extent feasible, on rear or side façades that do not front a public street, to the extent feasible, residential garage doors should be similarly located. Overhead doors of attached residential garages on a building front shall not exceed 50 percent of the total length of the building front. Where overhead doors, refuse, recyclables, and/or compactors abut a public street frontage, a masonry screen wall comprised of materials similar to the building, or as approved by the community development department, shall be installed to a minimum height to screen all activities.
  - (10) *Rooftop equipment.* Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.
- (Ord. No. 1606, § 1005.02(A), 11-8-2021)

**Sec. 1005.03. Design standards—Multifamily projects.**

(a) The standards in this section are applicable to all structures that contain three or more units. Their intent is to encourage multifamily building design that respects its context, incorporates some of the features of one family dwellings within the surrounding neighborhood, and imparts a sense of individuality rather than uniformity.

(b) The following standards apply to new buildings, major expansions (i.e., expansions that constitute 50 percent or more of building floor area), and changes in use. Design standards apply only to the portion of the building or site that is undergoing alteration.

- (1) *Orientation of buildings to streets.* Buildings shall be oriented so that a primary entrance faces one of the abutting streets. In the case of corner lots, a primary entrance shall face the street from which the building is addressed. Primary entrances shall be defined by scale and design.

- (2) *Street-facing façade design.* No blank walls are permitted to face public streets, walkways, or public open space. Street-facing façades shall incorporate offsets in the form of projections and/or recesses in the façade plane at least every 40 feet of façade frontage. Wall offsets shall have a minimum depth of two feet. Open porches and balconies are encouraged on building fronts and may extend up to five feet into the required setbacks. In addition, at least one of the following design features shall be applied on a street-facing façade to create visual interest:
- a. Dormer windows or cupolas;
  - b. Recessed entrances;
  - c. Covered porches or stoops;
  - d. Bay windows with a minimum 12-inch projection from the façade plane;
  - e. Eaves with a minimum six inch projection from the façade plane; or
  - f. Changes in materials, textures, or colors.
- (3) *Four-sided design.* Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing façades. All façades shall contain window openings.
- (4) *Maximum length.* Building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.
- (5) *Landscaping of yards.* Front yards must be landscaped according to chapter 1011.
- (6) *Detached garages.* The exterior materials, design features, and roof forms of garages shall be compatible with the principal building served.
- (7) *Attached garages.* Garage design shall be set back and defer to the primary building face. Front loaded garages (toward the front street), if, provided shall be set back a minimum of five feet from the predominant portion of the principal use.
- (8) *Surface parking.* Surface parking shall not be located between a principal building front and the abutting primary street except for drive/circulation lanes and/or handicapped parking spaces. Surface parking adjacent to the primary street shall occupy a maximum of 40 percent of the primary street frontage and shall be landscaped according to chapter 1013.
- (9) *Exterior wall finishes.* All exterior wall finishes on any building must be a combination of the following materials: face brick, natural or cultured stone, textured concrete block, stucco, wood, vinyl, siding, fiber-reinforced cement board and prefinished metal, or similar materials approved by the community development department.
- (Ord. No. 1606, § 1005.02(B), 11-8-2021)

**Sec. 1005.04. Table of allowed uses.**

Table 1005.04 lists all permitted and conditional uses in the commercial and mixed-use districts.

- (1) Uses marked as "P" are permitted in the districts where designated.
- (2) Uses marked with a "C" are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- (3) Uses marked as "NP" are not permitted in the districts where designated.
- (4) A "Y" in the "standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in chapter 1011; standards for conditional uses are included in section 1009.02.
- (5) Combined uses. Allowed uses may be combined within a single building, meeting the following standards:
  - a. Residential units in mixed-use buildings shall be located above the ground floor or on the ground floor to the rear of nonresidential uses;
  - b. Retail and service uses in mixed-use buildings shall be located at ground floor or lower levels of the building; and
  - c. Nonresidential uses are not permitted above residential uses.

Table 1005.04

|                                            | <i>MU-1</i> | <i>MU-2A</i>   | <i>MU-2B</i>   | <i>MU-3</i>    | <i>MU-4</i>    | <i>Standards</i> |
|--------------------------------------------|-------------|----------------|----------------|----------------|----------------|------------------|
| <b>Office uses</b>                         |             |                |                |                |                |                  |
| Office                                     | P           | P              | P              | P              | P              |                  |
| Clinic, medical, dental or optical         | P           | P              | P              | P              | P              |                  |
| Office showroom                            | NP          | C              | P              | P              | P              |                  |
| <b>Commercial uses</b>                     |             |                |                |                |                |                  |
| Animal boarding, kennel/day care (indoor)  | P           | P              | P              | P              | P              | Y                |
| Animal boarding, kennel/day care (outdoor) | NP          | NP             | NP             | C              | C              | Y                |
| Animal hospital, veterinary clinic         | P           | P              | P              | P              | P              | Y                |
| Bank, financial institution                | P           | P              | P              | P              | P              |                  |
| Cannabis combination business              | NP          | C <sup>c</sup> | C <sup>c</sup> | C <sup>c</sup> | P <sup>e</sup> | Y                |
| Cannabis delivery/transportation business  | NP          | NP             | NP             | P <sup>b</sup> | P <sup>b</sup> |                  |

|                                                        | <i>MU-1</i> | <i>MU-2A</i>   | <i>MU-2B</i>   | <i>MU-3</i>    | <i>MU-4</i>    | <i>Standards</i> |
|--------------------------------------------------------|-------------|----------------|----------------|----------------|----------------|------------------|
| Cannabis or hemp industrial business                   | NP          | C <sup>c</sup> | P <sup>d</sup> | P <sup>d</sup> | P <sup>d</sup> | Y                |
| Cannabis or hemp retailer                              | P           | P              | P              | P              | P              |                  |
| Club or lodge, private                                 | P           | P              | P              | P              | P              |                  |
| Day care center                                        | P           | P              | P              | P              | P              | Y                |
| Grocery store                                          | C           | P              | P              | P              | P              |                  |
| Health club, fitness center                            | C           | P              | P              | P              | P              |                  |
| Indoor entertainment center                            | NP          | NP             | P              | P              | P              |                  |
| Laboratory for research, development and/or testing    | NP          | C              | P              | P              | P              |                  |
| Learning studio (martial arts, visual/performing arts) | C           | P              | P              | P              | P              |                  |
| Limited production and processing-principal            | NP          | C              | P              | P              | C              |                  |
| Limited warehousing and distribution                   | NP          | C              | C              | C              | P/C            | Y                |
| Liquor store                                           | C           | C              | P              | P              | P              |                  |
| Lodging: hotel, motel                                  | NP          | NP             | C              | P              | P              |                  |
| Mini-storage                                           | NP          | NP             | NP             | P              | P              |                  |
| Mortuary, funeral home                                 | P           | C              | P              | P              | P              |                  |
| Motor fuel sales (gas station)                         | C           | NP             | C              | P              | P              | Y                |
| Motor vehicle repair, auto body shop                   | C           | NP             | C              | C              | P              | Y                |
| Motor vehicle rental/leasing                           | NP          | NP             | C              | P              | P              | Y                |
| Motor vehicle dealer (new vehicles)                    | NP          | NP             | NP             | NP             | P              |                  |
| Movie theater, cinema                                  | NP          | NP             | P              | P              | P              |                  |
| Pawnshop                                               | NP          | NP             | NP             | C              | C              |                  |
| Parking                                                | C           | C              | C              | C              | C              |                  |
| Restaurant, fast food                                  | NP          | C              | C              | P              | P              |                  |
| Restaurant, traditional                                | P           | P              | P              | P              | P              |                  |
| Retail, general and personal service                   | P           | P              | P              | P              | P              |                  |

ZONING AND LAND USE

§ 1005.04

|                                                                      | <i>MU-1</i> | <i>MU-2A</i> | <i>MU-2B</i> | <i>MU-3</i> | <i>MU-4</i> | <i>Standards</i> |
|----------------------------------------------------------------------|-------------|--------------|--------------|-------------|-------------|------------------|
| Retail, large format                                                 | NP          | NP           | C            | P           | P           |                  |
| Brewpub                                                              | P           | P            | P            | P           | P           |                  |
| Brewery                                                              | NP          | NP           | C            | NP          | C           |                  |
| Microbrewery                                                         | C           | C            | C            | C           | P           |                  |
| Distillery                                                           | C           | C            | C            | C           | P           |                  |
| Residential family living                                            |             |              |              |             |             |                  |
| Dwelling, one-family detached                                        | NP          | C            | NP           | NP          | NP          |                  |
| Dwelling, two-family detached (duplex)                               | P           | P            | P            | NP          | NP          |                  |
| Dwelling, two-family attached (twin home)                            | P           | P            | P            | NP          | NP          |                  |
| Dwellings, courtyard cottage                                         | P           | P            | P            | NP          | NP          |                  |
| Dwelling, one-family attached (townhome, row-house)                  | P           | P            | P            | P           | NP          |                  |
| Dwelling, three-family                                               | P           | P            | P            | NP          | NP          |                  |
| Dwelling, four-family                                                | P           | P            | P            | NP          | NP          |                  |
| Dwelling, multifamily (5—8 units per building)                       | P           | P            | P            | P           | P           |                  |
| Dwelling, multifamily (upper stories in mixed-use building)          | P           | P            | P            | P           | P           |                  |
| Dwelling, multifamily (more than 8 units per building)               | C           | C            | P            | P           | P           |                  |
| Dwelling unit, accessory                                             | NP          | P            | NP           | NP          | NP          | Y                |
| Live-work unit                                                       | P           | P            | P            | P           | P           | Y                |
| Manufactured home park                                               | C           | C            | C            | C           | C           |                  |
| Residential group living                                             |             |              |              |             |             |                  |
| Community residential facility, state licensed, 1—6 persons          | NP          | C            | C            | NP          | NP          | Y                |
| Community residential facility, state licensed, serving 7—16 persons | C           | C            | C            | NP          | NP          | Y                |
| Student housing                                                      | NP          | NP           | NP           | P           | P           | Y                |

|                                                                    | <i>MU-1</i> | <i>MU-2A</i> | <i>MU-2B</i> | <i>MU-3</i> | <i>MU-4</i> | <i>Standards</i> |
|--------------------------------------------------------------------|-------------|--------------|--------------|-------------|-------------|------------------|
| Nursing home, assisted living facility                             | C           | C            | C            | C           | C           | Y                |
| Civic and institutional uses                                       |             |              |              |             |             |                  |
| College, or post-secondary school, campus                          | NP          | NP           | NP           | NP          | P           | Y                |
| College or post-secondary school, office-based                     | P           | P            | P            | P           | P           | Y                |
| Community center, library, municipal building                      | NP          | P            | P            | P           | P           |                  |
| Place of assembly                                                  | P           | C            | P            | P           | P           | Y                |
| School, elementary or secondary                                    | NP          | NP           | NP           | NP          | P           | Y                |
| Theater, performing arts center                                    | NP          | C            | P            | P           | P           | Y                |
| Utilities and transportation                                       |             |              |              |             |             |                  |
| Essential services                                                 | P           | P            | P            | P           | P           |                  |
| Park-and-ride facility                                             | NP          | NP           | P            | P           | P           |                  |
| Transit center                                                     | NP          | NP           | P            | P           | P           |                  |
| Accessory uses, buildings and structures                           |             |              |              |             |             |                  |
| Accessory buildings for storage of business supplies and equipment | P           | P            | P            | P           | P           | Y                |
| Accessibility ramp and other accommodations                        | P           | P            | P            | P           | P           |                  |
| Bed & breakfast establishment                                      | NP          | C            | C            | NP          | NP          |                  |
| Cannabis lounge                                                    | P           | P            | P            | P           | P           |                  |
| Communications equipment (TV, shortwave radio)                     | P           | P            | P            | P           | P           | Y                |
| Day care family/group family                                       | P           | P            | P            | P           | P           |                  |
| Detached garage and off-street parking spaces                      | P           | P            | P            | P           | P           | Y                |
| Drive-through facility                                             | C           | NP           | C            | C           | C           | Y                |
| Gazebo, arbor, patio, play equipment                               | P           | P            | P            | P           | P           | Y                |
| Home occupation                                                    | P           | P            | P            | P           | P           | Y                |
| Limited production and processing-accessory                        | P           | P            | P            | P           | P           |                  |
| Outdoor display                                                    | P           | P            | P            | P           | P           | Y                |



|                                                                  | <i>MU-1</i> | <i>MU-2A</i> | <i>MU-2B</i> | <i>MU-3</i> | <i>MU-4</i> | <i>Standards</i> |
|------------------------------------------------------------------|-------------|--------------|--------------|-------------|-------------|------------------|
| Outdoor storage, equipment and goods                             | NP          | NP           | NP           | NP          | C           | Y                |
| Outdoor storage, fleet vehicles                                  | NP          | NP           | NP           | P           | P           | Y                |
| Outdoor storage, inoperable/out of service vehicles or equipment | NP          | NP           | NP           | C           | P           | Y                |
| Outdoor storage, loose materials                                 | NP          | NP           | NP           | NP          | NP          |                  |
| Renewable energy system                                          | P           | P            | P            | P           | P           | Y                |
| Roomer/boarder                                                   | P           | P            | P            | P           | P           |                  |
| Swimming pool, hot tub, spa                                      | P           | P            | P            | P           | P           | Y                |
| Telecommunications tower                                         | C           | C            | C            | C           | C           | Y                |
| Temporary overnight shelter <sup>a</sup>                         | P           | P            | P            | P           | P           |                  |
| Tennis and other recreational courts                             | P           | P            | P            | P           | P           | Y                |
| Taproom                                                          | P           | P            | P            | P           | P           |                  |
| Cocktail room                                                    | P           | P            | P            | P           | P           |                  |
| Temporary uses                                                   |             |              |              |             |             |                  |
| Temporary building for construction purposes                     | P           | P            | P            | P           | P           | Y                |
| Sidewalk sales, boutique sales                                   | P           | P            | P            | P           | P           | Y                |
| Portable storage container                                       | P           | P            | P            | P           | P           | Y                |

<sup>a</sup> Restricted to places of assembly and pursuant to the licensing requirements of section 301.11.

<sup>b</sup> See section 1011.12(d)(13) for standards pertaining to limited warehousing and distribution.

<sup>c</sup> See section 1009.02(d)(40) for specific criteria pertaining to conditional uses.

<sup>d</sup> See section 1011.12.(d)(14) for standards pertaining to limited production and processing.

<sup>e</sup> See section 1011.12(d)(15) for standards pertaining to limited production and processing.

(Ord. No. 1606, § 1005.03, 11-8-2021; Ord. No. 1654, § 1, 1-9-2024; Ord. No. 1682, § 2(1005.03), 11-25-2024)

**Sec. 1005.05. Neighborhood Mixed-Use (MU-1) District.**

(a) *Statement of purpose.* The neighborhood mixed-use district is designed to provide a limited range of neighborhood-scale retail, service, and office uses in proximity to residential neighborhoods or integrated with residential uses. The MU-1 district is also intended to:

- (1) Encourage mixed-use at underutilized retail and commercial intersections;
- (2) Encourage development that creates attractive gateways to city neighborhoods;
- (3) Encourage pedestrian connections between neighborhood mixed-use areas and adjacent residential neighborhoods;
- (4) Ensure that buildings and land uses are scaled appropriately to the surrounding neighborhood; and
- (5) Provide adequate buffering of surrounding neighborhoods.

(b) *Design standards.* The standards in section 1005.02 shall apply except building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.

(c) *Dimensional standards.*

Table 1005.05

|                                     |                                                                                                                                                                                                                          |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum lot area                    | No requirement                                                                                                                                                                                                           |
| Maximum building height             | 35 feet                                                                                                                                                                                                                  |
| Minimum front yard building setback | No requirement                                                                                                                                                                                                           |
| Minimum side yard building setback  | 6 feet where windows are located on a side wall or on an adjacent wall of an abutting property<br>2 feet or 50 percent of building height, whichever is greater, from residential lot boundary<br>Otherwise not required |
| Minimum rear yard building setback  | 25 feet from residential lot boundary<br>10 feet from nonresidential boundary                                                                                                                                            |
| Minimum surface parking setback     | 5 feet                                                                                                                                                                                                                   |

(d) *Residential density.*

- (1) Residential densities shall not be lower than five units per acre.
- (2) Residential densities shall not exceed 12 units per acre.
- (3) Minimum lot size for one-family detached dwellings shall be 6,000 square foot per lot.

(e) *Improvement area.* The total improved area, including paved surfaces and the footprints of principal and accessory buildings and structures, shall not exceed 75 percent of the total parcel area.

(f) *Frontage requirement.* Buildings at corner locations shall be placed within five feet of the lot line on either street for a distance of at least 20 feet from the corner.

(g) *Parking placement.* Surface parking shall not be located between the front façade of a building and the abutting street. Parking shall be located to the rear or side of the principal building. Parking abutting the primary street frontage is limited to 50 percent of that lot frontage.

(h) *Screening from residential property.* Screening alongside and rear lot lines abutting residential properties is required, consistent with chapter 1011.

(Ord. No. 1606, § 1005.04, 11-8-2021)

**Sec. 1005.06. Community Mixed-Use (MU-2) District.**

(a) *Statement of purpose.* The Community Mixed-Use (MU-2) Districts are designed to encourage the development or redevelopment of mixed-use centers that may include residential, office, commercial, park, civic and institutional, utility and transportation, park, and open space uses. The comprehensive plan's goal is for community mixed-use areas to incorporate residential land uses accounting for at least ten percent of the overall mixed-use area. Complementary uses should be organized into cohesive districts in which mixed- or single-use buildings are connected by streets, sidewalks and trails, and open space to create a pedestrian-oriented environment. The MU-2 districts are intended to be applied to areas of the city guided for redevelopment and may represent varying degrees of intensification with respect to land use, hours of operation, or building height.

- (1) The MU-2A district is a more restrictive mixed-use district, limiting building height and excluding most intensive land uses, and is intended for application to redevelopment areas adjacent to low-density residential neighborhoods.
- (2) The MU-2B district is less restrictive, being open to a wider variety of land uses and building height, and is intended for areas adjacent to higher-density residential neighborhoods and higher intensity nonresidential.

(b) *Regulating plan.* MU-2 districts must be guided by a regulating plan for each location where it is applied. A regulating plan uses graphics and text to establish requirements pertaining to the following kinds of parameters. Where the requirements for an area governed by a regulating plan are in conflict with the design standards established in section 1005.02, the requirements of the regulating plan shall supersede, and where the requirements for an area governed by a regulating plan are silent, section 1005.03 shall control.

- (1) *Street and block layout.* The regulating plan defines blocks and streets based on existing and proposed street alignments. New street alignments, where indicated, are intended to identify general locations and required connections but not to constitute preliminary or final engineering.

- (2) *Street type.* The regulating plan may include specific street design standards to illustrate typical configurations for streets within the district, or it may use existing city street standards. Private streets may be utilized within the MU-2 districts where defined as an element of a regulating plan.
- (3) *Parking.*
  - a. *Locations.* Locations where surface parking may be located are specified by block or block face. Structured parking is treated as a building type.
  - b. *Shared parking or district parking.* A district-wide approach to off-street parking for nonresidential or mixed uses is preferred within the MU-2 districts. Off-street surface parking for these uses may be located up to 300 feet away from the use. Off-street structured parking may be located up to 500 feet away from the use.
  - c. *Parking reduction and cap.* Minimum off-street parking requirement for uses within the MU-2 districts may be reduced to 75 percent of the parking requirements in chapter 1013. Maximum off-street parking shall not exceed the minimum requirement unless the additional parking above the cap is structured parking.
- (4) *Building and frontage types.* Building and frontage types are designated by block or block face. Some blocks are coded for several potential building types; others for one building type on one or more block faces.
- (5) *Build-to areas.* Build-to areas indicate the placement of buildings in relation to the street.
- (6) *Uses.* Permitted and conditional uses may occur within each building type as specified in Table 1005.04, but the vertical arrangement of uses in a mixed-use building may be further regulated in a regulating plan
- (c) *Regulating plan approval process.* A regulating plan may be developed by the city as part of a zoning amendment following the procedures of section 1009.06 and thus approved by city council.
- (d) *Amendments to regulating plan.* Minor extensions, alterations or modifications of proposed or existing buildings or structures, and changes in street alignment may be authorized pursuant to section 1009.05.

(e) *Regulating plan maps.*

Figure 1005-1. Twin Lakes Regulating Plan Map, West of Fairview Avenue

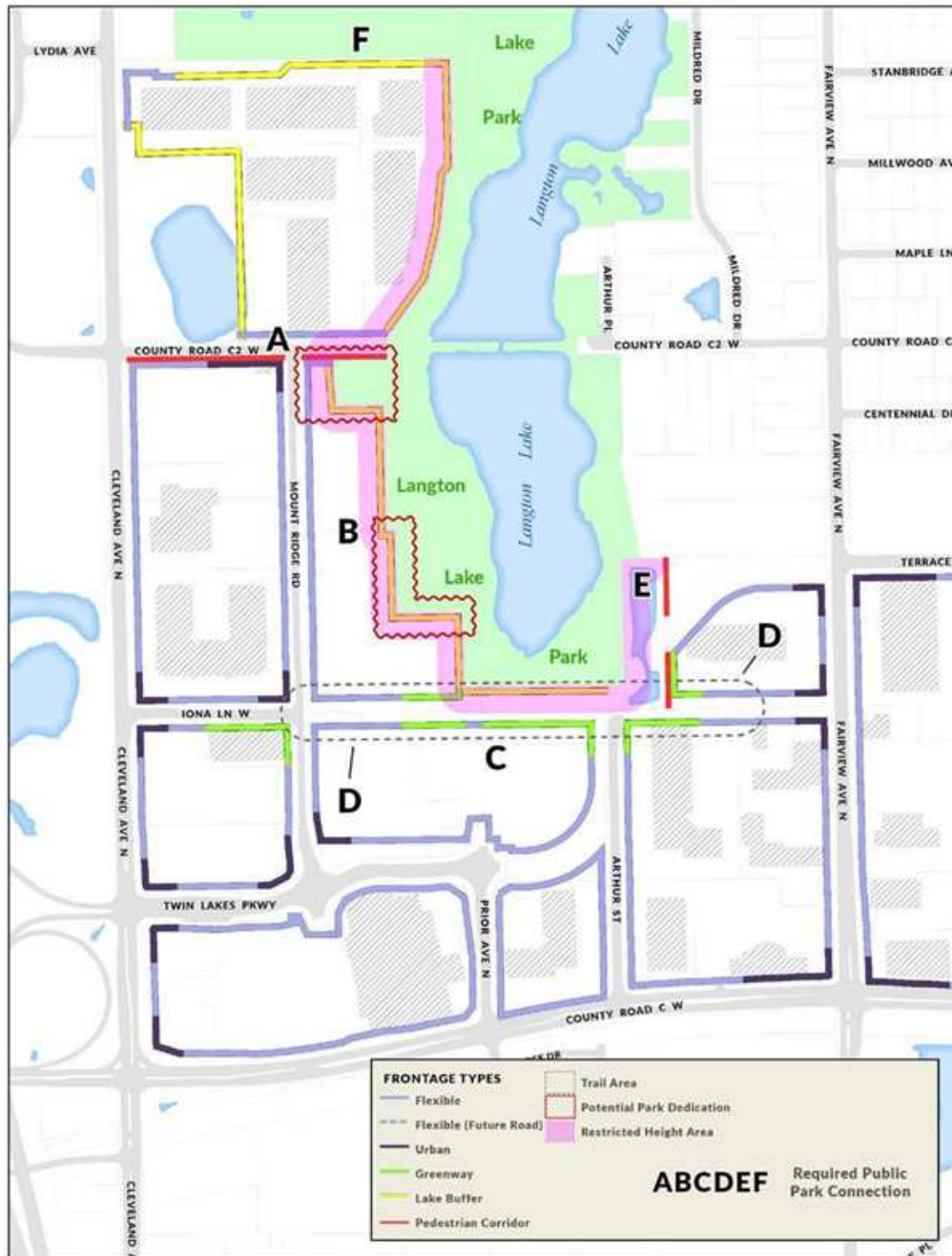


Figure 1005-2. Twin Lakes Regulating Plan Map, East of Fairview Avenue





Figure 1005-3. Regulating Plan Map, Northwest of County Road C and Snelling Avenue

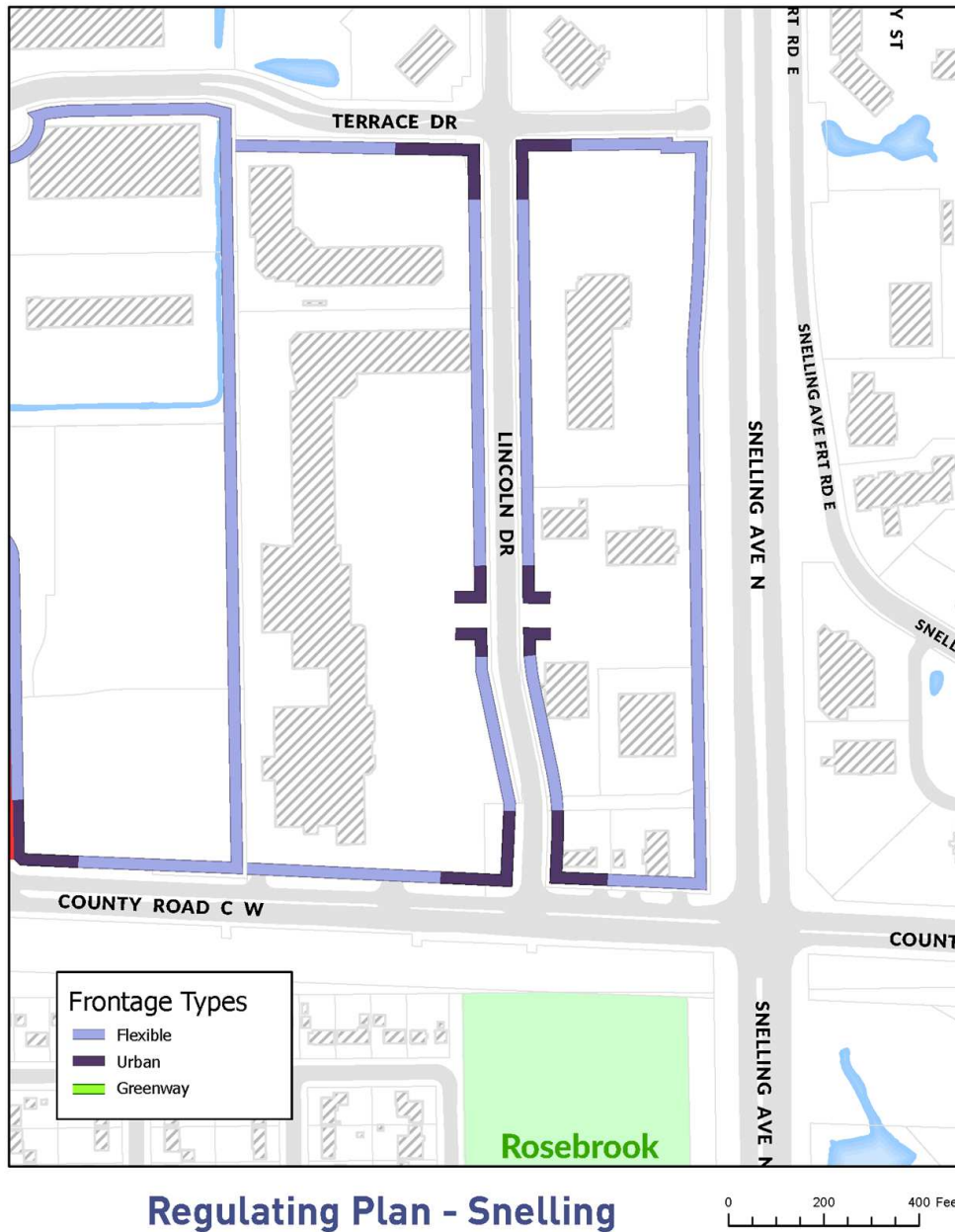
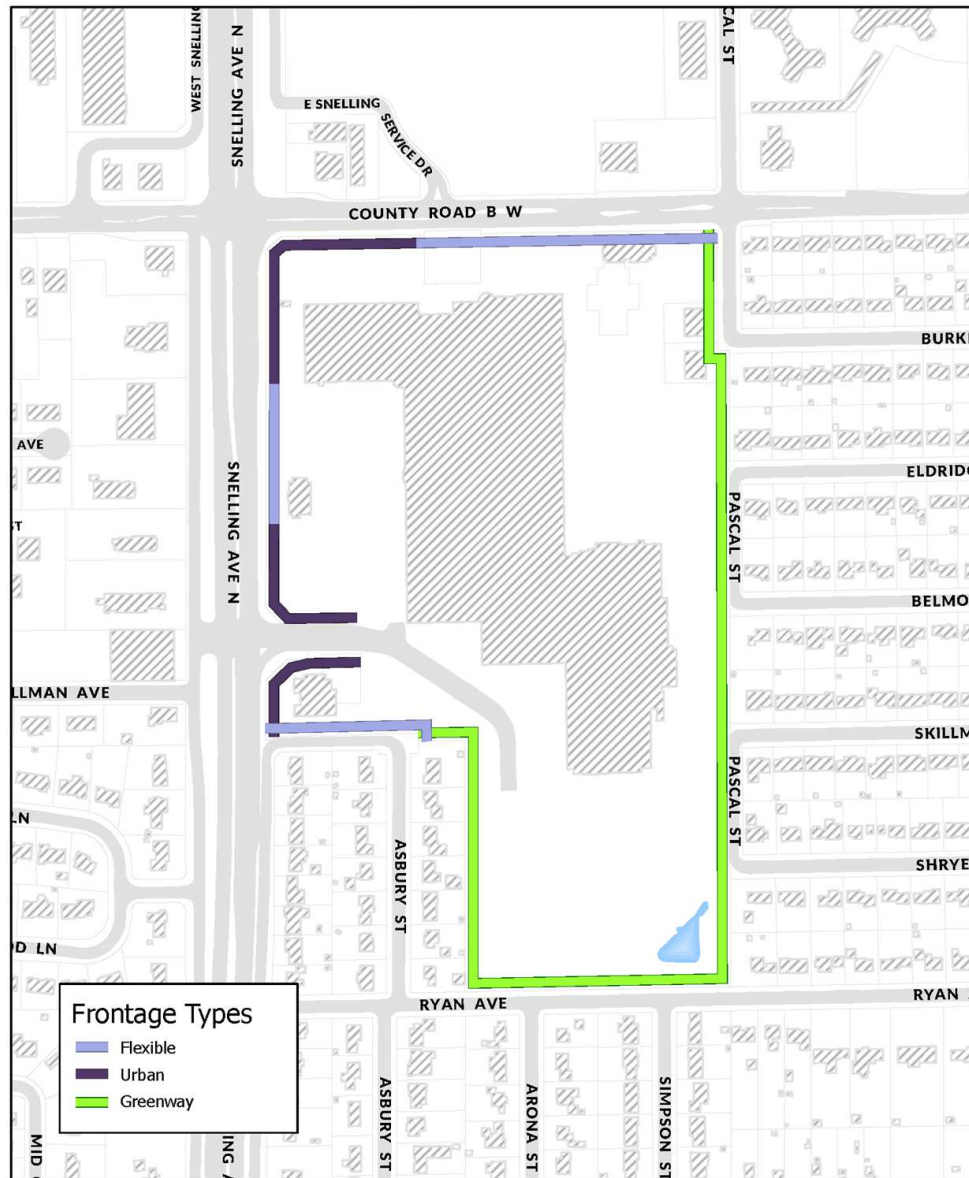




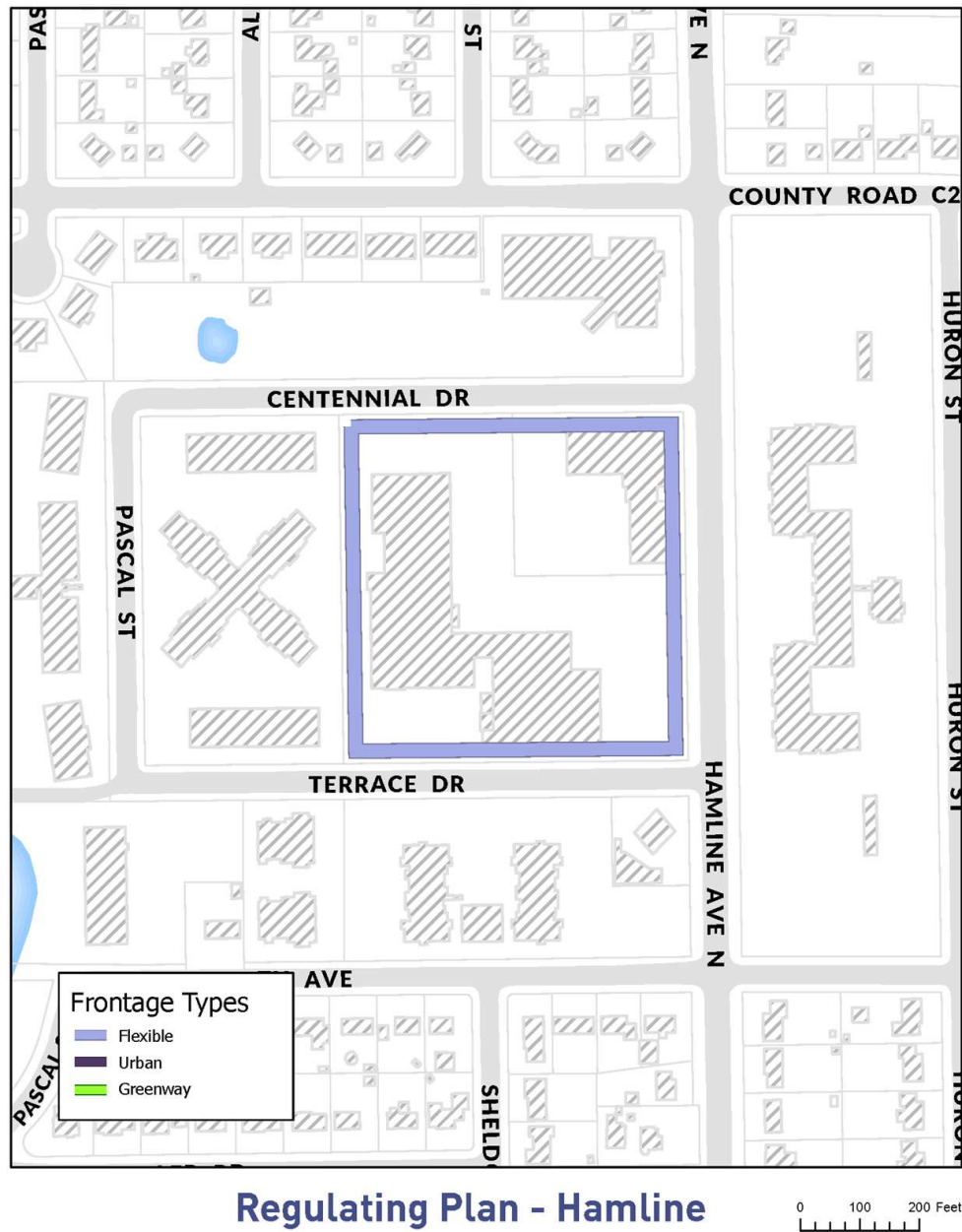
Figure 1005-4. HarMar Mall Regulating Plan Map



Regulating Plan - Har Mar

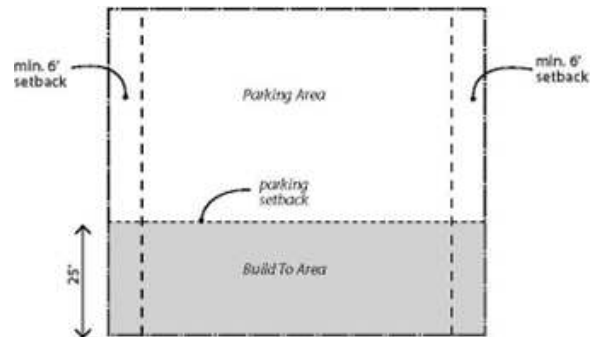


Figure 1005-5. Hamline Shopping Center Regulating Plan Map



(1) *Greenway frontage.*

a. *Siting.*



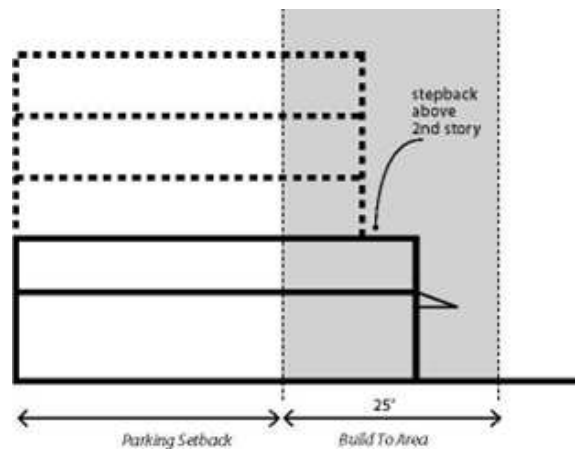
1. *Build-to area.*

- (i) Refer to regulating plan map (Figure 1005-1) for location of the build-to area. Building may be placed anywhere within the build-to area.
- (ii) At least 90 percent of the linear build-to area shall be occupied by the front façade of the building.
- (iii) Within 30 feet of a block corner, the ground story façade shall be built within ten feet of the corner.

b. *Undeveloped and open space.*

1. Lot coverage shall not exceed 85 percent.
2. Undeveloped and open space created in front of a building shall be designed as a semi-public space, used as a forecourt, outdoor seating, or other semi-public uses.

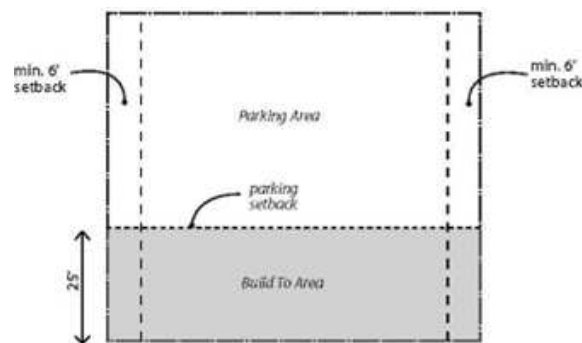
c. *Building height and elements.*



1. Ground floor. Finished floor height shall be a maximum of 18 inches above sidewalk.
2. Height is limited to 35 feet in the MU-2A district and within the restricted height area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet.
3. Façade.
  - (i) The primary façade (façades fronting the build-to areas, a pedestrian corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in rooflines; use of different but compatible materials and textures.
  - (ii) Blank lengths of wall fronting a public street or pedestrian connection shall not exceed 20 feet.
  - (iii) Building façades facing a pedestrian or public space shall include at least 30 percent windows and/or entries.
  - (iv) All floors above the second story shall be stepped back a minimum of eight feet from the ground floor façade.
4. Entries. Entries shall be clearly marked and visible from the sidewalk. Entries are encouraged at least every 50 feet along the greenway frontage.

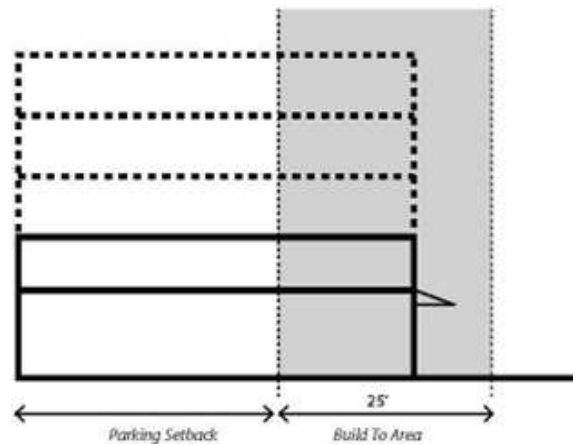
(2) *Urban frontage.*

a. *Siting.*

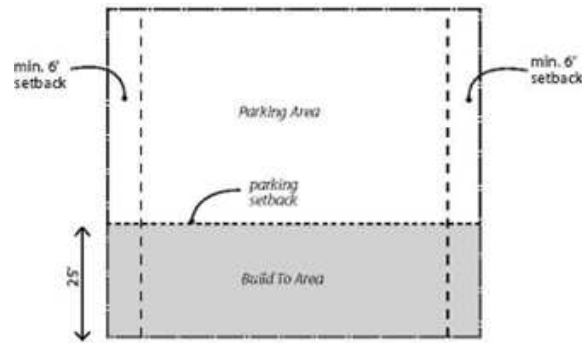


1. *Build-to area.*
  - (i) Refer to regulating plan map (Figure 1005-1) for location of the build-to area. Building may be placed anywhere within the build-to area.
  - (ii) At least 50 percent of the linear build-to area shall be occupied by the front façade of the building.

- (iii) Within 30 feet of a block corner, the ground story façade shall be built within ten feet of the corner.
  - (iv) If a building does not occupy the build-to area, the parking setback must include a required landscape treatment consistent with subsections (e)(4) and (5) of this section.
2. *Undeveloped and open space.*
- (i) Lot coverage shall not exceed 85 percent.
  - (ii) Undeveloped and open space created in front of a building shall be designed as a semi-public space, outdoor seating, or other semi-public uses.
- b. *Building height and elements.*



- 1. Height is limited to 35 feet in the MU-2A district and within the restricted height area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet.
- 2. Façade.
  - (i) The primary façade (façade fronting the build-to areas, a pedestrian corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in rooflines; use of different but compatible materials and textures.
  - (ii) Blank lengths of wall fronting a public street or pedestrian connection shall not exceed 30 feet.
- 3. Entries. Entries shall be clearly marked and visible from the sidewalk. Entries are encouraged at least every 100 feet along the urban frontage.

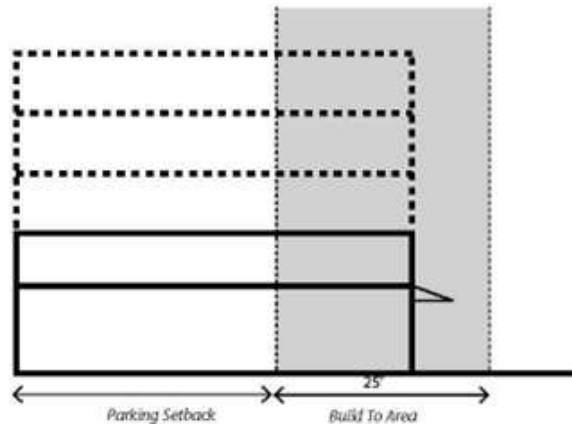
(3) *Flexible frontage.*a. *Siting.*1. *Build-to area.*

- (i) Refer to regulating plan map (Figure 1005-1) for location of the build-to area. Building may be placed anywhere within the parcel, but building placement is preferred in the build-to area.
- (ii) Building placement is preferred in the build-to area. If a building does not occupy a build-to area, the parking setback must include a required landscape treatment consistent with subsections (e)(4) and (5) of this section.
- (iii) On flexible frontage sites located at or near pedestrian corridors or roadway intersections, where building placement is not to be in the build-to area, the city will require additional public amenities or enhancements, including, but not limited to, seating areas, fountains or other water features, art, or other items, to be placed in the build-to area, as approved by the community development department.

2. *Undeveloped and open space.*

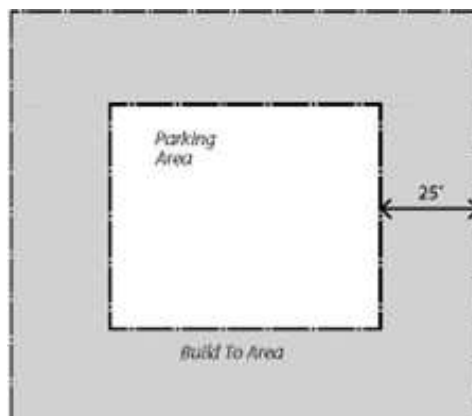
- (i) Lot coverage shall not exceed 85 percent.
- (ii) Undeveloped and open space created in front of a building shall be designed as a semi-public space, outdoor seating, or other semi-public uses.

b. *Building height and elements.*



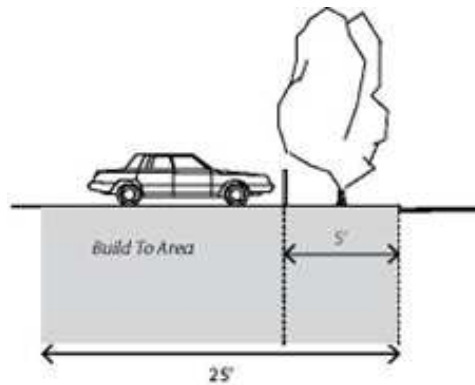
1. Height is limited to 35 feet in the MU-2A district and within the restricted height area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet.
2. Façade.
  - (i) Blank lengths of wall fronting a public street or pedestrian connection shall not exceed 30 feet.
  - (ii) The primary façade (façade fronting the build-to areas, a pedestrian corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in rooflines; use of different but compatible materials and textures.
3. Entries. Entries shall be clearly marked and visible from the sidewalk.

(4) *Parking.*



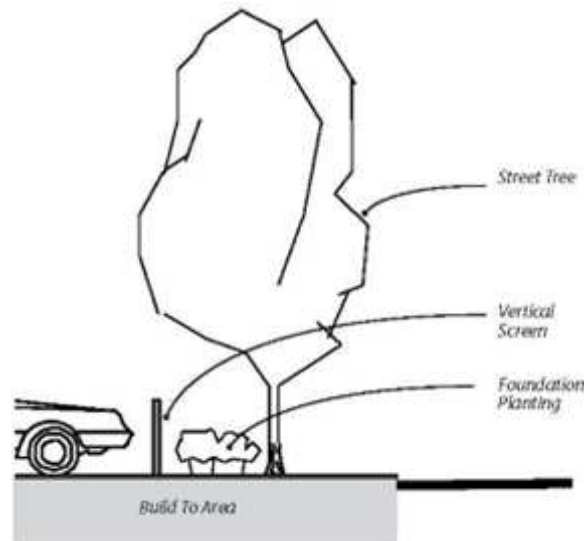


- a. Parking shall be located behind the build-to area/parking setback line.
- b. Driveways and/or curb cuts are not allowed along the greenway frontage.
- c. Parking within the build-to area. Where parking is allowed within the build-to area, parking shall be set back a minimum of five feet from the property line, and shall be screened by a vertical screen at least 36 inches in height (as approved by the community development department) with the required landscape treatment.



- d. Parking contiguous to Langton Lake Park. Parking on property contiguous to Langton Lake Park shall be set back a minimum of 15 feet from the property line. The setback area shall be landscaped consistent with the requirements of section 1011.03.

(5) *Landscaping.*



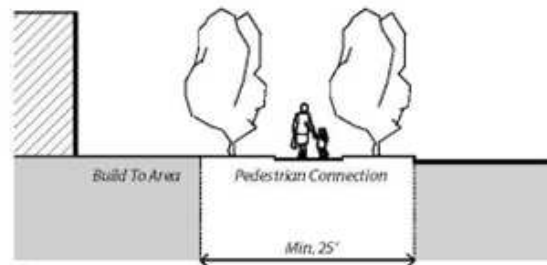
- a. *Greenway frontage.* one tree is required per every 30 linear feet of greenway frontage.

b. *Urban and flexible frontage.*

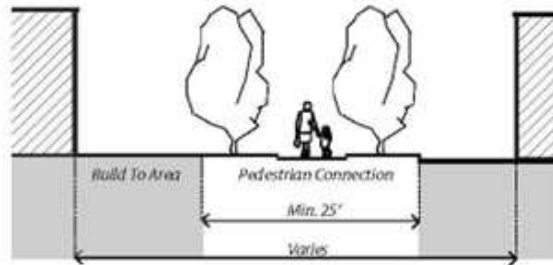
1. One tree is required per every 30 linear feet of urban and/or flexible frontage.
2. Parking within the build-to area. If parking is located within the build-to area, the required vertical screen in the setback area shall be treated with foundation plantings, planted at the base of the vertical screen in a regular, consistent pattern.

(6) *Public park connections.*

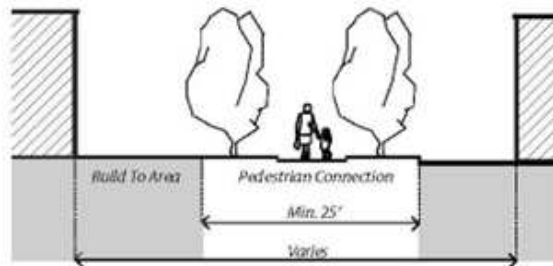
- a. Each pedestrian corridor identified below shall be a minimum of 25 feet wide and include a paved, multi-use path constructed to specifications per the city. Each pedestrian connection shall also contain the following minimum landscaping:
  1. One three-caliper-inch tree for every 20 linear feet of the length of the pedestrian corridor. Such trees shall be hardy and urban tolerant, and may include such varieties as red buckeye, green hawthorn, eastern red cedar, Amur maackia, Japanese tree lilac, or other variety approved by the community development department.
  2. 12 five-gallon shrubs, ornamental grasses, and/or perennials for every 30 linear feet of the pedestrian corridor. Such plantings may include varieties like hydrangea, mock orange, ninebark, spirea, sumac, coneflower, daylily, Russian sage, rudbeckia, sedum, or other variety approved by the community development department.
  3. All plant materials shall be within planting beds with wood mulch.
- b. County road C2 connection. A pedestrian corridor shall be built that connects adjacent properties to the Langton Lake Park path.



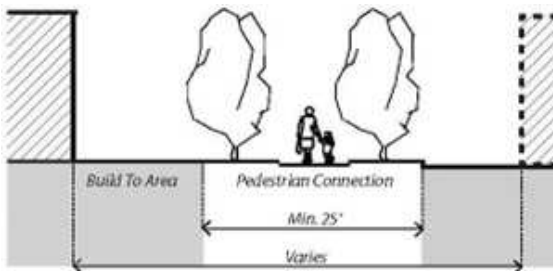
- c. Langton Lake Park/Mount Ridge road connection. A pedestrian corridor shall be built that connects Mount Ridge Road to the Langton Lake Park path.



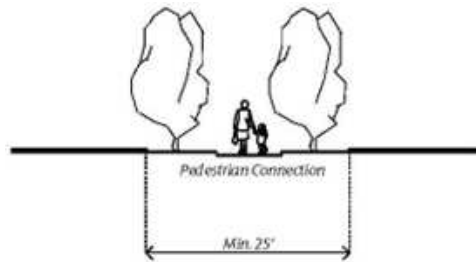
- d. Langton Lake Park/Prior Avenue connection. A pedestrian corridor shall be built that connects Prior Avenue to the Langton Lake Park path.



- e. Iona connection.



1. A pedestrian corridor shall be built that connects Mount Ridge Road to Fairview Avenue, intersecting with Langton Lake Park and Twin Lakes Parkway.
  2. The pedestrian corridor shall take precedent over the build-to area. In any event, the relationship of buildings to the pedestrian corridor shall be consistent with the required frontage.
- f. Langton Lake connection. A pedestrian corridor shall be built that connects the adjacent properties to Langton Lake Park path.



(Ord. No. 1606, § 1005.05, 11-8-2021)

**Sec. 1005.07. Corridor Mixed-Use (MU-3) District.**

(a) *Statement of purpose.* The corridor mixed-use district is designed for shopping areas with moderately scaled retail and service uses, including shopping centers and freestanding businesses, as well as high density residential and mixed-use buildings with upper-story residential uses. The comprehensive plan's goal is for corridor mixed-use areas to incorporate residential land uses accounting for at least ten percent of the overall mixed-use area. The MU-3 district is intended to be located in areas with visibility and access to the arterial street system. The district is also intended to:

- (1) Encourage and facilitate pedestrian, bicycle and transit access; and
- (2) Provide adequate buffering of surrounding neighborhoods.

(b) *Dimensional standards.*

Table 1005.07

|                                          |                                                                                                                                                                                                                       |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum lot area                         | No requirement                                                                                                                                                                                                        |
| Maximum building height                  | 45 feet                                                                                                                                                                                                               |
| Front yard building setback<br>(min—max) | 0 to 25 feet <sup>a</sup>                                                                                                                                                                                             |
| Minimum side yard building<br>setback    | 6 feet where windows are located on a side wall of<br>an abutting property<br>20 feet or 50 percent of building height, whichever<br>is greater, from residential lot boundary <sup>b</sup><br>Otherwise not required |
| Minimum rear yard building<br>setback    | 25 feet from residential lot boundary<br>10 feet from nonresidential boundary                                                                                                                                         |
| Minimum surface parking setback          | 5 feet                                                                                                                                                                                                                |

<sup>a</sup> Unless it is determined by the community development department that a certain setback minimum distance is necessary for the building or to accommodate public infrastructure.

<sup>b</sup> Unless greater setbacks are required under section 1011.12(e)(1).

(c) *Residential density.*

- (1) Residential densities shall not be less than 13 units per acre.
- (2) Residential densities shall not exceed 36 units per acre.

(d) *Improvement area.* The total improved area, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85 percent of the total parcel area.

(e) *Frontage requirement.* A minimum of 30 percent of building façades abutting a primary street shall be placed within 25 feet of the front lot line along that street.

(f) *Surface parking.* Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least ten feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

(g) *Parking placement.* When parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and two rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage, and/or other site design issues are shown to require additional space. Screening alongside and rear lot lines abutting residential properties is required, consistent with chapter 1011.

(Ord. No. 1606, § 1005.06, 11-8-2021)

**Sec. 1005.08. Core Mixed-Use (MU-4) District.**

(a) *Statement of purpose.* The MU-4 district is designed for businesses that provide goods and services to a regional market area, including regional-scale malls, shopping centers, large-format stores, multi-story office buildings and automobile dealerships, as well as high density residential uses. The comprehensive plan's goal is for core mixed-use areas to incorporate residential land uses accounting for at least ten percent of the overall mixed-use area. The MU-4 district is intended for locations with visibility and access from the regional highway system. The district is also intended to:

- (1) Encourage a "park once" environment within districts by enhancing pedestrian movement and a pedestrian-friendly environment;
- (2) Encourage high quality building and site design to increase the visual appeal and continuing viability of development in the MU-4 district; and
- (3) Provide adequate buffering of surrounding neighborhoods.

(b) *Design standards.* The standards in section 1005.02 shall apply, except that ground floor façades that face or abut public streets shall incorporate one or more of the following features along at least 60 percent of their horizontal length:

- (1) Windows and doors with clear or slightly tinted glass to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas;

- (2) Customer entrances;
  - (3) Awnings, canopies, or porticoes; and
  - (4) Outdoor patios or eating areas.
- (c) *Dimensional standards.*

Table 1005.08

|                                         | <i>Nonresidential and Mixed Use</i>                                                            | <i>Multifamily Uses</i>                                                     |
|-----------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Minimum lot area                        | No requirement                                                                                 | No requirement                                                              |
| Maximum improvement area                | 85 percent                                                                                     | 85 percent                                                                  |
| Minimum density                         | 20 units/net acre                                                                              | 20 units/net acre                                                           |
| Maximum density                         | 36 units/net acre <sup>b</sup>                                                                 | 36 units/net acre <sup>b</sup>                                              |
| Maximum building height                 | 65 feet                                                                                        | 65 feet                                                                     |
|                                         | Higher than 65 feet, up to 100 feet requires CU                                                | Higher than 65 feet, up to 100 feet requires CU                             |
| Minimum front yard building setback     | No requirement (see frontage requirement below)                                                |                                                                             |
| Minimum side yard building setback      |                                                                                                |                                                                             |
| Street                                  | No requirement (see frontage requirement below)                                                | Minimum 5 feet to deck, porch or patio, 10 feet to principle structure      |
| Interior courtyard                      | n/a                                                                                            | 15 feet                                                                     |
| Interior                                | 6 feet where windows are located on a side wall or on an adjacent wall of an abutting property | n/a                                                                         |
|                                         | 20 feet or 50 percent of building height, whichever is greater, from residential lot boundary  |                                                                             |
|                                         | Otherwise not required                                                                         |                                                                             |
| Interior—Adjacent to LDR, LMDR, and MDR | n/a                                                                                            | 20 feet or 50 percent of building height, whichever is greater <sup>a</sup> |
| Interior—Adjacent all other districts   | n/a                                                                                            | 10 feet or 50 percent of building height, whichever is greater <sup>a</sup> |
| Corners                                 | n/a                                                                                            | 20 percent height of the building <sup>a</sup>                              |
| Minimum rear yard building setback      | 25 feet or 50 percent of building height, whichever is greater, from residential lot boundary  | 25 feet or 50 percent of building height, whichever is greater <sup>a</sup> |
|                                         | 10 feet from nonresidential boundary <sup>a</sup>                                              |                                                                             |
| Minimum surface parking setback         | 5 feet                                                                                         | 5 feet                                                                      |

<sup>a</sup> The city may require a greater or lesser setback based on surrounding land uses.

<sup>b</sup> Density may be increased to more than 36 units/net acre with approved conditional use

(d) *Improvement area.* The total improved area, including paved surfaces and footprints of principal and accessory buildings or structures, shall not exceed 85 percent of the total parcel area.

(e) *Frontage requirement.* A development must utilize one or more of the three options below for placement of buildings and parking relative to the primary street:

- (1) At least 50 percent of the street frontage shall be occupied by building façades placed within 20 feet of the front lot line. No off-street parking shall be located between the façades meeting this requirement and the street.
- (2) At least 60 percent of the street frontage shall be occupied by building façades placed within 65 feet of the front lot line. Only one row of parking and a drive aisle may be placed within this setback area.
- (3) At least 70 percent of the street frontage shall be occupied by building façades placed within 85 feet of the front lot line. Only two rows of parking and a drive aisle may be placed within this setback area.

(f) *Access and circulation.* Within shopping centers or other large development sites, vehicular circulation shall be designed to minimize conflicts with pedestrians.

(g) *Surface parking.* Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least ten feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

(h) *Standards for nighttime activities.* Uses that involve deliveries or other activities between the hours of 10:00 p.m. and 7:00 a.m. (referred to as "nighttime hours") shall meet the following standards:

- (1) Off-street loading and unloading during nighttime hours shall take place within a completely enclosed and roofed structure with the exterior doors shut at all times.
- (2) Movement of sweeping vehicles, garbage trucks, maintenance trucks, shopping carts, and other service vehicles and equipment is prohibited during nighttime hours within 300 feet of a residential district, except for emergency vehicles and emergency utility or maintenance activities.
- (3) Snow removal within 300 feet of a residential district shall be minimized during nighttime hours, consistent with the required snow management plan.

(Ord. No. 1606, § 1005.07, 11-8-2021)



**CHAPTER 1006. EMPLOYMENT DISTRICTS****Sec. 1006.01. Statement of purpose.**

The employment districts are designed to foster economic development and redevelopment and to enhance opportunities for business expansion and growth. They are also intended to:

- (1) Encourage reinvestment, revitalization, and redevelopment of retail, office, and industrial properties to maintain a stable tax base, provide new living-wage job opportunities, and increase the aesthetic appeal of the city;
  - (2) Encourage appropriate transitions between higher-intensity uses within employment centers and adjacent lower-density residential districts; and
  - (3) Encourage sustainable design practices that apply to buildings, private development sites, and the public realm.
- (Ord. No. 1606, § 1006.01, 11-8-2021)

**Sec. 1006.02. Design standards.**

The following standards apply to all development within the employment districts:

- (1) *Landscaping.* All yard space between the building setback line and the street right-of-way line not utilized for driveways, parking of vehicles, or pedestrian elements shall be landscaped with grass, trees, and other landscape features as may be appropriate.
- (2) *Entrance orientation.* At least one building entrance shall be oriented to the primary abutting public street. The entrance must have a functional door. Entrances shall be clearly visible and identifiable from the street.
- (3) *Materials.* All exterior wall finishes on any building must be a combination of the following materials: No less than 60 percent face brick; natural or cultured stone; textured pre-cast concrete panels, pre-colored or factory stained or stained on site textured concrete block; stucco; glass; fiberglass; or similar materials and no more than 40 percent pre-finished metal, weathering steel, copper, premium grade wood with mitered outside corners (e.g., cedar, redwood, and fir), or fiber cement board. Under no circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or plain concrete block be acceptable as an exterior wall material on buildings within the city. Other new materials of equal quality to those listed may be approved by the community development department.
- (4) *Overhead doors.* Overhead doors shall be located on rear or side façades
- (5) *Rooftop equipment.* Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural

treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

- (6) *Service areas and mechanical equipment.* Service areas, utility meters, and building mechanical equipment shall not be located on the street side of a building or on a side wall closer than ten feet to the street side of a building.

(Ord. No. 1606, § 1006.02, 11-8-2021)

### **Sec. 1006.03. Table of allowed uses.**

Table 1006.03 lists all permitted and conditional uses in the employment districts.

- (1) Uses marked as "P" are permitted in the districts where designated.
- (2) Uses marked with a "C" are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- (3) Uses marked as "NP" are not permitted in the districts where designated.
- (4) "Y" in the "standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in chapter 1011; standards for conditional uses are included in chapter 1009.

Table 1006.03

|                                                    | <i>E-1</i>                     | <i>E-2</i>                     | <i>I</i>       | <i>Standards</i> |
|----------------------------------------------------|--------------------------------|--------------------------------|----------------|------------------|
| <b>Office and health care uses</b>                 |                                |                                |                |                  |
| Office                                             | P                              | P                              | P              |                  |
| Clinic, medical, dental, or optical                | P                              | P                              | NP             |                  |
| Hospital                                           | C                              | C                              | NP             |                  |
| Office showroom                                    | P                              | P                              | P              |                  |
| College or post-secondary school, office-based     | P                              | P                              | P              |                  |
| <b>Manufacturing, research, and wholesale uses</b> |                                |                                |                |                  |
| Artisan workshop                                   | NP                             | NP                             | P              | Y                |
| Asphalt plant, batch or other                      | NP                             | NP                             | NP             |                  |
| Cannabis combination business                      | P <sup>e</sup>                 | P <sup>e</sup>                 | P <sup>f</sup> | Y                |
| Cannabis cultivator business                       | NP                             | NP                             | C <sup>g</sup> |                  |
| Cannabis delivery/transportation business          | P <sup>b</sup> /C <sup>c</sup> | P <sup>b</sup> /C <sup>c</sup> | P              | Y                |
| Cannabis or hemp industrial business               | P <sup>d</sup>                 | P <sup>d</sup>                 | P              | Y                |
| Cannabis or hemp retailer                          | P <sup>a</sup>                 | P <sup>a</sup>                 | NP             | Y                |
| Catering establishment                             | NP                             | NP                             | P              |                  |
| Concrete plant, batch or other                     | NP                             | NP                             | NP             |                  |
| Contractor's yard                                  | NP                             | C                              | P              |                  |
| Contractor's yard—Limited                          | NP                             | C                              | P              |                  |
| Crushing of aggregate as a principal use           | NP                             | NP                             | NP             |                  |
| Distribution center                                | NP                             | NP                             | P              |                  |

|                                                                                                                   | <i>E-1</i> | <i>E-2</i> | <i>I</i> | <i>Standards</i> |
|-------------------------------------------------------------------------------------------------------------------|------------|------------|----------|------------------|
| Fertilizer plant                                                                                                  | NP         | NP         | NP       |                  |
| Laboratory for research, development, and/or testing                                                              | P          | P          | P        |                  |
| Leather and fur tanning, curing, finishing, and dyeing                                                            | NP         | NP         | NP       |                  |
| Limited production and processing                                                                                 | P          | P          | P        |                  |
| Limited warehousing and distribution                                                                              | P/C        | P/C        | P        | Y                |
| Manufacturing and processing, no outdoor activities                                                               | NP         | NP         | P        | Y                |
| Manufacturing and processing, outdoor activities                                                                  | NP         | NP         | C        | Y                |
| Outdoor display                                                                                                   | P          | P          | P        | Y                |
| Outdoor storage, equipment and goods                                                                              | C          | C          | P        | Y                |
| Outdoor storage, fleet vehicles                                                                                   | C          | C          | P        | Y                |
| Outdoor storage, inoperable/out of service vehicles or equipment                                                  | C          | C          | P        | Y                |
| Outdoor storage, loose materials                                                                                  | NP         | NP         | C        | Y                |
| Manufacturing and processing of clay products, structural such as brick, fire brick, tile, and pipe               | NP         | NP         | NP       |                  |
| Manufacturing of insecticides, fungicides, disinfectants, and related industrial and household chemical compounds | NP         | NP         | NP       |                  |
| Metal casting or foundry                                                                                          | NP         | NP         | NP       |                  |
| Metals, precious and rare, reduction, smelting and refining                                                       | NP         | NP         | NP       |                  |
| Parking                                                                                                           | C          | C          | C        | Y                |
| Petroleum refinery                                                                                                | NP         | NP         | NP       |                  |
| Printing                                                                                                          | P          | P          | P        |                  |
| Pulp processing plant (paper mill)                                                                                | NP         | NP         | NP       |                  |
| Recycling center                                                                                                  | NP         | NP         | P        |                  |
| Salvage or junk yard                                                                                              | NP         | NP         | NP       |                  |
| Slaughtering of animals                                                                                           | NP         | NP         | NP       |                  |
| Tire plant or tire recapping plant or facility                                                                    | NP         | NP         | NP       |                  |
| Warehouse                                                                                                         | NP         | P          | P        |                  |
| Wholesale establishment                                                                                           | P          | P          | P        |                  |
| Wood treatment plant                                                                                              | NP         | NP         | NP       |                  |
| Brewery                                                                                                           | NP         | NP         | P        |                  |
| Distillery                                                                                                        | NP         | NP         | P        |                  |
| Commercial uses, personal                                                                                         |            |            |          |                  |
| General retail sales and personal service*                                                                        | P          | P          | NP       | Y                |
| Animal boarding, animal day care, kennel                                                                          | NP         | NP         | P        | Y                |
| Animal hospital, veterinary clinic                                                                                | P          | P          | NP       | Y                |
| Bank, financial institution                                                                                       | P          | P          | C        |                  |
| Building materials sales, lumberyard                                                                              | NP         | NP         | P        |                  |
| Day care center                                                                                                   | P          | P          | NP       | Y                |
| Health club, fitness center                                                                                       | C          | C          | NP       |                  |

|                                                                    | <i>E-1</i> | <i>E-2</i> | <i>I</i> | <i>Standards</i> |
|--------------------------------------------------------------------|------------|------------|----------|------------------|
| Indoor entertainment center                                        | P          | P          | P        |                  |
| Learning studio (martial arts, visual/performing arts)             | P          | P          | NP       |                  |
| Lodging: hotel, motel                                              | P          | P          | P        |                  |
| Mini-storage                                                       | NP         | NP         | P        |                  |
| Motor fuel sales, gas station (includes repair)                    | C          | C          | P        | Y                |
| Motor vehicle repair, large                                        | NP         | NP         | P        |                  |
| Motor vehicle dealer, rental/leasing                               | NP         | NP         | C        | Y                |
| Restaurant, fast food                                              | P          | P          | NP       | Y                |
| Restaurant, traditional                                            | P          | P          | NP       |                  |
| Brewpub                                                            | P          | P          | C        |                  |
| Microbrewery                                                       | P          | P          | P        |                  |
| Utilities and transportation                                       |            |            |          |                  |
| Essential services                                                 | P          | P          | P        |                  |
| Motor freight terminal                                             | NP         | NP         | C        |                  |
| Park-and-ride facility                                             | C          | C          | C        |                  |
| Transit center                                                     | C          | C          | C        |                  |
| Accessory uses, buildings, and structures                          |            |            |          |                  |
| Accessory buildings for storage of business supplies and equipment | P          | P          | P        | Y                |
| Accessibility ramp and other accommodations                        | P          | P          | P        |                  |
| Cannabis lounge                                                    | P          | P          | NP       |                  |
| Caretaker's dwelling                                               | C          | C          | C        |                  |
| Drive-through facility                                             | C          | C          | NP       | Y                |
| Off-street parking spaces                                          | P          | P          | P        | Y                |
| Telecommunications tower                                           | C          | C          | C        | Y                |
| Renewable energy system                                            | P          | P          | P        | Y                |
| Taproom                                                            | P          | P          | P        |                  |
| Cocktail Room                                                      | P          | P          | P        |                  |

<sup>a</sup> See section 1011.12(f)(11) for standards pertaining to retail in employment districts.

<sup>b</sup> See section 1011.12(f)(12) for standards pertaining to limited warehousing and distribution.

<sup>c</sup> See section 1009.02(d)(41) for specific criteria pertaining to conditional uses.

<sup>d</sup> See section 1011.12(f)(13) for standards pertaining to limited production and processing.

<sup>e</sup> See section 1011.12(f)(14) for standards pertaining to limited production and processing and retail in employment districts.

<sup>f</sup> The retail component of a cannabis combination business is not permitted in the I zoning district.

<sup>g</sup> See section 1009.02(d)(40) for specific criteria pertaining to conditional uses.

(Ord. No. 1606, § 1006.03, 11-8-2021; Ord. No. 1682, § 3, 11-25-2024)

**Sec. 1006.04. Employment (E-1) and Employment Center (E-2) Districts.**

(a) *Statement of purpose.* The Employment (E-1) and Employment Center (E-2) Districts are designed to foster the development of business parks that integrate complementary employment and related uses in an attractive, efficient and functional environment.

- (1) The districts are also intended to:
  - a. Provide readily accessible services for employees;
  - b. Provide pedestrian, bicycle, and transit connections to and through the business park;
  - c. Maintain and improve the quality of the natural landscape within the business park; and
  - d. Provide appropriate transitions to surrounding neighborhoods and districts.
- (2) The E-1 district is the more restrictive district, limiting uses to smaller scale offices and excluding the most intensive employment land uses, and is intended for application to smaller employment sites.
- (3) The E-2 district is less restrictive, being open to a wider mix of employment land uses, and is intended for larger employment areas located in close proximity to highways and major transportation corridors.

(b) *Design standards.* The standards in section 1006.02 shall apply, with the following additions:

- (1) *Integrated design.* In the design of any business park, buildings and complementary uses shall be connected in a logical and cohesive manner by streets, sidewalks, trails, open space, and natural areas that combine to create a pedestrian-friendly environment. A pattern of blocks and interconnected streets is preferred.
- (2) *Four-sided design.* Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing façades. All façades shall contain window openings. This standard may be waived by the community development department for uses that include elements such as service bays on one or more façades.
- (3) *Maximum building length.* Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry.

(c) *Dimensional standards.*

Table 1006.04

|                         |                      |
|-------------------------|----------------------|
| Minimum lot area        | 20,000 square feet   |
| Minimum lot width       | 60 feet              |
| Maximum building height | 60 feet <sup>a</sup> |

|                                     |                                       |
|-------------------------------------|---------------------------------------|
| Minimum front yard building setback | See subsection (e) of this section    |
| Minimum side yard building setback  | 10 feet                               |
|                                     | 40 feet from residential lot boundary |
| Minimum rear yard building setback  | 10 feet                               |
|                                     | 40 feet from residential lot boundary |
| Minimum parking setbacks            |                                       |
| Front yard                          | Equal to front yard building setbacks |
| Side or rear yard                   | 5 feet <sup>b</sup>                   |
|                                     | 40 feet from residential lot boundary |

<sup>a</sup> Increased building height allowed as a conditional use.

<sup>b</sup> The community development department may waive the minimum side and/or rear yard parking setbacks when parking facilities are to be shared with adjoining employment districts properties.

(d) *Improvement area.* The improved areas, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 75 percent in the E-1 District and 85 percent in the E-2 District of the total development parcel area.

(e) *Frontage requirement.* A development must utilize one or more of the three options below for placement of buildings and parking relative to the primary street:

- (1) At least 50 percent of the street frontage shall be occupied by building façades placed within 20 feet of the front lot line. No off-street parking shall be located between the façades meeting this requirement and the street.
- (2) At least 60 percent of the street frontage shall be occupied by building façades placed within 65 feet of the front lot line. Only one row of parking and a drive aisle may be placed within this setback area.
- (3) At least 70 percent of the street frontage shall be occupied by building façades placed within 85 feet of the front lot line. Only two rows of parking and a drive aisle may be placed within this setback area.

(Ord. No. 1606, § 1006.04, 11-8-2021)

### **Sec. 1006.05. Industrial (I) District.**

(a) *Statement of purpose.* The industrial district is designed to provide suitable sites for manufacturing, assembly, processing, warehousing, laboratory, distribution, related office uses, and truck/transportation terminals. The district is also designed to:

- (1) Minimize any external physical effects of such operations on surrounding less intensive uses;

- (2) Encourage and facilitate pedestrian, bicycle, and transit access throughout the industrial areas of the city; and
- (3) Encourage development of an attractive and well-landscaped physical environment within the industrial areas of the city.

(b) *Design standards.* In addition to the standards in section 1006.02, storage of inoperative vehicles and/or inoperative equipment shall be conducted entirely within an enclosed structure.

(c) *Dimensional standards.*

Table 1006.05

|                                     |                                       |
|-------------------------------------|---------------------------------------|
| Minimum lot area                    | None                                  |
| Maximum building height             | 60 feet                               |
| Minimum front yard building setback | 30 feet                               |
| Minimum side yard building setbacks |                                       |
| Interior                            | 10 feet                               |
|                                     | 40 feet from residential lot boundary |
| Corner                              | 30 feet from street right-of-way      |
| Minimum rear yard building setback  | 20 feet                               |
|                                     | 40 feet from residential lot boundary |
| Minimum parking setbacks            |                                       |
| Front or corner side yard           | See subsection (e) of this section    |
| Interior side or rear yard          | 5 feet <sup>a</sup>                   |
|                                     | 40 feet from residential lot boundary |

<sup>a</sup> The community development department may waive the minimum side and/or rear yard parking setbacks when parking facilities are to be shared with adjoining employment districts properties.

(d) *Improvement area.* The improved areas, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85 percent of the total development parcel area.

(e) *Parking placement.* When parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and two rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage and/or other site design issues are shown to require additional space.

(f) *Surface parking.* Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least ten feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

(Ord. No. 1606, § 1006.05, 11-8-2021)



**CHAPTER 1007. INSTITUTIONAL DISTRICT****Sec. 1007.01. Statement of purpose.**

The INST, Institutional District is designed to:

- (1) Permit and regulate a variety of governmental, educational, religious, and cultural uses that provide important services to the community. These uses are not located within a particular geographic area and are often in proximity to lower-density residential districts.
- (2) Require appropriate transitions between higher-intensity institutional uses and adjacent lower-density residential districts.
- (3) Encourage sustainable design practices that apply to buildings, private development sites, and the public realm in order to enhance the natural environment.

(Ord. No. 1606, § 1007.01, 11-8-2021)

**Sec. 1007.02. Design standards.**

The following standards apply to new buildings and major expansions of existing buildings (i.e., expansions that constitute 50 percent or more of building floor area) in the institutional district. Design standards apply only to the portion of the building or site that is undergoing alteration.

- (1) *Corner building placement.* At intersections, buildings shall have front and side façades aligned at or near the front property line.
- (2) *Entrance orientation.* Primary building entrances shall be oriented to the primary abutting public street. The entrance must have a functional door. Additional entrances may be oriented to a secondary street or parking area. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
- (3) *Vertical façade articulation.* Buildings shall be designed with a base, a middle and a top, created by variations in detailing, color and materials. A single-story building need not include a middle.
  - a. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.
  - b. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.
- (4) *Horizontal façade articulation.* Façades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:
  - a. Stepping back or extending forward a portion of the façade;
  - b. Variations in texture, materials or details;

- c. Stepbacks of upper stories; or
  - d. Placement of doors, windows and balconies.
- (5) *Window and door openings.*
- a. Windows, doors, or other openings shall comprise at least 60 percent of the length and at least 40 percent of the area of any ground floor façade fronting a public street. At least 50 percent of the windows shall have the lower sill within three feet of grade.
  - b. Windows, doors, or other openings shall comprise at least 20 percent of side and rear ground floor façades not fronting a public street. On upper stories, windows, or balconies shall comprise at least 20 percent of the façade area.
  - c. Glass on windows and doors shall be clear or slightly tinted to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas.
  - d. Window shape, size, and patterns shall emphasize the intended organization and articulation of the building façade.
  - e. Displays may be placed within windows. Equipment within buildings shall be placed at least five feet behind windows.
- (6) *Materials.* All exterior wall finishes on any building must be a combination of the following materials: No less than 60 percent face brick; natural or cultured stone; pre-colored factory stained or stained on site textured pre-cast concrete panels; textured concrete block; stucco; glass; fiberglass or similar materials and no more than 40 percent pre-finished metal, weathering steel, copper, premium grade wood with mitered outside corners (e.g., cedar, redwood, and fir), or fiber cement board. Under no circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or plain concrete block be acceptable as an exterior wall material on buildings within the city. Other materials of equal quality to those listed may be approved by the community development department.
- (7) *Four-sided building design.* Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing façades. All façades shall contain window openings. This standard may be waived by the community development department for uses that include elements such as service bays on one or more façades.
- (8) *Special or object-oriented buildings.* In some cases, a uniquely designed building may be proposed that is considered outside of these stated standards due to its purpose, use, design, and/or orientation (e.g., a memorial, special civic function, etc.). If such a building is proposed, then it may be considered independently of these standards and would be subject to final approval by the city council.

- (9) *Maximum building length.* Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry, except where a more restrictive standard is specified for a specific district.
- (10) *Garage doors and loading docks.* Loading docks shall be located on rear or side façades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50 percent of the total length of the building front.
- (11) *Rooftop equipment.* Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.
- (12) *Dimensional standards.*

Table 1007.02

|                                         |                                                                                                 |
|-----------------------------------------|-------------------------------------------------------------------------------------------------|
| Minimum lot area                        | No requirement                                                                                  |
| Maximum building height                 | 60 feet                                                                                         |
| Front yard building setback (min.—max.) | No requirement                                                                                  |
| Minimum side yard building setback      | 10 feet where windows are located on a side wall or on an adjacent wall of an abutting property |
|                                         | 20 feet from residential lot boundary                                                           |
|                                         | Otherwise not required                                                                          |
| Minimum rear yard building setback      | 25 feet from residential lot boundary                                                           |
|                                         | 10 feet from nonresidential boundary                                                            |
| Minimum surface parking setback         | 15 feet from the property line                                                                  |
|                                         | 20 feet from the property line abutting a residential property                                  |

- (13) *Improvement area.* Improved area, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 75 percent.
- (14) *Surface parking.* Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least ten feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.
- (15) *Parking placement.* Where parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and two rows of perpendicular parking along with

building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage and/or other site design issues are shown to require additional space. Screening alongside and rear lot lines abutting residential properties is required, consistent with section 1011.03(b).

(Ord. No. 1606, § 1007.02, 11-8-2021)

**Sec. 1007.03. Table of allowed uses.**

Table 1007.03 lists all permitted and conditional uses in the institutional district.

- (1) Uses marked as "P" are permitted.
- (2) Uses marked with a "C" are allowed as conditional uses in the district where designated.
- (3) A "Y" in the "standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in chapter 1011; standards for conditional uses are included in chapter 1009.

Table 1007.03

|                                                     | <i>INST</i> | <i>Standards</i> |
|-----------------------------------------------------|-------------|------------------|
| <b>Civic/institutional</b>                          |             |                  |
| Cemetery                                            | P           |                  |
| College, or post-secondary school, campus           | C           | Y                |
| Community center                                    | P           |                  |
| Emergency services (police, fire, ambulance)        | P           |                  |
| Government office                                   | P           |                  |
| Environmental service center (ESC)                  | C           |                  |
| Library                                             | P           |                  |
| Museum, cultural center                             | P           |                  |
| Multi-purpose recreation facility, public           | P           |                  |
| Place of assembly                                   | P           | Y                |
| Parking, off-site                                   | C           | Y                |
| School, elementary or secondary                     | P           |                  |
| Theater, performing arts center                     | P           |                  |
| <b>Transportation</b>                               |             |                  |
| Maintenance facility                                | C           |                  |
| Park and ride facility                              | C           |                  |
| <b>Accessory uses, buildings, and structures</b>    |             |                  |
| Accessibility ramp and other accommodations         | P           |                  |
| Accessory structure                                 | P           |                  |
| Athletic fields                                     | P           |                  |
| Athletic fields with lights                         | C           |                  |
| Garden, public or community (flowers or vegetables) | P           | Y                |
| Gymnasium                                           | P           |                  |

|                              | <i>INST</i> | <i>Standards</i> |
|------------------------------|-------------|------------------|
| Portable restroom facilities | P           | Y                |
| Public announcement system   | C           |                  |
| Renewable energy systems     | P           | Y                |
| Swimming pool                | P           |                  |
| Telecommunication towers     | C           | Y                |
| Trash receptacle             | P           |                  |

(Ord. No. 1606, § 1007.03, 11-8-2021; Ord. No. 1634, § 2, 7-10-2023)

## CHAPTER 1008. PARK AND RECREATION DISTRICT

### Sec. 1008.01. Statement of purpose.

The PR, Park and Recreation District applies to public and private lands oriented toward active and/or passive recreational opportunities that are predominantly outdoors. The purpose of the parks and recreation district is to establish regulations that will support the natural and manufactured amenities identified in the city parks and recreation system master plan and the county parks and recreation system plan, to facilitate high quality recreational experiences elsewhere, and to ensure that such recreational structures and activities are located and arranged so as to minimize potential negative and maximize positive impacts to surrounding properties.

(Ord. No. 1606, § 1008.01, 11-8-2021)

### Sec. 1008.02. Design standards.

The following standards shall apply to all new roofed and enclosed buildings and major expansions of similar existing buildings (i.e., expansions that constitute 50 percent or more of building floor area) in the recreation district. Design standards apply only to the portion of the building or site that is undergoing alteration.

- (1) *Vertical façade articulation.* Buildings shall be designed with a base and a top, created by variations in detailing, color, and materials.
  - a. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.
  - b. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.
- (2) *Horizontal façade articulation.* Façades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:
  - a. Stepping back or extending forward a portion of the façade;
  - b. Variations in texture, materials or details; or
  - c. Placement of doors, windows, and balconies.

- (3) *Materials.* All exterior wall finishes on any building must be one or a combination of the following materials: wood lapsiding or shakes (preferably cedar), face brick, natural or cultured stone, pre-colored or factory stained or stained on site textured pre-cast concrete panels, textured concrete block, stucco, glass, fiberglass or similar materials. In addition to the above materials, accent materials, not exceeding ten percent of any exterior building elevation, may include pre-finished metal, cor-ten steel, copper, premium grade wood with mitered outside corners (e.g., cedar, redwood, and fir), or fiber cement board. Other new materials of equal quality to those listed, including the use of commercial grade lap-siding, may be approved by the community development department.
- (4) *Dimensional standards.* Recreation facilities, excluding trails or pathways, shall be set back 20 feet from property lines abutting residential districts.
- (5) *Four-sided building design.* Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing façades. All façades shall contain window openings. This standard may be waived by the community development department for uses that include elements such as service bays on one or more façades.
- (6) *Maximum building length.* Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry.
- (7) *Special or object-oriented buildings.* In some cases, a uniquely designed building may be proposed that is considered outside of these stated standards due to its purpose, use, design, and/or orientation (e.g., a memorial, special civic function, etc.). If such a building is proposed, then it may be considered independently of these standards and would be subject to final approval by the city council.
- (8) *Garages doors and loading docks.* Loading docks shall be located on rear or side façades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50 percent of the total length of the building front.
- (9) *Waste and recycling areas.* Trash storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. The enclosure should be accessible, yet located away from main entries and residential uses. Seasonal trash storage areas shall be screened by a solid board-on-board fence and/or approved landscaping.
- (10) *Buffer strip.* All new active uses (including dugouts, sports fields, park shelters, play structures, and other active park uses), maintenance structures, and parking lots, but excluding trails or pathways, shall be separated from residential uses by a minimum 20-foot wide landscaped buffer. A buffer strip that lies between parking lots, maintenance structures, and/or access roads and a residential use shall include

screening of headlights to a minimum height of 42 inches, utilizing a combination of native plants, coniferous/deciduous trees, shrubs, solid board-on-board fencing, and/or landscaped berms. A buffer strip that lies adjacent to all other uses shall include sod or a combination of native plants, coniferous/deciduous trees, shrubs, and/or solid board-on-board fencing.

(Ord. No. 1606, § 1008.02, 11-8-2021)

**Sec. 1008.03. Table of allowed uses.**

Table 1008.03 lists all permitted and conditional uses in the park and recreation district.

- (1) Uses marked as "P" are permitted in the park and recreation district.
- (2) Uses marked with a "C" are allowed as conditional uses in the park and recreation district, in compliance with all applicable standards. However, uses that are listed as conditional are permitted if the use is consistent with the city parks and recreation system master plan or the county parks and recreation system plan for a particular park and recreation use.
- (3) A "Y" in the "standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in chapter 1011; standards for conditional uses are included in chapter 1009.

Table 1008.03

|                                                    | <i>REC</i> | <i>Standards</i> |
|----------------------------------------------------|------------|------------------|
| Park and recreation uses                           | P          |                  |
| Amphitheater                                       | C          |                  |
| Athletic fields with lights                        | C          |                  |
| Golf course with club house (private or public)    | C          |                  |
| Dog park, off-leash                                | C          |                  |
| Gardens, public or community (flower or vegetable) | P          |                  |
| Sports courts with lights                          | C          |                  |
| Waterparks/aquatic facilities                      | C          |                  |
| Accessory use, buildings, and structures           |            |                  |
| Accessory structures                               | P          |                  |
| Portable restroom facilities                       | P          | Y                |
| Public announcement systems                        | C          |                  |
| Renewable energy systems                           | P          | Y                |
| Telecommunication tower                            | C          | Y                |
| Trash receptacles                                  | P          |                  |

(Ord. No. 1606, § 1008.03, 11-8-2021)



**CHAPTER 1009. PROCEDURES****Sec. 1009.01. Administrative deviation.**

(a) *Purpose.* Administrative deviations are intended to encourage owners of residential properties in LDR and LMDR districts to modernize and improve their properties while maintaining the overall character of the community. This is accomplished by allowing limited encroachments into certain required building and driveway setbacks and/or limited increases in fence height.

(b) *Exceptions.* If any part of a proposal does not meet the requirements for administrative deviation as established in this section, the entire proposal shall be ineligible for administrative deviation approval; all deviations greater than what is described in this section shall adhere to the variance procedure established in section 1009.04. If the entrance to a driveway with a nonconforming setback is reconstructed as part of a public improvement project or any other public action but is not closer than two feet from an interior side property line, the community development department may approve a driveway setback deviation without adhering to the procedure described in subsection (d) of this section.

(c) *Limitations by category of administrative deviation.*

- (1) *Building setback deviation.* A building setback deviation is a reduction of the required front, rear, interior side, and/or reverse-corner side yard setbacks for principal and/or accessory buildings. A building setback deviation shall not allow the encroachment of a building into public easements or required standard-corner side yard setbacks.
  - a. A building setback deviation shall not be allowed for a principal building less than 20 years old. Age of a principal building is calculated by subtracting the year in which the building was constructed from the year of application for administrative deviation. Notwithstanding this age limitation, building setback deviations may be considered for newer homes which cannot be practically used by mobility-impaired occupants.
  - b. A building setback deviation shall not allow principal building setbacks of less than 24 feet from front or rear property lines
  - c. A building setback deviation shall not allow a principal building setback of less than three feet from an interior side property line.
  - d. A building setback deviation may allow principal buildings to extend toward a reverse-corner side property line as far as 70 feet from the opposite, interior side property line, provided that the reverse-corner side setback shall not be less than 15 feet. A building setback deviation from a reverse-corner side property line shall not be allowed on parcels created/subdivided after January 1, 2011.

- e. A building setback deviation shall not allow an accessory building to be closer than three feet to a rear or interior side property line nor closer to a reverse-corner side property line than the principal building.
- (2) *Driveway setback deviation.* A driveway setback deviation is a reduction of the required interior side yard setback for driveways and parking/turnaround areas.
  - a. A driveway setback deviation shall not allow encroachments into the required setback of a driveway at the property line from corner side property lines established in chapter 703.
  - b. A driveway setback deviation shall not allow a driveway or parking area/turnaround setback less than two feet from an interior side property line.
  - c. A driveway setback deviation shall not allow a driveway or parking area/turnaround setback less than ten feet from a corner side property line.
- (3) *Fence height deviation.* A fence height deviation is an increase of the required fence height limit to allow for better screening and/or noise reduction adjacent to highway rights-of-way, busy commercial areas, or other unusual properties. A fence height deviation shall not allow fences in excess of eight feet in height.

(d) *Administrative deviation approval process.* The owner of property on which an administrative deviation is proposed shall file an application for approval of the administrative deviation by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed according to the process established in this section.

- (1) *Hearing and notification.* The community development department shall schedule an administrative hearing with the administrative deviation committee (ADC) to consider the application. The applicant and contiguous property owners shall be notified in writing by the community development department of the time and place of the administrative hearing not less than five days prior to such hearing. All property owners receiving notification of the administrative hearing shall be invited to comment on the proposed project and to attend the hearing.
- (2) *Review of application.* During the administrative hearing described in subsection (d)(1) of this section, the ADC shall review applications for administrative deviation and provide recommendations pertaining to the approval or denial of the request; the community development department may request additional review of applications from other city departments or public agencies.
- (3) *Decision.* After considering any public input and the recommendations of the above parties, the community development department shall have the authority to approve or deny administrative deviation applications.
- (4) *Appeal.* No permits shall be issued for a project requiring an administrative deviation before the expiration of a mandatory ten-day appeal period beginning on

the date of the decision of the community development department; notwithstanding the following provisions, appeals of this decision shall adhere to the process established in section 1009.08.

- a. Appeals may be made by the original applicant or those property owners notified of the administrative hearing pursuant to subsection (d)(1) of this section.
- b. If all of those property owners notified of the administrative hearing pursuant to subsection (d)(1) of this section indicate to the community development department that they will not appeal the decision, the appeal period may be waived.

(e) *Considerations for approval.*

(1) *Building setback deviation.* In addition to other requirements of this section, the ADC shall consider the following factors prior to recommending approval or denial of a building setback deviation:

- a. The effect of the proposed project on the functional use of the property;
- b. The effect of the proposed project on the enclosed storage on the property;
- c. The propensity of the proposed project to create or exacerbate a drainage problem;
- d. Whether the proposed building mass would be consistent with that on contiguous properties;
- e. The proper scaling and integration of a new roof with the existing roof of the principal building on the property;
- f. The effect of the proposed project on the aesthetic quality of the property;
- g. Whether the existing garage space on the property accommodates more than one vehicle; and
- h. Whether the proposed project places more vehicles adjacent to first floor bedrooms on contiguous properties.

(2) *Driveway setback deviation.* In addition to other requirements of this section, the ADC shall consider the following factors prior to recommending approval or denial of a driveway setback deviation:

- a. The intended use of the proposed driveway or driveway expansion;
- b. The proximity of the proposed driveway to bedrooms on adjacent properties;
- c. The potential for the proposed driveway to cause stormwater problems on adjacent properties;
- d. The aesthetic impact of the proposed driveway; and
- e. The incorporation of landscaping and/or fencing to screen the proposed driveway from adjacent properties.

- (3) *Fence height deviation.* In addition to other requirements of this section, the ADC shall consider the unique circumstances surrounding an applicant's property prior to recommending approval or denial of a fence height deviation.

(f) *Additional conditions of approval.* The community development department may add conditions to an administrative deviation approval in order to mitigate the impact of a reduced building or driveway setback on adjacent properties. The administrative deviation review committee may recommend such conditions but such conditions shall be imposed or remitted at the discretion of the community development department.

(Ord. No. 1606, § 1009.01, 11-8-2021)

#### **Sec. 1009.02. Conditional uses.**

(a) *Purpose.* Several land uses and structures have been designated as conditional uses in certain zoning districts; the purpose of the conditional use review process is to ensure that proposed conditional uses will satisfy applicable standards and criteria established for the protection of the public health, safety, and general welfare. Particular conditional uses may be subject to specific requirements in addition to the general standards and criteria pertaining to all conditional uses, and any conditional uses may be approved with conditions considered reasonable and necessary to enhance compatibility with surrounding uses.

(b) *Applications.* The owner of property on which a conditional use is proposed shall file an application for approval of the conditional use by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. In addition, for applications pertaining to city-owned land in a park and recreation district, the proposed conditional use shall be reviewed for recommendation by the parks and recreation commission prior to submission of an application for approval. Complete applications shall be reviewed in a public hearing before the planning commission and acted upon by the city council according to the process set forth in chapter 107. If a proposed conditional use is denied, an application for substantially the same conditional use on the same property shall not be accepted within one year of the date of the denial.

(c) *General standards and criteria.* When approving a proposed conditional use, the planning commission and city council shall make the following findings:

- (1) The proposed use is not in conflict with the comprehensive plan;
- (2) The proposed use is not in conflict with any regulating maps or other adopted plans;
- (3) The proposed use is not in conflict with any requirements of this Code;
- (4) The proposed use will not create an excessive burden on parks, streets, and other public facilities; and
- (5) The proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare.

(d) *Specific standards and criteria.* When approving the conditional uses identified below, all of the additional, specific standards and criteria shall apply:

- (1) *Animal boarding, animal day care, kennel.* If outside exercise runs or other outdoor activities are contemplated, the following standards shall be met:
  - a. Outdoor dog runs or exercise areas shall be located at least 100 feet from a residentially zoned property or property in residential use or shall have, at the time of application for conditional use approval, the written support of all owners of such properties within 100 feet; and
  - b. Any portion of an outdoor kennel facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material.
- (2) *Bank, financial institution.* There are no specific standards for this use.
- (3) *Bed and breakfast establishment.*
  - a. The use shall only be conducted in a one-family dwelling and shall be limited to a maximum of four sleeping rooms.
  - b. Breakfast is the only meal that may be served, and it shall be limited to registered guests.
  - c. Length of stay shall not exceed 21 consecutive days for each registered guest.
- (4) *Building height increase.* There are no specific standards for increased building height where allowed by the applicable zoning district requirements
- (5) *Caretakers dwelling.* There are no specific standards for this use.
- (6) *College, or post-secondary school, campus.*
  - a. A facility established after the effective date of the ordinance from which this title is derived shall have vehicular access to a collector or higher classification street.
  - b. A campus master plan shall be required to address the management of pedestrian, bicycle and vehicular circulation, relationship to surrounding land uses, and buffering and screening of adjacent uses to mitigate any impacts of a new or expanded/intensified campus.
- (7) *Communications equipment, shortwave radio and TV antennas.* There are no specific standards for this use.
- (8) *Community residential facility, state licensed, serving seven to 16 persons.* There are no specific standards for this use.
- (9) *Day care center.* There are no specific standards for this use.
- (10) *Day care facility, group family.* There are no specific standards for this use.
- (11) *Dormitory.* There are no specific standards for this use.

(12) *Drive-through facilities.*

- a. Drive-through lanes and service windows shall be located to the side or rear of buildings and shall not be located between the principal structure and a public street, except when the parcel and/or structure lies adjacent to more than one public street and the placement is approved by the community development department.
- b. Points of vehicular ingress and egress shall be located at least 60 feet from the street right-of-way lines of the nearest intersection.
- c. The applicant shall submit a circulation plan that demonstrates that the use will not interfere with or reduce the safety of pedestrian and bicyclist movements. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Queuing lane space shall be provided, sufficient to accommodate demand, without interfering with primary driving, entrance, exit, pedestrian walkways, or parking facilities on site. The circulation plan shall be made a condition of approval and shall survive any and all users of the drive-through and may need to be amended from time to time to ensure continued compliance with this condition. Said amendments to the circulation plan will require an amendment to the conditional use
- d. Speaker box sounds from the drive-through lane shall not be loud enough to constitute a nuisance on an abutting residentially zoned property or property in residential use. Notwithstanding this requirement, such speaker boxes shall not be located less than 100 feet from an existing residentially zoned property or property in residential use.
- e. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- f. A ten-foot buffer area with screen planting and/or an opaque wall or fence between six and eight feet in height shall be required between the drive-through lane and any property line adjoining a public street or residentially zoned property or property in residential use and approved by the community development department.

(13) *Garden, public or community (flower or vegetable), greater than 10,000 square feet.* There are no specific standards for this use.

(14) *Grocery store.* There are no specific standards for this use.

(15) *Health club, fitness center.* There are no specific standards for this use.

(16) *Hospital.* There are no specific standards for this use.

(17) *Learning studio.* There are no specific standards for this use.

(18) *Limited warehousing and distribution: nine or greater pickup, cargo, and/or cube variety fleet delivery/distribution trucks.* There are no specific standards for this use.

(19) *Liquor store.* There are no specific standards for this use.

(20) *Live-work unit.*

- a. The work space component shall be located on the first floor or basement of the building, and shall have an entrance facing the primary abutting public street.
- b. The dwelling unit component shall be located above or behind the work space, and shall maintain a separate entrance which is located on the front or side façade and accessible from the primary abutting public street.
- c. The work space component of the unit shall not exceed 50 percent of the total gross floor area of the unit.
- d. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit which would require the building to be classified as a mixed-use building shall not be allowed.
- e. The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It shall not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business, or auto service or repair for any vehicles other than those registered to residents of the property.

(21) *Maintenance facility.* There are no specific standards for this use.

(22) *Manufactured home park.*

- a. *Minimum dimensional standards.*

Table 1009.02

|                                     |                   |
|-------------------------------------|-------------------|
| Lot area                            | 5,000 square feet |
| Lot width                           | 50 feet           |
| Lot depth                           | 100 feet          |
| Front yard setback                  | 20 feet           |
| Side yard                           | 10 feet           |
| Rear yard                           | 15 feet           |
| Setback from public right-of-way    | 50 feet           |
| Setback from exterior boundary      | 25 feet           |
| Distance between mobile homes       | 20 feet           |
| Setback from permanent ponding area | 75 feet           |



- b. *Sidewalks.* A concrete sidewalk at least three feet six inches wide shall be built and maintained by the owner or operator providing access to all mobile home sites, recreational areas, common use buildings, storage areas, and the primary abutting public street.
- c. *Lighting.* Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities of occupants' use. The manufactured home park grounds, street and pedestrian areas shall be lighted from sunset to sunrise in accordance with a lighting plan approved by the community development department.
- d. *Recreation areas.* All manufactured home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located so as to be free of traffic hazards and should, where the topography permits, be centrally located. The size of such recreational area shall be a minimum of ten percent of the land area of the manufactured home park. All equipment installed in such area shall be owned and maintained by the owner or operator of the manufactured home park at the owner or operator's expense.
- e. *Landscaping.* All areas shall be landscaped in accordance with a landscaping plan approved by the community development department. The following minimum landscaping requirements shall be maintained in all manufactured home parks:
  - 1. Each lot shall be properly landscaped with at least one tree and hedge. All yards shall be sodded or planted in grass. There shall be a minimum of 20 trees per gross acre in all areas of a manufactured home park. Trees, grass, and landscape materials shall be properly maintained and replaced, as necessary, to conform to the approved landscape plans and specifications.
  - 2. A visual screen, consisting of a compact hedge, redwood fence, coniferous trees or other landscape or fencing materials approved by the community development department shall be installed and maintained around the periphery of the manufactured home park to substantially inhibit eye level vision from the exterior and shall be kept free of rubbish, debris, and weeds.
- f. *Storm shelter.* A storm shelter structure capable of housing all of the occupants of the manufactured home park shall be constructed in a central location. Such structure shall be of an all masonry construction capable of withstanding 75-mile-per hour winds. Such structure may also house other common facilities such as vending machines, laundry equipment, and ancillary utilities. The design of such structure shall be approved by the community development department.

- g. *Manufactured home stands.* Each lot for a manufactured home shall have an area of reinforced concrete four inches in depth, of adequate size to accommodate each manufactured home unit. The stand shall not heave, shift, or settle unevenly under the weight of a manufactured home due to frost action, inadequate drainage, vibration, or other forces acting on the structure. Anchors or tie downs shall be cast in place at a maximum separation of 12 feet on center and be capable of sustaining a minimum pull of 4,800 pounds per anchor.
- h. *Skirting.* All manufactured home units shall have skirts around the entire manufactured home made of plastic, fiberglass, or other comparable, noncombustible material approved by the community development department and shall be of a permanent color or painted to match the skirted manufactured home so as to enhance the general appearance of the home.
- i. *Storage Building.* A structure shall be provided on the premises to accommodate storable items of manufactured home occupants providing at least fifteen square feet of storage area per manufactured home unit in the manufactured home court. Such storage spaces shall be designed and maintained to provide secure storage for each manufactured home unit; the design shall be subject to approval of the community development department.

(23) *Manufacturing and processing, outdoor activities/storage.*

- a. Areas of outdoor activity or storage shall not be located between the principal use and the primary public street.
- b. Areas of outdoor activities or storage shall be screened by a solid opaque wall or fence at least eight feet in height.
- c. Aggregates and other granular materials shall be stored in such a way that prevents erosion.
- d. The planning commission and the city council shall give special consideration to the height of equipment and materials stored outside and its visibility from nearby properties and roadways.

(24) *Motor fuel sales, motor vehicle repair, body shop.*

- a. *Pump islands and canopies.* The centerline of pump islands (or the outer edge of a pump island canopy, if present) shall be a minimum of 25 feet from a property line.
- b. *Driveways.* Driveways shall be located a minimum of 50 feet from the street right-of-way lines of the nearest intersection.
- c. *Outdoor display sales area.* All outdoor display sales areas shall be limited to 250 square feet, shall not be located in pump area, and shall require an outdoor display sales permit and site plan to be approved by the community development department.

- (25) *Motor vehicle rental/leasing.* In commercial and mixed-use districts, motor vehicle rental and leasing businesses may be allowed as tenants in office and office service buildings, meeting the following requirements:
- a. Storage of vehicles on the premises shall be purely an accessory use, and shall not function as display or advertising, and shall not be allowed to alter the appearance and character of the property.
  - b. If located in an office building, rental or leasing shall be limited to small vehicles and the parking spaces, signage, and other visible evidence of the rental or leasing business shall be compatible with the office setting.
    1. *Small vehicles.* For rental and leasing businesses, a small vehicle is defined as a motor vehicle intended primarily for passenger use and no taller than seven feet in height and no longer than 20 feet in length.
    2. *Parking spaces.* One on-site parking space shall be required for each rental vehicle in addition to the number of parking spaces required in chapter 1013 for employees of the rental or leasing business and for other uses on the site or in the same building.
    3. *Maintenance and cleaning.* All maintenance and cleaning of vehicles, all equipment for maintenance and cleaning of vehicles, and all trailers or other equipment or devices used for transporting vehicles shall be completely within the principal building or completely screened from eye level of adjacent public streets, residential areas, and from other tenant spaces if the use is in a multi-tenant building.
    4. *Storage of vehicles.* Storage of vehicles shall not interfere with the safe and efficient access and circulation of vehicles and pedestrians on site.
- (26) *Motor vehicle dealer.* The sale of new motor vehicles shall be permitted only by a licensed motor vehicle dealer with a new vehicle franchise. The sale of used motor vehicles by a licensed motor vehicle dealer is permitted, but shall only occur in conjunction with on-site new vehicle franchises and the sales of new motor vehicles.
- (27) *Multifamily, dwellings with eight or more units per building.* There are no specific standards for this use.
- (28) *Nursing home/assisted living facility.*
- a. The yard requirements for multifamily use in the district apply.
  - b. A facility established after the effective date of the ordinance from which this title is derived within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
  - c. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.

- d. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(29) *Off-site parking.*

- a. Paved pedestrian access shall be provided and maintained between the off-site parking facility and the principal structure.
- b. The off-site parking facility shall be located no further than 300 feet from a residential structure and no further than 500 feet from a nonresidential structure. Shuttle service may be provided as an alternative means of access for non-residential uses.
- c. Off-site parking facilities shall be protected by a covenant running with the land and recorded with the county in a form approved by the city attorney. Such a covenant shall not be revoked without consent of the city. A recorded document shall be provided to the community development department prior to the use of the off -site parking area.

(30) *One-family attached dwelling (townhome, rowhouse).* There are no specific standards for this use.

(31) *Outdoor storage.* All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of section 1013.11 and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. Areas of outdoor storage shall not obstruct required drive aisles or parking stalls. Due consideration shall be given to the aesthetic impacts of the nature of outdoor storage and necessary screening on the surrounding properties.

- a. *Equipment and goods.* Greater setbacks shall be considered for pressurized canisters or potentially explosive goods. Equipment and goods shall be screened by screen wall or fence at least six feet in height and at least 95 percent opaque. Equipment available for rent may be displayed without screening in an area not exceeding ten percent of the screened outdoor storage area.
- b. *Inoperable / out of service vehicles or equipment.* All vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence at least six feet in height and at least 95 percent opaque.
- c. *Loose materials.* All materials shall be screened by screen wall or fence at least six feet in height and at least 95 percent opaque. Special attention shall be given to the need to control erosion and prevent pollution. Small amounts of materials stored outdoors and available for sale may be displayed in an area without screening.

(32) *Park and ride facility.* There are no specific standards for this use.

(33) *Pawnshop.* There are no specific standards for this use.

- (34) *Place of assembly.* A facility established after the effective date of the ordinance from which this title is derived within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (35) *Renewable energy systems.* There are no specific standards for this use.
- (36) *Transit center.* There are no specific standards for this use.
- (37) *Fleet vehicles.* All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of section 1013.11 and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or "retired" vehicles) shall adhere to the requirements for outdoor storage of inoperable/out-of-service vehicles or equipment.
- (38) *Motor freight terminal.*
- a. All outdoor semi-trailer storage shall occur on paved surfaces consistent with the parking area requirements of section 1013.11 and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor semi-trailer storage shall be allowed between a principal building and the primary public street as determined by city staff. Areas of outdoor semi-trailer storage shall not obstruct required drive aisles or parking stalls.
  - b. All trailer shall be parked/stored a minimum of ten feet from a side- or rear-yard property line.
  - c. Semi-trailers stored adjacent to employment, employment center, or core mixed-use zoned property shall provide a ten-foot buffer area complete with screen planting and an opaque wall or fence a minimum of eight feet in height as approved by the community development department.
  - d. The property owner/applicant shall submit a circulation plan that demonstrates that the outdoor semi-trailer storage use does not conflict with other operations on the site, customer parking, and pedestrian access through the site.
  - e. Outdoor storage of semi-trailers shall include a minimum of 80 percent of such trailers being licensed and operational. Those semi-trailers that are not licensed and/or operational shall be stored at the rear of the premises.
- (39) *Taproom.*
- a. Where appropriate and applicable, an outdoor patio shall be permitted in a location which is the furthest away from any adjacent residential zone or use. In no instance shall an outdoor patio be located closer than 25 feet from a residentially zoned or used property.
  - b. Site screening (including outdoor patio areas), shall be required for all new or changes in use buildings/sites. Screening requirement shall be satisfied through the use of berms, solid board-on-board fences, walls, planting screens, evergreen trees, hedges, or some combination thereof. Any screen wall shall be

constructed of permanent finished materials approved by the community development department. Such screens shall be 100 percent opaque and at least six feet in height.

- c. Hours of operation of an outdoor patio that lies adjacent to a residentially zoned or used property shall be limited to no later than 9:00 p.m. weekdays and 10:00 p.m. weekends.

(40) *Cannabis cultivation business, cannabis or hemp industrial business, cannabis combination business.* An odor mitigation plan shall be submitted that outlines all odor emitting aspects of the business and mitigations to be implemented to ensure compliance with section 1011.02(c)(4), ensuring odor is not readily detectable beyond the boundaries of the immediate site upon establishment of the business and for the full duration of the business.

(41) *Cannabis delivery/transportation business.* These shall be regulated consistent with limited warehousing and distribution uses, such that uses utilizing nine or greater pickup, cargo, and/or cube variety fleet delivery/distribution trucks require approval as a conditional use. There are no specific standards for this use.

(e) *Validation.* A conditional use approval shall be validated by the applicant through the commencement of the authorized use or of any necessary construction (subject to the permit requirements of title 9) in support of the conditional use within one year of the date of the approval. Notwithstanding this time limitation, the city council may approve extensions of the time allowed for validation of the conditional use approval if requested in writing by the applicant; extension requests shall be submitted to the community development department and shall identify the reasons why the extension is necessary along with an anticipated timeline for validation of the conditional use approval.

(f) *Expiration.* A conditional use approval shall automatically expire if:

- (1) The approval is not validated pursuant to subsection (e) of this section; or
- (2) A validated conditional use which has become nonconforming ceases operation for a continuous period of one year or longer.

(g) *Recording.* A certified copy of a city council resolution approving a conditional use shall be filed with the county recorder upon validation.

(Ord. No. 1606, § 1009.02, 11-8-2021; Ord. No. 1682, § 4, 11-25-2024)

### **Sec. 1009.03. Interim uses.**

(a) *Purpose.* Certain land uses might not be consistent with the land uses designated in the comprehensive land use plan, and they might also fail to meet all of the zoning standards established for the district within which they are proposed; some such land uses may, however, be acceptable or even beneficial if reviewed and provisionally approved for a limited period of time. The purpose of the interim use review process is to allow the approval of

interim uses on a case-by-case basis; approved interim uses shall have a definite end date and may be subject to specific conditions considered reasonable and/or necessary for the protection of the public health, safety, and general welfare.

(b) *Open house meeting.* Prior to submitting an application for a proposed interim use, an applicant shall hold a community open house meeting as described in section 1009.07.

(c) *Applications.* The owner of property on which an interim use is proposed shall file an application for approval of the interim use by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing before the planning commission and acted upon by the city council according to the process set forth in chapter 107. If a proposed interim use is denied, an application for substantially the same interim use on the same property shall not be accepted within one year of the date of the denial.

(d) *General standards and criteria.* When approving a proposed interim use, the planning commission and city council shall make the following findings:

- (1) The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
- (2) The proposed use will not create an excessive burden on parks, streets, and other public facilities; and
- (3) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

(e) *Expiration.* An interim use approval shall expire and an approved interim use shall cease at the earliest of:

- (1) Five years from the date of the approval;
- (2) Upon the expiration date established in the approval; or
- (3) Upon reaching some other expiration threshold established as a condition of approval.

(f) *Renewals.*

- (1) If an approved interim use is to be continued beyond the date of its expiration or if an expired interim use is to be reinstated, an applicant shall follow the process set forth in subsection (c) of this section for seeking a new interim use approval.
- (2) Notwithstanding the requirement set forth in subsection (f)(1) of this section, the city council may approve extensions to the expiration of an approved interim use when:
  - a. The approved interim use has not yet commenced; and
  - b. The duration of the approved interim use is not to exceed three months.
- (3) To request an extension under the circumstances set forth in subsection (f)(2) of this section, applicants shall submit to the community development department a



written request including an explanation of the factors which necessitate the extension. Within 30 days of receipt of such a request, the matter shall be brought to the city council for action.

(Ord. No. 1606, § 1009.03, 11-8-2021)

**Sec. 1009.04. Variances.**

(a) *Purpose.* Each zoning classification indicates specific development standards such as setback and height restrictions. There are occasions, however, when the strict application of such standards may be inappropriate because of unique circumstances to the property. The variance procedure is authorized by Minn. Stat. § 462.357, subd. 6 and is designed to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning. Unique circumstances may include factors such as the size, shape, topography, vegetation, wetlands, or other such characteristics of the land. Variances should not be granted to residential density standards or type of use.

(b) *Applications.* The owner of property on which a variance is proposed shall file an application for approval of the variance by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing according to the process set forth in chapter 107. If a proposed variance is denied, an application for substantially the same variance on the same property shall not be accepted within one year of the date of the denial.

(c) *Approval.* The city 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. In order to approve a variance request, the variance board shall find based on the application submitted:

- (1) The proposal is consistent with the comprehensive plan;
- (2) The proposal is in harmony with the purposes and intent of the zoning ordinances;
- (3) The proposal puts the subject property to use in a reasonable manner;
- (4) There are unique circumstances to the property which were not created by the landowner; and
- (5) The variance, if granted, will not alter the essential character of the locality.

(d) *Validation and expiration.* A variance approval shall be validated by the applicant through the commencement of any necessary construction (subject to the permit requirements of title 9) authorized by the variance within one year of the date of the approval. A variance approval shall automatically expire if the approval is not validated pursuant to this section. Notwithstanding this time limitation, the variance board may approve extensions of the time allowed for validation of the variance approval if requested in writing by the

applicant; extension requests shall be submitted to the community development department and shall identify the reason why the extension is necessary along with an anticipated timeline for validation of the variance approval.

(Ord. No. 1606, § 1009.04, 11-8-2021)

**Sec. 1009.05. Changes to approved plans.**

(a) *Purpose.* To provide flexibility in responding to development constraints which were unanticipated during the review of proposals requiring development approval (e.g., conditional use, variance, etc.) by allowing administrative approval of minor changes to the approved location, size, and/or type of site improvements.

(b) *Minor changes.* The community development department may approve such minor changes upon review by the development review committee to ensure that the proposed changes neither cause any aspect of the project to fail to comply with applicable Code requirements nor materially change any important representations made to the city and surrounding residents during the original review and approval process.

(c) *Major changes.* If the development review committee determines that a proposed change cannot be considered as a minor change, such change may be considered either as an amendment to the original plan or as a new proposal; in either case, the applicant shall follow the process established in this title for seeking a new approval of the appropriate type. (Ord. No. 1606, § 1009.05, 11-8-2021)

**Sec. 1009.06. Zoning changes.**

(a) *Amendment.* An amendment to a zoning ordinance or map (official zoning map) may be initiated by the city council, the planning agency (including the community development department), a property owner, or by petition of affected property owners as defined in the city's zoning ordinance. The purpose of the zoning change review process is to consider such changes for approval where they would be consistent with the guidance and intent of the comprehensive plan and would not be injurious to the public health, safety, and general welfare.

(b) *Open house meeting.* Prior to submitting an application for a proposed zoning map change, an applicant shall hold a community open house meeting as described in section 1009.07.

(c) *Applications.* The owner of property on which a zoning change is proposed shall file an application for approval of the zoning change by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing before the planning commission and acted upon by the city council according to the process set forth in chapter 107. If a proposed zoning change is denied, an application for substantially the same zoning change on the same property shall not be accepted within one year of the date of the denial.

(d) Petitions. A petition containing the signatures of at least 50 percent of the property owners within the public hearing notification area for a particular piece of property may be submitted as an application for approval of a zoning change when none of the petitioners is the owner of said property.

(e) Such an application-by-petition, along with a letter detailing the reasons for the requested zoning change, and the fee set forth in the city fee schedule, shall be submitted to the community development department and shall be reviewed according the same process as established in subsection (c) of this section, including a petitioner-sponsored open house meeting for a proposed zoning map change as required in subsection (b) of this section.

(Ord. No. 1606, § 1009.06, 11-8-2021)

**Sec. 1009.07. Developer open house meetings.**

(a) Purpose. Certain proposals or applications for development may constitute significant departures from the present or historical use and/or zoning of a property. Prior to submitting an application for a comprehensive plan map change, a zoning map change, an interim use, a subdivision plat, or a planned unit development an applicant shall hold an open house meeting with property owners and renters in the vicinity of the potential development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.

(b) Applicant responsibility. The applicant shall be responsible for the following items:

- (1) Completed open house form (application).
- (2) Payment of fee and escrow.
- (3) Provision of applicable information regarding the project/request.
- (4) Provision of the open house location, date, and time.
- (5) Required submittal of open house summary upon conclusion of meeting.

(c) Generally. Applicant shall refer to the open house meeting policy that is a component of the open house form (application) or contact the community development department for additional information regarding the process.

(d) No later than the date of submission of the application the applicant/developer shall be responsible for mailing a copy of the meeting summary of all attendees who provided their names and addresses on the sign-in sheet.

(Ord. No. 1606, § 1009.07, 11-8-2021)

**Sec. 1009.08. Appeals.**

(a) An appeal pertaining to a decision of the variance board or an administrative ruling of the community development department regarding any interpretation of the intent of this title, or any administrative action approving or denying an application or request related to any matter addressed in this title may be filed by any property owner or their agent.

- (1) The appeal shall be submitted to the city manager within ten calendar days after the making of the order or decision being appealed.

- (2) The appeal shall state the specific grounds upon which the appeal is made.
- (3) The appeal shall be accompanied by the fee set forth in the city fee schedule.

(b) When an appeal is filed, a public meeting regarding the matter shall be held before the city council, acting as the board of adjustments and appeals, at a regular meeting held within 30 days of the receipt of the appeal. The board of adjustments and appeals will reconsider only the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appeals applicant may be considered by the board of adjustments and appeals at its sole discretion, if that information serves to clarify information previously considered by the variance board and/or staff.

- (1) *Variance appeals.* A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant, members of the variance board, and to all of those property owners within the public hearing notification area established in chapter 107, as well as the owner of the subject property.
  - (2) *Administrative deviation appeals.* A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant and all of those property owners who received notice of the original administrative deviation hearing, as well as the owner of the subject property.
  - (3) *Appeals of administrative decisions.* A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant as well as the owner of the subject property.
- (Ord. No. 1606, § 1009.08, 11-8-2021)

## CHAPTER 1010. SIGN REGULATIONS

### Sec. 1010.01. Purpose and findings.

(a) *Purpose.* This chapter is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications, including business identification. It is the intent of this chapter to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:

- (1) Permanent signs that establish a high standard of aesthetics;
- (2) Signs that are compatible with their surroundings;
- (3) Signs that are designed, constructed, installed, and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
- (4) Signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;

- (5) Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
- (6) Permanent signs that give preference to the on-premise owner or occupant; and
- (7) Temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.

(b) *Findings.* The city finds it is necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size, and maintenance of signs be controlled. Further, the city finds that:

- (1) Permanent and temporary signs have a direct impact on and relationship to the image of the community;
- (2) The manner of installation, location, and maintenance of signs affects the public health, safety, welfare, and aesthetics of the community;
- (3) An opportunity for viable identification of community businesses and institutions must be established;
- (4) The safety of motorists, cyclists, pedestrians, and other users of public streets and property is affected by the number, size, location, and appearance of signs that divert the attention of drivers;
- (5) Installation of signs suspended from, projecting over, or placed on the tops of buildings, walks, or other structures may constitute a hazard during periods of high winds and an obstacle to effective firefighting and other emergency service;
- (6) Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
- (7) Uncontrolled and unlimited signs, particularly temporary signs that are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
- (8) Commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
- (9) The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location, and number.

(Ord. No. 1606, § 1010.01, 11-8-2021)

#### **Sec. 1010.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Area identification sign* means a freestanding sign which identifies the name of, including, but not limited to, a residential development, a multiple residential complex, a shopping center or shopping area, a business park, an industrial park, a building complex, or any combination thereof.

*Balloon* means a flexible, nonporous bag inflated with air or a gas lighter than air, such as helium.

*Billboard* means a permanent off-site or on-premises sign exceeding 200 square feet in area on a single face and which is used to advertise products, goods, services, ideas or noncommercial speech, including, but not limited to, such signs on which space is offered for lease or rent. The term "billboard" applies to the following five lawful pre-existing nonconforming billboards:

- (1) Within the north end of the railroad right-of-way addressed as 508 Cleveland Avenue North, located south of County Road D and west of Interstate 35W;
- (2) Within the Ramsey County right-of-way in the southeast corner of County Road C and Cleveland Avenue;
- (3) Within the private parcel immediately east of 2560 Long Lake Road;
- (4) Within the railroad right-of-way directly east of 2255 Walnut Street; and
- (5) Atop the building at 2280 Hamline Avenue.

*Building canopy or awning* means a sign constructed of flexible translucent or fabric-type material that incorporates a written message or logo on the exterior. Building canopies shall be considered part of the wall area and thus shall not warrant additional sign area.

*Building complex* means a group of two or more buildings, planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings or uses are located on the same lot or parcel.

*Commercial sign* means any sign that advertises or identifies a product, business, service, event, or any other matter of a commercial nature, and that seek to draw attention to or promote a commercial, business, or economic interest or activity in contrast to noncommercial signs that expresses an opinion or viewpoint of a social or political nature.

*Construction sign* means any non-illuminated sign that displays information regarding the construction or development of the site on which it is displayed.

*Directional sign* means a sign which contains no advertising and is intended to facilitate the safe movement of pedestrians and vehicles into, out of, and around the site on which the sign is located.



**Directional  
Sign**

*Dynamic display* means 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. The term "dynamic display" 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. The term "dynamic display" 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.

*Flag* means a piece of cloth or bunting varying in color and design, attached to a pole, used as a symbol, standard, emblem or insignia, or containing text other than that associated with a commercial, business, or economic interest or activity.

*Freestanding sign* means any sign not affixed to a building, including, but not limited to, a ground sign, pole sign, pylon sign, or monument sign.



**Freestanding  
Sign**



*Ground sign* means a sign mounted on the ground attached either to footings or a base with an open space between the ground and the sign face.

*Height of freestanding sign* means the actual distance from the grade to the highest point of the sign, including any structure or architectural component of the sign.

*Home occupation sign* means a sign located at a residence advertising a business conducted in the residence or by persons residing in the residence.

*Illumination, external,* means a light source that is not internal to the sign.

*Illumination, internal,* means a light source within the sign.

*Illuminated sign* means a sign on or from which artificial light is directed.

*Logo* means an identifying graphic that may or may not be a registered trademark.

*Master sign plan* means a written document describing all proposed signs regarding a specific site, development, or complex, submitted by the owner/manager, including all types of signs/signage desired, reviewed, and approved by the city, and shall at a minimum include sign type, location, and size illustrations.

*Mobile sign or portable sign* means a sign designed or intended to be moved or transported by trailer or on wheels. A sign may be a mobile sign even if it has wheels removed, was designed without wheels, or is attached temporarily to the ground, a structure, or other sign. Signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business.



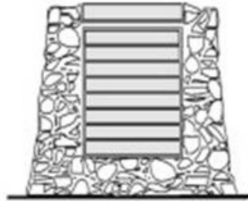
**Mobile (Portable)  
Sign**

*Monument sign* means a freestanding sign located directly at grade.



**Monument Sign**

*Nameplate sign* means a wall sign that states only the name or address or both of the business or occupant of the lot where such sign is placed. Letters and/or numbers must be at least four inches in height, and the maximum sign area shall not exceed four square feet.



**Nameplate Sign**

*Non-commercial sign* means communicative devices that express an opinion or viewpoint of a social or political nature in contrast to commercial signs that seek to draw attention to or promote a commercial, business, or economic interest or activity.

*Nonconforming sign* means a sign that lawfully existed prior to June 18, 2012, but does not conform to this chapter.

*Off-site sign* means a sign that advertises any business, product, person, event, or service conducted, sold, manufactured, or located off the premises where the sign is located.

*Painted sign* means a sign painted directly on the outside wall or roof of a building or on a fence, rock, or similar structure or feature in any zoning district.

*Pennants* (also referred to as streamers) means pieces of cloth, paper, or plastic that do not include any written or graphical, or other form of copy and are intended to be individually supported or attached to each other by means of rope, string or other material, and are intended to be hung on buildings or other structures or between poles.

*Permanent sign* means any sign that is displayed or intended for display for an indefinite period of time.

*Pole sign* means a sign that is mounted at or near the top of a single or multiple poles.

*Political sign* means a sign announcing candidates seeking political office or issues to be voted upon at a political election.

*Portable sign.* See *Mobile Sign*.

*Projecting sign* means a wall sign that protrudes horizontally more than one foot from the wall to which it is attached.



**Projecting  
Sign**

*Pylon sign* means a freestanding sign supported by its own structure and not attached to any building.

*Readerboard sign* means a sign where the message is changeable with letters or numbers.

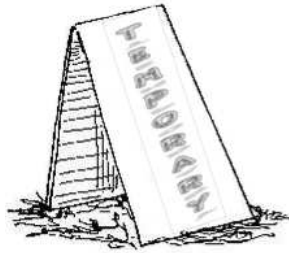
*Real estate sign* means any sign pertaining to the sale, lease, or rental of land or buildings.

*Sign* means any writing, pictorial presentation, number, illustration or decoration, flag, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

*Searchlight* means a powerful light or lights equipped with a reflector to produce a bright beam or beams.

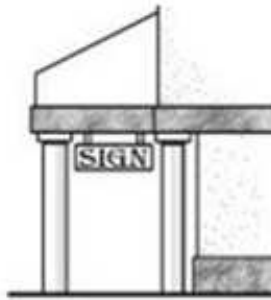
*Special event device* means any sign, searchlight, laser display, or other attention-getting device used in conjunction with a special event.

*Temporary sign* means a sign that is designed or intended to be displayed for a short period of time and is not permanently installed. The term "temporary sign" includes A-frame or T-frame signs, sandwich signs, curb signs, and balloons.



**Temporary Sign**

*Under canopy sign* means any sign hanging below a building canopy, awning, or building overhang.

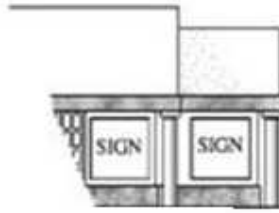


**Under Canopy Sign**

*Unified development* means a development of three or more principal structures with common characteristics as determined by the city. Common characteristics may include shared access, similar architecture, single ownership, or history of site plan review approval.

*Wall sign* means a sign constructed on a panel attached to a structure or raised letters or symbols attached to a wall or combination thereof. No part of such a sign is painted on the wall surface.

*Window sign* means any sign placed on the interior of a window or painted on a window such that it can be read from the outside of the building.



### Window Sign

*Windsock* means a large roughly conical device open at both ends and attached to a stand by a pivot so that the wind blows through it, not including devices used for navigational purposes.

(Ord. No. 1606, § 1010.02, 11-8-2021; Ord. No. 1687, § 1, 1-27-2025)

### Sec. 1010.03. General provisions.

(a) *Permit required.* The following general provisions are applicable to all signs. It shall be unlawful for any person to erect, alter, replace, or relocate any sign or other advertising structure without first obtaining a permit and paying the required fees, except as herein otherwise provided, including those approved through the master sign plan process.

(b) *Exempted signs.* The following signs are exempt from the requirements of this chapter:

- (1) Signs erected by a public agency in and/or above or overhanging a public right-of-way.
- (2) The following signs are permitted in residential districts for non-commercial purposes only: banners, balloons, pennants, spinners, windsocks, streamers, ribbons, whirling devices, or light bulb strands.

(c) *Prohibited signs.*

- (1) No sign will be attached to trees or utility poles.
- (2) No sign will be painted directly on any exterior building surface. Sign letters and symbols may be attached directly to a wall by adhesive or mechanical means.
- (3) No sign will overhang the public right-of-way, sidewalk easement, walkway easement or bicycle path easement except a bus bench or approved trash container at a designated public transportation pickup location.
- (4) No sign will extend above the roofline of a building (roof sign).
- (5) Projecting signs must not project further than 30 inches from the wall to which they are anchored.

- (6) No sign will be installed that by reason of position, movement, shape, illumination, or color would constitute a traffic hazard by obstructing a driver's vision or by interfering, confusing, or misleading traffic.
- (7) No sign will noticeably move either by mechanical means (rotating sign) or as a result of normal wind pressure.
- (8) The following specific signs shall be prohibited: off-site, flashing, mobile/portable, roof, rotating, and painted signs, banners, and new billboards. This prohibition on billboards shall not apply to the five lawful pre-existing nonconforming billboards as defined in this chapter, including in the event that they are converted to a dynamic display subject to the provisions of section 1010.10(8).
- (9) All other signs not expressly permitted by this chapter.

(d) *Nonconforming signs.* All nonconforming signs in existence on June 18, 2012, may continue subject to the provisions of chapter 1011 and state law. The five lawful pre-existing nonconforming billboards as defined in this chapter shall be permitted to be converted with a dynamic display subject to the provisions of section 1010.10(8).

(e) *Sign permit process.*

- (1) *Permit application.* An application for a sign permit shall be made on the application provided by, or located in, the community development department, and state or have attached thereto the name and address of the applicant or person or company that will be erecting the sign; the address/location of the building, structure, or lot on which the sign is to be erected; the written consent of the property owner of the land on which the sign is to be erected; and any other pertinent information the community development department considers necessary. These requirements may be waived by the city planner where they are not applicable.
- (2) *Permit review.* All sign permits will be reviewed by the community development department to determine completeness. Should a permit be deficient in appropriate/applicable items necessary to process the sign permit, an email and/or letter will be composed to the applicant indicating the deficiencies of the permit. No permit will be acted upon until all requested/required information is submitted/received and/or reviewed.
- (3) *Fees.* Every applicant must pay a fee for each sign regulated by this chapter before being granted a permit.
  - a. The city council will establish the permit fee by resolution.
  - b. A double fee will be charged if a sign is erected without first obtaining a permit for such sign.
- (4) *Revocation of permit.* The community development department is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this chapter. Any party aggrieved by such revocation may appeal the action to the board of adjustment and appeals within ten days after the revocation.

- (5) *Expiration of permit.* A permit expires if the sign is not erected within 180 days after issuance and no permit fees or inspection fees for such sign will be refunded.
  - (6) *Inspection.* Sign installations for which a permit is required may be subject to inspection by the community development department to ensure that such signs are erected according to the approved permit.
- (Ord. No. 1606, § 1010.03, 11-8-2021; Ord. No. 1687, §§ 2, 3, 1-27-2025)

**Sec. 1010.04. Maintenance, removal of signs; fines.**

(a) All signs must be maintained by the sign owner in a safe, neat, clean, and attractive condition. A sign must be replaced or refurbished so as to restore the original appearance thereof whenever it begins to fade, chip or discolor, rust, cease to be in good repair, or become unsightly.

(b) Removal of signs will be governed by the following:

- (1) On-premises signs shall be removed from the building and property by the owner of such property within 14 days after the use is terminated.
- (2) Off-premises signs shall be removed within 30 days after discontinuation of use of the sign. A sign shall be considered discontinued if the message is removed, the subject of the message no longer exists, or the sign is not maintained.

(c) If the community development department finds that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected, or maintained in violation of the provisions of this chapter, the sign shall be deemed a public nuisance and abated under section 405.06.

(d) Removal of abandoned signs, signs in disrepair, and signs located in public right-of-way.

- (1) *Abandoned signs and signs in disrepair.* An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within ten business days after notification. If compliance with this provision is not met, the matter will be abated through the requirements of chapter 405.
- (2) *Signs on public property or within public right-of-way.* The city may at any time and without notice impound signs that have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
  - a. A fee must be paid to the city as established in the city fee schedule. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;
  - b. The sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and
  - c. The city may not be held liable for any damage to impounded signs.



(e) Fines for sign without permit, illegal /prohibited sign, and perpetual violation of Code.

- (1) All signs, including temporary signs, shall have an approved permit prior to installation. Signs installed in any fashion without a permit shall receive a notice to remove within five business days of the receipt of a letter from community development department. Should the sign not be removed within the five business days, the community development department will issue a fine of \$50.00 and another five business days to remove. Should the sign remain a fine of \$100.00 will be issued and an immediate request sought. Should the sign not be removed and/or the fine fee not paid, the community development department will thereafter seek compliance through the public nuisance chapter 405. The same fines and process shall be applied to situations where illegal/prohibited signs are installed with or without an approved permit.
- (2) Those property owners and/or business that have signs deemed a perpetual violation shall be deemed a public nuisance and abated through chapter 405. For purposes of this requirement, perpetual violation shall refer to five violations in a calendar year.

(f) Appeal. Should the property owner, business owner, tenant, renter, and/or proprietor object to the community development director's decision regarding the perpetual violation ruling, an appeal may be filed within ten days following the receipt of a letter indicating the perpetual violation by the community development director. The appeal shall follow the requirements listed in section 1009.08.

(Ord. No. 1606, § 1010.04, 11-8-2021)

#### **Sec. 1010.05. On-premises signs.**

(a) *On-premises sign.* All wall and/or freestanding signs in all districts shall be subject to the following requirements. Signs shall not be permitted within the public right-of-way or easements except on benches and shelters that have received permits as per section 703.05, and newspaper and cabstands, all of which shall be as governed by chapters 901 and 703. City, county, state, and federal traffic directional signs are permitted.

- (1) *Signs allowed in residential districts.*

a. *LDR and LMDR districts.*

| <i>Type</i>        | <i>Maximum<br/>Number<br/>Allowed</i> | <i>Maximum<br/>Sign Area<br/>Allowed</i> | <i>Placement, Location<br/>&amp; Height</i>                                                   | <i>Restrictions</i> |
|--------------------|---------------------------------------|------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------|
| Home<br>occupation | 1                                     | 6 sq. ft.                                | On a wall or in<br>front yard with<br>10-foot minimum<br>setback and 4-foot<br>maximum height | Non-<br>illuminated |

| <i>Type</i> | <i>Maximum Number Allowed</i> | <i>Maximum Sign Area Allowed</i> | <i>Placement, Location &amp; Height</i>                                         | <i>Restrictions</i>    |
|-------------|-------------------------------|----------------------------------|---------------------------------------------------------------------------------|------------------------|
| Nameplate   | 1                             | 4 sq. ft.                        | On wall or in front yard with 10-foot minimum setback and 4-foot maximum height | Internally illuminated |

b. *MDR and HDR districts.*

| <i>Type</i>             | <i>Maximum Number Allowed</i>            | <i>Maximum Sign Area Allowed</i> | <i>Placement, Location &amp; Height</i>                                         | <i>Restrictions</i>                                  |
|-------------------------|------------------------------------------|----------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------|
| Complex project signage | 1 per complex or residential development | 50 sq. ft.                       | 15-foot minimum from a property line. 6-foot maximum height.                    | Can be located on building front or be freestanding. |
| Nameplate               | 1 for each dwelling group                | 24 sq. ft.                       | On wall or in front yard with 10-foot minimum setback and 4-foot maximum height | Internally illuminated                               |

(2) *Signs allowed in mixed-use districts, employment districts, and institutional districts.*a. *MU-1, I, and INST districts.*

| <i>Type</i> | <i>Maximum Number Allowed</i> | <i>Maximum Sign Area Allowed</i>                                                                                                         | <i>Placement, Location &amp; Height</i>       | <i>Restrictions</i>                                                                                               |
|-------------|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Wall sign   | Multiple                      | 1 sq. ft. per linear foot of tenant space or building front (main public entry as per determination by community development department) | Installed on exterior building wall or façade | Sign area for all sides of building (including fuel canopy) is capped at the maximum sign area allowed (column 3) |

| <i>Type</i>                    | <i>Maximum Number Allowed</i>                                                                     | <i>Maximum Sign Area Allowed</i>                                                                                       | <i>Placement, Location &amp; Height</i>                      | <i>Restrictions</i>                                                   |
|--------------------------------|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------|
| Freestanding fuel canopy signs | Multiple                                                                                          | ½ sq. ft. per linear foot of freestanding fuel canopy front (as per determination by community development department) | Installed on exterior of freestanding fuel canopy            | Sign area for canopy is capped at the maximum size allowed (column 3) |
| Freestanding signs             | 1 on interior lot, two on through lot or multiple frontage lot; or as approved w/master sign plan | 75 sq. ft. maximum for single sided sign or 150 sq. ft. maximum on a double sided sign                                 | 15-foot minimum from a property line. 20-foot maximum height |                                                                       |

b. *MU-2A and B, MU-3, MU-4, E-1 and E-2 districts.*

| <i>Type</i>                    | <i>Maximum Number Allowed</i> | <i>Maximum Sign Area Allowed</i>                                                                                                           | <i>Placement Location</i>                         | <i>Restrictions</i>                                                                                          |
|--------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Wall sign                      | Multiple                      | 1.5 sq. ft. per linear foot of tenant space or building front (main public entry as per determination by community development department) | Installed on exterior building wall or façade     | Sign area for all sides of building (including fuel canopy) is capped at the maximum size allowed (column 3) |
| Freestanding fuel canopy signs | Multiple                      | ½ sq. ft per linear foot of freestanding fuel canopy front (as per determination by community development department)                      | Installed on exterior of freestanding fuel canopy | Sign area for canopy is capped at the maximum size allowed (column 3)                                        |

| <i>Type</i>        | <i>Maximum Number Allowed</i>                                                                   | <i>Maximum Sign Area Allowed</i>                                                         | <i>Placement Location</i>                                    | <i>Restrictions</i> |
|--------------------|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------|---------------------|
| Freestanding signs | 1 on interior lot, 2 on through lot or multiple frontage lot; or as approved w/master sign plan | 100 sq. ft. maximum on a single sided sign or 200 sq. ft. maximum on a double sided sign | 15-foot minimum from a property line; 25-foot maximum height |                     |

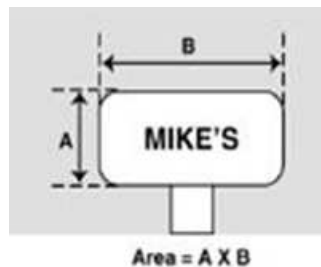
(b) *Directional signs.* Directional signs may be incorporated into a development, including information such as traffic directions, house numbers, management office location, or other information necessary to direct persons to facilities or areas within the development.

- (1) Directional signs shall not exceed eight square feet in size and eight feet in height and are not closer than one foot from a public street right-of-way, unless approved as a component of a master sign plan.
- (2) Off-site directional signs are prohibited.
- (3) Where applicable, directional signs are required to be incorporated into an approved master sign plan.

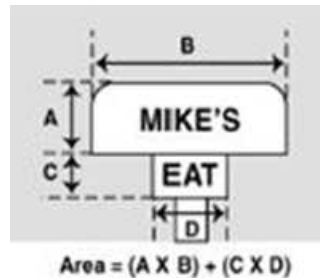
(Ord. No. 1606, § 1010.05, 11-8-2021)

#### **Sec. 1010.06. Sign area computation.**

(a) *Computation of sign surface area of individual cabinet or panel sign.* To compute the area for a cabinet or panel sign face, compute by means of the smallest square, rectangle, circle, triangle, or combination thereof that will encompass the extreme limit of the copy, representation, logo, emblem, or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop or structure against which it is attached or affixed, but not including any support framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the pertinent zoning regulations and is clearly incidental to the display itself.



(b) *Computation of sign surface area of individual signs mounted letters or symbols.* When a sign is composed of individual mounted letters or symbols, the sign surface area shall be determined by means of the total or the smallest contiguous square, rectangle, circle, triangle, or combination thereof that will encompass each letter, representation, logo, emblem, or other display.



(c) *Computation of sign surface area of awning or canopy.* To compute the area of an awning or canopy sign, compute by means of the smallest square, rectangle, circle, triangle or combination thereof that will encompass the extreme limits of the copy, representation, logo, emblem or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop.



(Ord. No. 1606, § 1010.06, 11-8-2021)

#### **Sec. 1010.07. Temporary and annual signs.**

(a) The community development department may issue a temporary sign permit or an annual sign permit for temporary and/or semi-permanent signs in commercial, employment, and institutional districts, subject to the following requirements:

- (1) Temporary and annual signs shall be comprised/constructed of durable all-weather materials (such as, but not limited to, plywood, corrugated plastic, plastic foam core, aluminum composite, and polycarbonate mounted to the building wall or they may be freestanding.
- (2) Type. Temporary and/or annual signs shall be A or T-frame, sandwich, fabricated and/or a manufactured sign on stands or posts, or a type/style approved by the community development department.
- (3) Size. The surface area of any temporary sign shall not exceed 32 square feet. This area shall be in addition to permanent, window, or other signage allowed elsewhere in this chapter.

- (4) Duration. During any calendar year temporary signs, such as grand opening signs, special event signs, and other similar signs may be in place no more than 60 days, which duration may be broken into multiple events/days not exceeding a total of 60 days per calendar year. Annual signs shall be allowed for a full calendar year and may be renewed annually with an approved permit.
  - (5) Number. A use shall be limited to two temporary signs and/or a single annual sign, and the city reserves the right to limit/regulate, through the temporary sign permit, the number of temporary signs on multi-tenant, malls, and/or unified development sites.
  - (6) Location. Freestanding temporary signs shall be located on private property and outside the public right-of-way.
  - (7) Penalty. All temporary and/or annual signs that do not have a permit, and/or not in compliance with the requirements listed in subsections (a)(1) through (6) of this section, and/or have violated their approval (permit) shall be subject to a \$50.00 fine and prescribed in section 1010.04(e).
  - (8) Temporary sign permits may be issued for one or more events on a single permit as long as each events date/duration is specific on the permit.
- (b) Other approved attention getting devices.
- (1) The community development department may issue a temporary attention getting device permit for attention getting devices such as searchlights, balloons, pennants/streamers, or inflatables (or others as approved by the community development department).
  - (2) Balloons shall not exceed two feet in diameter, be limited to an inflatable height of 20 feet, be limited to a grouping of no more than five, and not be permitted more than 15 days or five events (whichever is less) per calendar year.
  - (3) Inflatables shall be limited to 24 square feet in size, a maximum height of six feet, be ground mounted, and not be permitted more than 15 days or five events (whichever is less) per calendar year.
  - (4) Searchlights must not be directed into residential areas or onto streets and are not to be permitted more than six days per calendar year, and a site/property is limited to one searchlight unit per event.

(Ord. No. 1606, § 1010.07, 11-8-2021)

**Sec. 1010.08. Real estate signs.**

(a) The community development department may issue a sign permit for the sale, rental, and/or leasing of a property in the medium- and high-density residential, commercial, employment, and institutional districts as listed below.

(b) Within low-, medium-, and high-density residential zoning districts, temporary real estate signs shall comply with the following requirements:

- (1) Six square foot maximum area;
- (2) Six foot maximum height;
- (3) One sign per property;
- (4) Shall be removed within seven days after execution of rental or lease agreement or the closing of a sale.

(c) Within commercial, employment, and institutional zoning districts, temporary real estate signs shall comply with the following requirements:

- (1) Multi-tenant buildings and unified developments where new signage is requested, said real estate/leasing sign shall be made part of the required master sign plan as require in section 1010.11.
- (2) Single tenant buildings shall be allowed a real estate sign not exceeding 32 square feet mounted on the building wall or incorporated into an existing freestanding sign. If it is determined by the community development department that either a wall sign or incorporation into existing freestanding sign is not conducive, the site will be allowed one freestanding real estate not exceeding 32 square feet, limited to eight feet in height, and setback a minimum of 15 feet from a property line.
- (3) In situations where the selling, renting, and/or leasing sign is desired on vacant land/property, a freestanding sign not exceeding 32 square feet, limited to eight feet in height, and setback a minimum of 15 feet from a property line (or as approved by the community development department) shall be allowed.
- (4) Unless explicitly stated, the number of real estate signs shall be limited to one sign per lot, except multi-fronted or through lots, which may be permitted an additional sign on the second street frontage, or as approved by the community development department.

(d) Leasing signs shall be removed within seven days after execution of rental or lease agreement or the closing of a sale.

(Ord. No. 1606, § 1010.08, 11-8-2021)

#### **Sec. 1010.09. Other signs.**

No permit or permit fee shall be required for the following types of temporary signs; however, all other provisions of this chapter shall apply:

- (1) Nameplate signs.
- (2) Construction signs. Construction signs shall be confined to the site of construction, alteration, or repair and shall be constructed of high-quality material maintained in good repair. No more than one sign is permitted on each street frontage the project abuts. The sign shall be removed within 180 days of the date of the issuance of a



building permit for the work. A conditional use permit is required for a contractor sign to remain in place longer than allowed by this subsection. Construction signs are allowed in zoning districts in accordance with the following criteria:

| <i>Zoning District</i> | <i>Size</i>                    | <i>Height</i>   | <i>Placement / Setback</i>                                   |
|------------------------|--------------------------------|-----------------|--------------------------------------------------------------|
| LDR & LMDR             | 16 sq. ft.                     | 8-foot maximum  | 5 feet from property line/zero if attached to security fence |
| All other districts    | 32 sq. ft. per street frontage | 12-foot maximum | 5 feet from property line/zero if attached to security fence |

- (3) Flags.
- (4) Garage/yard sale signs. The sign shall only be displayed during the term of the sale and must be removed when the sale is completed.
- (5) Holiday signs may be displayed over a period not to exceed a total of 60 days per calendar year. The aggregate total area of such signs shall not exceed 50 square feet.
- (6) a. Political signs to the extent that the following criteria are met:
  1. In years when a state general election is held, political signs may be posted 46 days before the primary election until ten days following the state general election. Any such signs must be removed by those responsible for their being posted.
  2. In years when no state general election is held, if there is a primary for any office, political signs for all offices may be posted no more than 46 days before the primary election. When there is no primary for any office, such signs may be posted not more than 46 days before the general election. All such signs must be removed by those responsible for their being posted within five days following the general election. Said political signs shall not exceed 12 square feet gross area.
  3. Political signs shall be set back at least 15 feet from the outside edge of any street or back of curb of all city and county streets.
  4. Political signs shall not be placed so as to cause a hazard to public safety.
  5. Political signs shall not be placed on any property without permission of the property owner.
  6. Political signs shall not be located on any city-owned property.
- b. Signs in violation of the provisions of subsection (6)a of this section may be removed by city staff and stored for two weeks. After two weeks, unclaimed signs will be disposed of by the city.
- (7) Real estate signs to the extent that the following criteria are met:
  - a. Low density residential (LDR) and low- to medium-density residential (LMDR) property: For the purpose of selling, renting or leasing any LDR and LMDR

property, a real estate sign not in excess of ten square feet in gross surface area in single- and two-family districts may be placed within the front yard or in the public street right-of-way beyond the front yard.

- b. No part of the sign shall be closer than six feet from the curb. If there is a sidewalk, no part of the sign shall be closer than two feet from the edge of the sidewalk.
  - (8) Security system signs. Signs identifying the presence of a security or alarm system are allowed not to exceed two square feet.
  - (9) Window signs. Signs affixed to or painted on windows or placed within 36 inches of a window to be viewed from the exterior of the building shall not occupy more than 25 percent of the total window area, nor shall they be placed in a location that would block the view into the building from a public street of the clerk's or cashier's area. Under no circumstances shall the total area of window signage exceed one-half the allowable area of wall signage for the affected building.
  - (10) Signs that are affixed to city-owned light poles or standards that contain information advertising the city itself or city events, provided the signs are located in nonresidential areas, have been approved by the city council and city public works director.
- (Ord. No. 1606, § 1010.09, 11-8-2021; Ord. No. 1637, § 1, 8-7-2023)

#### **Sec. 1010.10. Dynamic displays.**

Any sign using a dynamic display, in whole or in part, must meet the following operational standards:

- (1) *Duration.* In all districts, the full sign image or any portion thereof must have a minimum duration of 12 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.
- (2) *Transition.* In all districts where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous repixelization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.
- (3) *Brightness.* The dynamic display sign must not exceed a maximum illumination of 6,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
- (4) *Dimmer control.* Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.
- (5) *Freeze and shutdown.* Dynamic display signs 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 stop the dynamic display within one hour of being notified by the city that it is not meeting the standards of this section.

- (6) *Fluctuating or flashing illumination.* No portion of any dynamic display sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or in any manner that creates the illusion of movement.
- (7) *Video display.* No portion of any dynamic display sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imager, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns, or bands of light or expanding or contracting shapes.
- (8) *Conversion of billboards.* A permit must be obtained for a dynamic display for an existing lawful pre-existing nonconforming billboard, provided the following requirements are met:
  - a. The sign owner enters into an agreement with the city regarding the design and operation of the new dynamic display, which shall include the requirement for use of the billboard for public service announcements as provided below:
    - 1. The city is provided no less than 20 hours per month per dynamic display in the city for community and public service messages at times approved by the city.
  - b. Provided the sign owner complies with the permit requirements of this chapter, a digital/dynamic display sign permit for the designated off-site billboard sign will be issued. Said permit will allow a digital/dynamic display billboard to occupy 100 percent of the existing copy and graphic area. The dynamic display billboard sign shall meet all other requirements of this chapter.
  - c. The billboard proposed for conversion to dynamic display shall not be located within 500 feet from any residential use.
  - d. The dynamic display must be oriented towards, and located within 150 feet of, the right-of-way, of Interstate 35W, Highway 280 or Highway 36.
  - e. The billboard proposed for conversion to dynamic display cannot exceed 35 feet in height above the grade of the existing billboard sign base.
  - f. Prior to issuance of a sign permit for the conversion to dynamic display, based on the characteristics of the billboard subject to the permit request and its ability to comply with the intent of the conditions of this section, a visual impact analysis may be required if the city manager determines the proposed dynamic display billboard could have a detrimental visual impact on a residence, residential neighborhood, city park or other open space.

(Ord. No. 1606, § 1010.10, 11-8-2021; Ord. No. 1687, § 4, 1-27-2025; Ord. No. 1689, § 1, 6-2-2025)

**Sec. 1010.11. Master sign plans.**

(a) *Purpose.* The purpose of a master sign plan is to establish a fair and equitable process for complex signage situations that accommodate the need for a well-maintained, safe, and attractive community, and the need for effective communications, including business identification.

(b) *Effect of master sign plan.* Upon approval of a master sign plan, all future signs shall conform to the master sign plan. Modifications to the provisions of the master sign plan may be granted only with the approval of an amended master sign plan.

(c) *Required.* A master sign plan is required for:

- (1) Building complexes;
- (2) Multi-tenant structures;
- (3) Covered mall buildings, shopping centers, or strip malls;
- (4) Planned unit developments;
- (5) Area identification signs;
- (6) Churches/places of worship/institutions/schools;
- (7) Unified development.

(d) *Guidelines.* Where applicable, the underlying signage requirements of section 1010.05 shall be used as the minimum base standard for signage in the proposed master sign plan.

(e) *Criteria.* To assist property owners and their tenants with signage needs, the city has established the following criteria that shall be used in developing, reviewing, and approving each master sign plan.

- (1) *Location.* No freestanding sign shall be located closer than five feet to a property line, roadway easement, or other public easement. No freestanding sign shall be erected that, by reason of position, shape, or color, would interfere in any way with the proper functioning or purpose of a traffic sign or signal. No freestanding sign shall be located within the traffic visibility triangle. No freestanding sign shall impede/impair traffic.
- (2) *Quality.* All signage shall improve the aesthetics or functional use of the site. All freestanding signs shall include materials that complement the architectural design/existing building materials, including, but not limited to, face brick, natural or cut stone, integrally colored concrete masonry units/rock faced block, glass, pre-finished metal stucco or similar cementation coating, and/or factory finished metal panels. Landscaping may be integrated into any freestanding sign.
- (3) *Type.* All types of signs are permitted except those prohibited by section 1010.03(c).
- (4) *Size.* The size of all signage (building wall and free standing) shall be limited to two times the maximum allowed under section 1010.05.

- (5) *Height.* The height of any free standing sign shall be limited to 40 feet.
  - (6) *Number.* The number of freestanding signs shall be reasonably related to the number of access points to public streets and/or the number of tenants within the multi-tenant structure.
  - (f) *Master sign plan process.* The following has been established by the city for reviewing and approving master sign plans:
    - (1) *Application requirements.* The property owner, agent/manager, a design, architectural, or consulting firm, or a sign company, acting on behalf thereof, shall submit a completed master sign plan application to the community development department. A completed application includes completion of the application form, submittal of all applicable proposed plans and specifications, and the submittal of the required fee as set forth in the city fee schedule.
    - (2) *Submittal review.* Upon submittal of a master sign plan application, the community development department will review the information provided for completeness and determine whether modifications and/or clarification is necessary. Once an application has been determined complete, the community development department will set the administrative hearing before the master sign plan committee (MSPC).
    - (3) *Establishment of administrative hearing and notice.* The community development department will provide notice (postcard) to the applicant and contiguous/effected property owners not less than one week prior to a master sign plan hearing. The community development department may notify additional property owners if a determination is made that such additional notification is merited.
    - (4) *Hearing and approval.* The MSPC shall hold an administrative hearing for each master sign plan proposal, take public comment, and provide a recommendation to the community development director for approval. The community development director shall make the final decision and provide written approval of a master sign plan to the applicant.
  - (g) *Appeal.* Should the applicant or a contiguous property owner object to the community development director's decision on the master sign plan, an appeal may be filed within ten days following the administrative decision by the community development director. The appeal shall follow the requirements listed in section 1009.08.
- (Ord. No. 1606, § 1010.11, 11-8-2021)

## CHAPTER 1011. PROPERTY PERFORMANCE STANDARDS

### Sec. 1011.01. Statement of purpose and applicability.

- (a) This chapter establishes requirements pertaining to:
  - (1) Environmental regulations in all districts;
  - (2) Landscaping and screening in all districts;

- (3) Tree preservation and restoration in all districts;
- (4) Lot controls in all districts;
- (5) Visibility triangles in all districts;
- (6) Height exemptions in all districts;
- (7) Fences in all districts;
- (8) Essential services in all districts;
- (9) Solar energy systems in all districts;
- (10) Additional standards in all non-LDR or LMDR districts;
- (11) Additional standards for specific uses in all districts.

(b) The purpose of this chapter is to establish regulations of general applicability to property throughout the city, to establish regulations for certain specific uses that are allowed in multiple districts, to promote the orderly development and use of land, minimize conflicts between uses of land, and protect the public health, safety, and welfare. The regulations set forth in this chapter shall apply to all structures and uses of land, except as otherwise provided in this title.

(Ord. No. 1606, § 1011.01, 11-8-2021)

**Sec. 1011.02. Environmental regulations in all districts.**

(a) *Statement of purpose.* The purpose of this section is to establish standards for activities within all zoning districts that have the potential to affect the natural environment or the livability of residential or employment areas.

(b) *Compliance.* All uses must comply with the environmental standards established in this section unless any federal, state, county or local law, ordinance or regulation establishes a more restrictive standard, in which case, the more restrictive standard will apply. All applicants for building permits in nonresidential districts and/or nonresidential uses shall demonstrate compliance with the performance standard set forth in this section. An application for building permit shall not be deemed complete until a showing by the applicant that they meet the standards herein.

(c) *In general.* All uses shall be conducted so as to prevent any nuisance, hazard or commonly recognized offensive conditions, including creation or emission of noise, smoke and particulate matter, toxic or nontoxic matter, odors, vibrations, glare or heat, and the use of explosives.

- (1) *Noise.* Any use established shall be so operated that no noise resulting from said operation which would constitute a nuisance is perceptible beyond the premises. This does not apply to incidental traffic, parking and off-street loading operations.
- (2) *Smoke and particulate matter.* The emission of smoke or particulate matter is prohibited where such emission is perceptible beyond the premises to the degree as to constitute a nuisance.

- (3) *Toxic or noxious matter.* No use shall, for any period of time, discharge across the boundaries of the lot wherein it is located toxic or noxious matter of such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business.
  - (4) *Odors.* The emission of odorous matter in such quantities as to be readily detectable beyond the boundaries of the immediate site is prohibited.
  - (5) *Vibrations.* Any use creating periodic earthshaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be prohibited if such vibrations are perceptible beyond the boundaries of the immediate site.
  - (6) *Glare or heat.* Any operation producing intense glare or heat shall be performed within a completely enclosed building.
  - (7) *Explosives.* No activities involving the storage, utilization or manufacture of materials or products which could decompose by detonation shall be permitted except such as are specifically licensed by the city council. Such materials shall include, but not be confined to, all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.
- (Ord. No. 1606, § 1011.02, 11-8-2021)

**Sec. 1011.03. Landscaping and screening in all districts.**

(a) *Landscaping generally.*

- (1) *Purpose.* The city recognizes the aesthetic, ecological, and economic value of landscaping in both the natural and built environments, and has established minimum landscaping and screening requirements applicable throughout the city to serve the following objectives:
  - a. Protect the health, safety, and general welfare of the community;
  - b. Deter crime through the use of good environmental design practices;
  - c. Promote the reestablishment of vegetation in the community for aesthetic, health, and wildlife reasons;
  - d. Improve groundwater quality;
  - e. Reduce stormwater runoff;
  - f. Promote compatibility between land uses by reducing the visual, noise, dust, and lighting impacts of specific development on users of the site and abutting uses;
  - g. Aid in energy conservation by providing shade from the sun and shelter from the wind;



- h. Safeguard and enhance property values;
  - i. Encourage a resourceful and prudent approach to urban development and break up expanses of paved areas and provide surface shade;
  - j. Provide incentives for creative land use and good site design which preserves existing trees and maintenance of existing vegetation; and
  - k. Provide an objective method for the replacement of trees.
- (2) *Applicability.* The community development department may require additional landscaping or alter the placement of the landscaping as deemed appropriate.
- (3) *Minimum landscape requirements.*
- a. All open areas of a lot that are not used for buildings, parking or circulation areas, patios, or storage shall be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover materials, and other site design features to ensure soil stabilization. This shall not apply to undisturbed areas retained in a natural state.
  - b. All landscaping and site improvements shall be completed within one year after the certificate of occupancy has been issued.
  - c. An underground sprinkler system shall be installed in all landscaped areas except areas to be preserved in a natural state or where all proposed plant materials are drought-tolerant. Where drought-tolerant plant materials are used, irrigation shall be required only for the two-year period following the installation and may be accomplished using hoses, water trucks, or other nonpermanent means.
  - d. Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the subject site to the immediate perimeter of the structure, parking areas, and along areas to be screened.
  - e. The following minimum number of plant materials shall be provided:
    - 1. One-family and two-family dwellings constructed after January 1, 2011, shall plant one tree per lot in the boulevard. The boulevard tree shall be of a species identified in the city street tree master plan for streets and boulevards and shall be planted according to city requirements.
    - 2. Multifamily residential dwellings shall require one canopy and one evergreen tree per 2,000 square feet of site area not occupied by structures.
    - 3. Nonresidential uses shall require the greater of:
      - (i) One canopy or evergreen tree per 1,000 square feet of gross building floor area; or
      - (ii) One canopy or evergreen tree per 50 linear feet of site perimeter.
    - 4. Up to 25 percent of the required number of canopy or evergreen trees may be substituted with ornamental trees at a ratio of two ornamental trees to one canopy or evergreen tree.

5. Except for one-family and two-family dwellings, shrubs shall be required at the greater of the following:
  - (i) Six shrubs per 1,000 square feet of gross building floor area; or
  - (ii) Six shrubs per 50 linear feet of site perimeter.
6. In a mixed-use building or development, each use shall be calculated separately to determine minimum landscape requirements.
- f. The city encourages the use of native plant materials that provide interest and color in the winter.

(4) *Plant material standards.*

- a. The complement of trees required shall be at least 25 percent deciduous and at least 25 percent coniferous. Not more than 30 percent of the required number of trees shall be composed of a single species.
- b. Minimum size of plantings. Caliper inches are to be measured six inches off the ground.
  1. Canopy tree: three-inch caliper.
  2. Ornamental tree: 1½-inch caliper.
  3. Evergreen tree: six-foot height.
  4. Deciduous or evergreen shrub: five-gallon pot.
- c. All plant materials shall be selected based on zone tolerance in accordance with the USDA plant hardiness zone map.
- d. No new landscaping shall contain plant materials that are listed on the state department of agriculture noxious weed list or the state department of natural resources invasive terrestrial plants list.

(5) *Method of installation.*

- a. The spacing of trees shall be appropriate to the type of plant species provided. Evergreen shrubs shall be planted in clusters in order to maximize survival.
- b. Visibility triangles shall be maintained as required in section 1011.06 by selecting and locating landscaping and design features that do not exceed the height limitation in visibility triangles.
- c. All deciduous shrubs and spreading or globe evergreen shrubs shall be moved onto the site in pots. All other plant materials shall be balled and burlapped (B&B) or moved onto the site with a tree spade.
- d. In calculating the required plant material under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number.

- (6) *Alternative landscape options.* The city encourages the use of special design features such as xeriscaping, raingardens/bioswales, rooftop gardens, native landscapes, integrated pedestrian facilities, and public art. To encourage the use of these special

design features, the city acknowledges a degree of flexibility may be necessary to adjust to unique situations. This subsection provides such flexibility and presents alternative ways to meet the standards set forth in this section. The alternatives provided in this subsection are discretionary and are subject to approval of the community development department, unless the development application requires approval by the city council, in which case the city council shall approve the alternative landscape plan. Landscape requirements may be modified if the proposal meets any of the following:

- a. It is of exceptional design that includes amenities such as public art, public seating, an outdoor plaza, green rooftop, recreational benefit, and/or transit shelter.
  - b. It is deemed equivalent to the minimum requirements of this section and complies with the purpose and objectives of this section.
  - c. It will allow a site plan that is more consistent with the character of the area.
  - d. It will result in the retention of more existing significant trees.
  - e. It better accommodates or improves the existing physical conditions of the subject property.
  - f. The topography decreases or eliminates the need for visual screening.
  - g. It does not reduce the effect of required screening.
  - h. Efforts are made to create interest by providing a variety of colors and textures.
- (7) *Required landscape plan.* With the exception of one-family and two-family dwellings, a detailed landscape plan shall be submitted for review and approval by the community development department for all new developments, additions, or modifications to existing developments, or when changes are made to existing landscape plans. Landscape plans shall be prepared by a registered landscape architect or other qualified individual as determined by the community development department. The landscape plan shall be drawn to a scale of not smaller than one inch equals 50 feet. The locations and materials which are to be used in landscaping existing and proposed developments shall be clearly drawn and labeled on a landscape plan. The plan shall, at a minimum, show the following:
- a. Boundary lines of the property with accurate dimensions;
  - b. Locations of existing and proposed buildings, parking lots, roads, and other improvements;
  - c. Existing topography and proposed grading with contour intervals no greater than two feet;
  - d. Location and diameter of trees and common names of existing trees and shrubs;
  - e. Planting schedule containing symbols, quantities, common and botanical names, size of plant materials, and root condition;
  - f. Planting details illustrating proposed locations of all new plant materials;

- g. Locations and details of other landscape features, including berms, retaining walls, fences, walls, sculptures, fountains, street furniture, lights, courtyards, and planters;
  - h. Details of restoration of disturbed areas, including areas to be sodded or seeded;
  - i. Location and details of irrigation systems;
  - j. Details and cross sections of all required non-vegetative screening;
  - k. Description of the method to be employed for the protection of all existing landscape materials to be saved; and
  - l. Planting and installation details as necessary to ensure conformance with all required standards.
- (8) *Maintenance.* The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this section and is the responsibility of the owner and tenant of the property on which the materials are required. This requirement shall run with the land and be binding upon all future property owners. Failure to comply with this requirement shall be a violation of this section.
- a. All new landscape plans shall be accompanied by a landscape maintenance plan that includes all initial plant warranties, the plan for mulch restoration, and all pertinent contact information.
  - b. Plantings shall be maintained in a neat, healthy condition and comply with the site maintenance plan approved by the community development department. Plantings which have died shall be promptly replaced in accordance with a landscape plan approved by the city for the site.
- (9) *Security.*
- a. Landscape security required. Prior to the issuance of a building permit for all projects requiring approval of a landscape plan, the developer, contractor, or property owner shall deposit a security with the city to guarantee compliance with and to indemnify the city for any expenses incurred in enforcing the requirements of this section.
    - 1. One-family and two-family dwellings: Landscape security for detached or attached one- or two-family dwellings shall be a cash escrow in the amount of \$500.00.
    - 2. All other uses: Landscape security for all uses except detached or attached one- or two-family dwellings shall be in a form approved by the community development department and shall be equal to 125 percent of the estimated cost necessary to furnish and plant the required landscaping and any ancillary screening improvements such as fencing. The estimated cost shall be subject to approval by the city. If the estimated cost submitted by the developer to the city is not approved by the city, the city shall have the exclusive right to determine the estimated cost.

- b. Landscape inspection. The developer, contractor, or property owner shall request an inspection after the required landscaping has been installed. The community development department will perform the inspection and determine compliance with the approved landscape plan.
  - c. Releasing the security. Upon the determination by the community development department that a landscape installation is consistent with landscape requirements and approved plans, the security shall be released to the developer, contractor, or property owner according to the requirements below:
    - 1. *One-family and two-family dwellings.* A required security shall be released upon the successful inspection of the landscape installation. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied obligations.
    - 2. *All other uses.* The landscape security for all uses, except detached or attached one-family or two-family dwellings, shall be held by the community development department for a minimum of two full years beginning upon the successful inspection of the landscape installation. A reduction can be sought after the first year and after an inspection is requested by the developer, contractor, or property owner. If the community development department determines that the landscape is established appropriately, a portion of the security may be released. That part of the security which has not been released at the end of the first year shall be retained and shall secure the remaining obligation to replant trees which are not alive or are unhealthy at the end of the year and to replant missing trees. The entire security may be released one year after the replanting of such trees has been satisfactorily completed and the city has certified that those replacement trees are alive and healthy. To be certified as alive and healthy, all of the following conditions must exist:
      - (i) No tree shall have sustained mechanical injury to the trunk of a tree causing loss of more than 30 percent of the bark circumference of the tree at any location along the tree's trunk.
      - (ii) No tree shall have had soil compacted to six inches deep over more than 30 percent of its root zone.
      - (iii) No tree shall have had more than 30 percent of its roots cut for the installation of any utility or for any other purpose.
      - (iv) No more than 25 percent of the crown of a tree shall consist of dead branches.
  - d. None of a security shall be released until the developer's, contractor's, or property owner's obligations to indemnify the city for any expenses incurred in enforcing the requirements of this section are satisfied.
- (10) *Penalties for violation.* Any tree that is visibly damaged, has a root system that has been driven on, or has a root zone in which the soil has been compacted in any way, shall be replaced in accordance to the tree replacement formula found in section

1011.04(g). Also, any person who is not authorized by the city who removes any tree from any public property without first obtaining a permit and any person who fails to replace trees in the manner provided in this subsection shall, in addition to the criminal penalties prescribed by law, be required to pay to the city the estimated cost of tree replacement in the amount determined by the city. Upon determination that this has occurred, the city shall submit a bill for the amount of tree replacement. If that amount is not received by the city within 90 days, such amount shall be assessed as a special assessment on any land located in the city owned by the person violating this section.

(b) *Buffer area screening.* The setback requirements established for uses in each district are intended to act as buffers between those districts and uses, but heightened screening is appropriate between low-density residential dwellings and more intensive uses. For all new construction in all districts that lie adjacent to or across the street from LDR or LMDR districts, therefore, additional screening shall be implemented as required herein.

(1) *Exception.* The requirements in this subsection (b) shall be applied in addition to the preceding general landscaping requirements, except that they shall not apply to low-density residential, low- to medium-density residential, or park and recreation districts.

(2) *Acceptable screening.* Screening requirements of this title shall be satisfied through the use of buildings, berms, solid board-on-board fences, walls, planting screens, evergreen trees, hedges, or some combination thereof. If the topography, existing vegetation, permanent structure, or other feature creates a barrier which achieves the standards of this section, they may be substituted.

a. Screen fences and walls. Any screen fence or wall shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. Such screens shall be at least six feet in height and shall be 100 percent opaque.

b. Planted screening. Any planting screens shall consist of healthy plants, shall be at least six feet in height, and shall be designed to provide a minimum year-round opacity of 80 percent at the time of installation.

c. Notwithstanding these requirements, screening along street rights-of-way shall be maintained at a height not less than three feet nor more than four feet.

(3) *Maintenance.* Screen fences and walls which are in disrepair shall be promptly repaired. Planted screens shall be maintained according to the normal landscape maintenance requirement of subsection (a)(8) of this section.

(c) *Parking lot landscape.* Off-street parking lots with more than 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 to retain soil moisture. Turf grass is permitted within landscaped areas located around the periphery of a parking lot.

(1) Islands are required at the end of each row of cars where it abuts vehicle circulation aisles or driveways, or every 15 stalls, whichever is less.

- (2) Islands shall be provided to separate pedestrian and vehicular traffic.
- (3) All islands shall contain a minimum of 160 square feet and a minimum dimension shall be five feet.
- (4) At least one canopy tree shall be provided in each island, in addition to assorted shrubs, perennials, to assorted ornamental grass.
- (5) Islands shall be prepared with clean soil to a depth of five feet and amended to ensure adequate drainage and nutrient and moisture-retention levels for the establishment of plantings.

(d) *Irrigation.* 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.

(Ord. No. 1606, § 1011.03, 11-8-2021; Ord. No. 1629, § 3(1011.03), 3-20-2023)

**Sec. 1011.04. Tree preservation and restoration in all districts.**

(a) *Intent and purpose.* The city recognizes that trees are a significant element of the community given their beauty (adding color and interest to the urban landscape, and being a source of joy and spiritual renewal for many), their importance to the environment (purifying air and water, helping to conserve soil and energy, reduction of noise and energy consumption, and providing valuable habitat for all kinds of wildlife), and their positive impact on property values (by providing buffering, protection of privacy, and a unique sense of place within neighborhoods). The purpose of this section is to protect and promote this important resource by:

- (1) Ensuring trees are protected when they are most vulnerable: during times of development;
- (2) Establishing reasonable requirements for replacement of significant trees lost due to development;
- (3) Incentivizing the protection and planting of trees at all times for the benefits they provide;
- (4) Instituting plan requirements to ensure tree losses can be identified prior to development, and that adequate replacement plantings will occur following land disturbances;
- (5) Providing for fair, effective, and consistent enforcement of the regulations contained herein.

(b) *Applicability.*

- (1) The regulations in this section shall apply to any individual, business or entity that applies for one of the below permits or approvals:
  - a. An application for platting, re-platting, or any lot division application that does not qualify as a minor lot subdivision; or



- b. A building permit application to construct a new principal structure or seeking to expand the footprint of an existing principal structure by more than 50 percent; or
  - c. A demolition permit seeking to remove more than 50 percent of a principal structure in anticipation of immediate or future redevelopment; or
  - d. A grading permit seeking to add, move, or relocate 50 cubic yards or more in all non-shoreland management districts; or ten cubic yards with the shoreland management district.
- (2) If the community development department determines that preapplication tree removal occurred in order to circumvent the regulations in this section, the department may require equivalent tree replacement as if a tree preservation plan had been submitted prior to removal. Preapplication tree removal shall be considered removed within two years of application. Any costs to estimate the removal may be charged to the applicant. Said determinations may be appealed to the board of adjustment and appeals under section 1009.08.
- (3) Activities subject to the provisions of title 8 may require tree preservation beyond that which is required by this section. In all such instances, the more restrictive preservation standard shall apply.
- (4) In all instances in which submissions by a degreed forester or certified arborist are required, such submissions shall be reviewed and approved by city staff or contractors with equivalent credentials.
- (c) *Exemptions.* The following activities are exempt from the requirements of this section:
- (1) Tree removal related to city public improvements projects or repairs;
  - (2) Emergency removal of a tree to protect public health.
- (d) *Trees required to be inventoried.* All deciduous trees measuring a minimum of six inches at diameter breast height (DBH), and all coniferous trees that are 12 feet or more in height, shall be identified on the tree preservation plan sets required by this section.
- (e) *Tree classifications.* All trees required to be inventoried shall be assigned a classification as follows:
- (1) *Heritage trees.*
    - a. All deciduous trees measuring equal to or greater than 27 inches at DBH, and all coniferous trees measuring equal to or greater than 50 feet in height.
    - b. A smaller tree can be considered a heritage tree if:
      - 1. A degreed forester or certified arborist determines it is a rare or unusual species or of exceptional quality; or

2. If it is specifically used by a developer as a focal point in a development project, and the community development department concurs with the designation given the tree's location, species, and/or likelihood to become a prominent feature of the development.

(2) *Significant trees.*

- a. All deciduous trees with DBH measurements of 12 inches or greater, but less than 27 inches.
- b. All coniferous trees that are 25 feet or greater, but less than 50 feet in height.

(3) *Common trees.*

- a. All deciduous trees with DBH measurements of six inches or greater, but less than 12 inches.
- b. All coniferous trees that are 12 feet tall or greater, but less than 25 feet in height.

(4) *Exempt.* In lieu of one of the classifications set forth in subsection (e)(1), (2) or (3) of this section, an inventoried tree may be classified as exempt if a degreed forester or certified arborist certifies that one or more of the following conditions are met:

- a. The tree is identified as an invasive species and must be removed;
- b. The tree suffers from a major insect or pathological problem that cannot be resolved;
- c. The tree is experiencing extensive decay or hollow; or
- d. The tree has suffered damage or is in poor condition such that it has a life expectancy of less than ten years;
- e. The tree must be removed to accommodate the installation of public streets, utilities, or stormwater ponding areas. Trees classified as exempt based only on this condition shall be clearly identified on plan sets and within the required matrix.

(f) *Incentive multipliers.* To incentivize the protection and preservation of the most important trees within the community, the following incentive multipliers are to be used against the net preservation or loss shown on a tree preservation plan as required in subsection (g) of this section.

- (1) Heritage trees: 2.0.
- (2) Significant trees: 1.0.
- (3) Common trees: 0.5.

(g) *Tree preservation plan set required.* At the time of application for preliminary plat, grading permit, demolition permit or building permit which includes the demolition of a principal structure, a tree preservation plan meeting the following requirements or a

simplified plan set out as outlined in subsection (h) of this section shall be submitted by the applicant (failure to provide a complete tree preservation plan set shall be grounds to deem an application incomplete):

- (1) The tree preservation plans shall be prepared and signed by a degreed forester or certified arborist.
- (2) The preparation date of all tree preservation plan components shall not precede the date of application by more than two years.
- (3) The tree preservation plan set shall consist of four components:
  - a. An overall tree inventory, including the following information:
    1. Location, diameter, unique identifier, and species of all trees on the site;
    2. Location, diameter, unique identifier, and species of all adjacent significant trees on adjacent property whose typical root protection zone extends on to the subject property.
    3. Trees on the subject property shall be tagged and numbered with the unique identifier assigned to the tree as part of the overall tree inventory.
  - b. A disturbance plan showing the overall tree inventory in relation to the following and including:
    1. Identification of which inventoried trees are:
      - (i) Protected, preserved, or undisturbed;
      - (ii) Removed or disturbed (the typical root protection zone will be impacted); and
      - (iii) Exempt (per subsection (e)(4) of this section).
    2. Proposed grading contours of the site.
    3. Proposed location of building pads and other impervious surfaces being installed.
    4. Proposed disturbance zones (due to construction, grading, utility installations and other development activities) as identified by cross-hatching or gray-colored shading on the plan.
    5. Identification of tree protection zones:
      - (i) At a minimum, plans must identify the typical root protection zone for all inventoried trees except those proposed for removal.
      - (ii) At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less protection than a typical root protection zone.
    6. Proposed locations and details of tree protection fencing to be installed for all trees to be preserved.

- c. A final planting plan showing:
  - 1. The final inventory of existing trees to remain on site following completion of all development activities.
  - 2. Location, diameter, and species of all proposed replacement trees in conformance with subsection (j) of this section.
  - 3. Location, diameter, and species of all required landscaping as required by section 1011.03.
- d. A matrix of inventoried trees that meets the following specifications:
  - 1. Data for each tree shall include:
    - (i) A unique identification number assigned to each tree that identifies the tree on the preservation plan sets;
    - (ii) The tree's classification as defined in subsection (e) of this section;
    - (iii) The tree's species or common name;
    - (iv) The actual size of deciduous trees at diameter breast height (noting if a tree is a multi-stemmed tree and how many stems exist); and for coniferous trees, the following diameter breast heights based on their classification:
      - A. Heritage coniferous tree: 18 inches.
      - B. Significant coniferous tree: 12 inches.
      - C. Common coniferous tree: six inches.
    - (v) An indication as to whether the tree is intended for removal, intended to be preserved, or is exempt due to the condition of the tree or the location of the tree in an allowed removal area.
  - 2. A summary table shall be provided which includes the following:
    - (i) The total number of inventoried trees on the site broken down by heritage trees, significant trees, common trees, and exempt trees;
    - (ii) The total number of diameter breast height inches on the site broken down into heritage trees, significant trees, common trees, and exempt trees;
    - (iii) The total number of allowed diameter breast height inches that can be removed without replacement per subsection (i) of this section.
    - (iv) The total number of trees in each category being removed;
    - (v) The total number of diameter breast height inches planned for removal broken down by heritage trees, significant trees, common trees, and exempt trees;
    - (vi) The net diameter breast height inches being preserved or removed in relation to allowed removal of each tree type;
    - (vii) A denotation of the incentive multiplier for each tree type;

|                   |      |
|-------------------|------|
| Heritage trees    | ×2   |
| Significant trees | ×1   |
| Common trees      | ×0.5 |
| Exempt trees      | ×0   |

- (viii) The final product of diameter breast height inches being preserved or removed multiplied by the incentive multiplier;
- (ix) The final sum of removals and credits following consideration of the incentive multiplier. Final numbers reflect caliper inches.

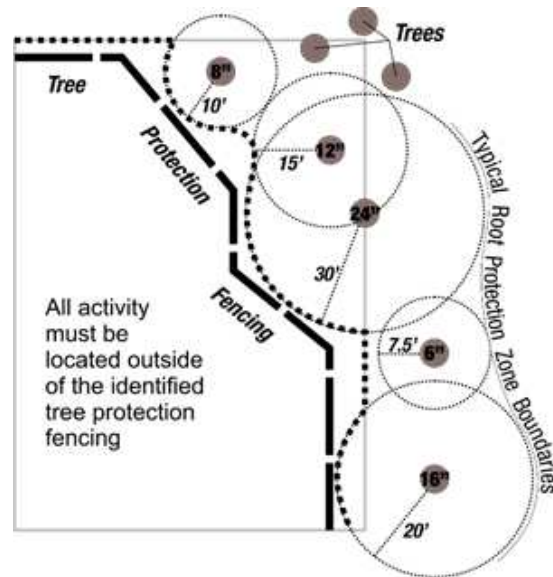
Example Summary Table

|             | <i>Number of Trees</i> | <i>Number of Diameter Inches</i> | <i>Allowed Removal %</i> | <i>Allowed Removal in Inches</i> | <i>Number of Trees Removed</i> | <i>Actual Removal in Inches</i> | <i>Net Removal or Net Preservation</i> | <i>Incentive Multiplier</i> | <i>Final Caliper Inches</i> |
|-------------|------------------------|----------------------------------|--------------------------|----------------------------------|--------------------------------|---------------------------------|----------------------------------------|-----------------------------|-----------------------------|
| Heritage    | 3                      | 120                              | 15                       | 18                               | 0                              | 0                               | 18                                     | 2                           | 36                          |
| Significant | 5                      | 60                               | 35                       | 21                               | 2                              | -30                             | -9                                     | 1                           | -9                          |
| Common      | 8                      | 48                               | 35                       | 17                               | 8                              | -48                             | -31                                    | 0.5                         | -16                         |
| Exempt      | 12                     | 64                               | 100                      | 64                               | 12                             | -64                             | 0                                      | 0                           | 0                           |
| Total       | 28                     | 292                              |                          | 120                              | 22                             | -142                            | -22                                    |                             | 11                          |

(h) *Tree preservation simplified plan set.*

- (1) At the discretion of the community development department, a simplified tree preservation plan may be submitted when trees do not exist on the site or when no activity is planned within the typical root protection zone of existing trees. Simplified plans, when pre-approved for submittal, shall include the following information:
- Location of trees (both on and adjacent to the property) showing required protection zones.
    - At a minimum, plans must identify the typical root protection zones for each tree which forms the boundary of vegetation being protected during the proposed activity.
    - At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less projection than a typical root protection zone.
  - Proposed grading contours of the site (if applicable).
  - Proposed location of building pads and other impervious surfaces being installed.

- d. Proposed locations and details of tree protection fencing to be installed for all treed areas to be protected.



- (2) At the discretion of the community development department, a simplified tree preservation plan may also be submitted when a significant majority of trees will be preserved on a site, and the few trees to be impacted within the area of activity will clearly not exceed allowed removal thresholds.
- (3) An escrow as required by subsection (m) of this section shall still be required for any activity which can be permitted with a simplified tree preservation plan set.
  - (i) *Allowable tree removal.*
    - (1) In conjunction with platting, re-platting, or any lot division that requires a tree preservation plan, the approved plan shall dictate tree preservation requirements on all new lots until such time as the lots have been developed for their intended purpose.
      - a. Inventoried trees within rights-of-way or easements that are being used for the installation of public streets, utilities, or stormwater ponding areas may be removed without required replacement.
      - b. Of all remaining inventoried trees not exempt per subsection (i)(1)a of this section, up to 15 percent of the total DBH-inches of all Heritage trees, up to 35 percent of the total DBH-inches of all significant trees, and up to 35 percent of the total DBH-inches of all common trees may be removed without tree replacement or restitution subject to the incentive multipliers listed in subsection (f) of this section.

- c. The required final planting plan shall identify the final allowed tree removal for each lot within the proposed development.
- (2) Properties that are subject to the tree preservation requirements of this section due to a requested building permit, demolition permit, or grading permit shall determine allowable removal based on the following:
- a. If a tree preservation plan set was previously approved for the site within two years of the application date and the proposed activity is in substantial conformance with the approved plan as determined by the community development department, then the approved plan set shall dictate allowed removals on the lot.
  - b. If a tree preservation plan was previously approved for the site within two years of the application date, but the proposed activity was not authorized by the approved plan as determined by the community development department, then the approved plan shall be updated.
    - 1. The updated plan set shall be administratively reviewed and finalized in conjunction with the triggering permit application.
    - 2. Additional tree replacement, if deemed necessary, shall become a condition of approval for the application being requested.
    - 3. The city shall not be responsible to reimburse any party for replanting which has already occurred if the updated plan preserves more trees than initially anticipated.
  - c. If the subject lot is not party to a previously approved tree preservation plan set, then a new tree preservation plan in conformance with subsection (f), (g) or (h) of this section shall be submitted, administratively reviewed, and finalized in conjunction with the triggering permit application.

(j) *Replacement tree specifications.*

- (1) The minimum size for deciduous replacement trees shall be three-inch caliper, with each caliper inch counting towards one diameter breast height inch required for replacement.
- (2) The minimum height for coniferous replacement trees shall be six feet with credits for each replacement tree being in accordance with the following table:

| <i>Height Range (Min. 6')</i> | <i>Credit Against Required DBH<br/>Replacement Inches</i> |
|-------------------------------|-----------------------------------------------------------|
| Less than 8 feet              | 1 inch                                                    |
| 8 feet to less than 12 feet   | 2 inches                                                  |
| 12 feet or greater            | 3 inches                                                  |

- (3) Replacement trees shall be from balled and burlapped, certified nursery stock as defined and controlled by Minn. Stat. §§ 18.44 through 18.61, the Plant Pest Act, as may be amended from time to time. Replacement trees may also be from bare root



stock, provided the trees are planted no later than May 15 of any year, and the planting is inspected by the city forester or other degreed forester or certified arborist as assigned by the community development department.

- (4) Replacement trees shall be covered by a minimum two-year guarantee in accordance with subsection (m) of this section.
- (5) When heritage trees are removed, replacement trees options shall be as determined by the city forester or other degreed forester or certified arborist as assigned by the community development department.
- (6) Replacement trees for significant and common trees may be selected by the applicant, but all final planting plans shall be subject to review and approval by the city forester or other degreed forester or certified arborist as assigned by the community development department, who will determine whether the proposed trees are suitable to the site, are well placed, and accomplish local diversity goals.
- (7) Replacement trees may be utilized to meet landscaping and screening requirements if placement, species, and location are consistent with those requirements.
- (8) Replacement tree locations. Required replacement trees shall be planted on the site being developed unless doing so is deemed to be impractical (i.e., due to lack of space), inappropriate (available planting areas are not ideal for new plantings or would do little to enhance the site), or counterproductive to a property's intent (i.e., would entail too much screening for a retail business) as determined by the city forester or other degreed forester or certified arborist as assigned by the community development department. When such a determination is made, the applicant shall comply with replacement requirements in one of three ways in the following manner:
  - a. Replacement trees may be located on private property within 1,000 feet of the subject development site with the consent of the property owner; or
  - b. The city may accept a cash-in-lieu of tree replacement payment in accordance with the required fee listed in the city fee schedule. In no instance shall a cash-in-lieu of payment exceed ten percent of the assessed land value of the development site, except that for a single-family lot the cash-in-lieu of payment fee shall not exceed five percent of the assessed land value; or
  - c. The city may approve a combination of tree replacement in accordance with subsection (j)(8)a of this section and a payment consistent with subsection (j)(8)b of this section to fulfill this requirement.

(k) *Tree protection required.* All trees which are to be retained on a site shall be marked and physically protected from harm or destruction caused by soil compaction; equipment and material storage within a tree's identified protection zone; bark abrasions; changes in soil chemistry; out-of-season pruning; and root damage during construction.

- (1) Before any construction or grading of any development project occurs, a safety fence per the approved tree preservation plan shall be erected meeting the following requirements:
  - a. Must be at least four feet in height and staked with posts no less than every five feet.
  - b. Shall be placed around the identified protection zone of trees to be preserved per the approved tree preservation plan.
  - c. Signs shall be placed along the fence line identifying the area as a tree protection area, and prohibiting development activities beyond the fence line.
- (2) The tree protection fencing shall remain in place until all grading and construction activity is terminated; failure to maintain tree protection fencing shall be grounds for issuance of a stop work order.
- (3) No equipment, construction materials, or soil may be stored within the identified protection zone of any inventoried tree to be preserved.
- (4) Care must be taken to prevent a change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
- (5) Drainage patterns on the site shall not change considerably causing drastic environmental changes in the soil moisture content where trees are intended to be preserved.
- (6) Pruning of oak trees and elm trees shall be subject to the following requirements:
  - a. Pruning of oak trees shall not occur from March 15 through July 1.
  - b. Pruning of elm trees shall not occur from April 1 through August 31.
  - c. On a year-to-year basis, the city council may alleviate or extend the seasonal restrictions set forth in subsections (k)(6)a and b of this section by resolution if, in its opinion, the same is necessary for the betterment of city-wide oak and elm tree populations.
  - d. If pruning of either tree type is absolutely necessary during prohibited timeframes, the city shall be notified before work begins, and the landowner shall be required to seal all wounds with a proper wound sealing paint authorized by the city forester or other degreed forester or certified arborist as assigned by the community development department.

## (7) Unplanned loss of trees.

- a. Any tree not previously identified for removal that is determined by the city forester or other degreed forester or certified arborist as assigned by the community development department to be destroyed or damaged as a result of development activity shall be replaced at the following rates:

| <i>Category</i>   | <i>Replacement Rate</i> |
|-------------------|-------------------------|
| Heritage trees    | 2.5                     |
| Significant trees | 1.5                     |
| Common trees      | 1.0                     |

- b. Unauthorized tree removal which results in mandatory replacement shall require the applicant to prepare or update a final planting plan as required by subsection (g)(3)c of this section. Replacement plantings shall only occur once authorized by the city forester or other degreed forester or certified arborist as assigned by the community development department.

(l) *Certification of compliance with approved landscape plan.* Upon completion of construction activity and/or required landscaping, the developer shall notify the city and request an inspection of the work. Following the inspection, the city shall notify the developer that additional work is still required or issue a letter finding that all plantings have been satisfactorily completed. The required warranty period for plantings shall begin on the date of the issued satisfactory completion letter.

(m) *Warranty requirement.*

- (1) New development sites. The developer shall provide a financial guarantee, in a form satisfactory to the city, prior to the approval or issuance of any permit for land alteration.
- a. The amount of the guarantee shall be 125 percent of the estimated cost to furnish and plant replacement trees. The estimated cost shall be provided by the developer subject to approval by the city. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of replacement trees. The city reserves the right in its sole discretion to determine the estimated cost in the event the developer's estimated cost is not approved.
- b. The security shall be maintained for at least two years after the date that the last replacement tree has been planted. Upon a showing by the developer and such inspection as may be made by the city, that portion of the security may be released by the city equal to 125 percent of the estimated cost of the replacement trees which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the developer's obligation to remove and replant

replacement trees which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of the replanting of such trees, the entire security may be released.

- (2) Development or redevelopment of existing lots. The developer shall provide a cash escrow in the amount of \$500.00 to guarantee compliance with the requirements of this title. Said security shall be released upon compliance by the developer to the satisfaction of the city. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied developer's obligations to indemnify the city for any expenses in enforcing this requirement.
- (3) The city may retain from the security required in this subsection (m) as reimbursement an amount expended by the city to enforce the provisions of this section.

(n) *Entry on private property and interference with inspection.* The community development department may enter upon private premises as any reasonable time for the purposes of enforcing the regulations set forth in this section. No person shall unreasonably hinder, prevent, delay, or interfere with the community development department while engaged in the enforcement of this section.

(Ord. No. 1606, § 1011.04, 11-8-2021)

#### **Sec. 1011.05. Lot controls in all districts.**

(a) *Purpose.* Lot controls are established to provide for the orderly development and use of land, and to provide for adequate light, air, open space, and separation of uses.

(b) *Use of lots.* All lots shall be used in a manner consistent with the requirements of this title and the zoning district in which the property is located. No part of any existing lot shall be used as a separate lot or for the use of another lot, except as may be otherwise provided in this Code.

(c) *Lots of record.*

- (1) A lot of record shall be deemed a buildable lot provided it has frontage on a public right-of-way and meets the setback and size requirements for the district in which it is located.
- (2) *Exception.* An LDR-zoned or LMDR-zoned lot of record as of January 1, 2011, which does not meet the requirements of this title as to area or width, may be utilized for one-family detached dwelling purposes provided the measurements of such lot meets 100 percent of the front yard, side yard and rear yard setback requirements for the district in which it is located and at least 60 percent of the minimum lot area and lot width requirements for the district in which it is located.

(d) *Principal buildings in LDR and LMDR districts.* No LDR-zoned or LMDR-zoned lot shall include more than one principal building.

(e) *Principal buildings in non-LDR or LMDR districts.* Lots in non-LDR or LMDR districts may include more than one principal building, provided each building meets all of the requirements, including setbacks, of the district in which it is located.

(f) *Required yards.* Yard requirements shall be as specified for the zoning district in which the lot is located.

(g) *Yard encroachments.* The following improvements shall not be considered as encroachments into required yards, provided they conform to the pertinent limitations:

- (1) Cornices, canopies, awnings, eaves, gutters, bay windows, and other ornamental features which do not extend more than three feet into the required yard.
- (2) Chimneys, air conditioning units, fire escapes, uncovered stairs, ramps, and necessary landings which do not extend more than three feet into the required yard.
- (3) Terraces, steps, uncovered porches and patios, decks, stoops, or similar features which do not extend above the height of the ground floor level of the principal structure or to a distance less than two feet from any lot line. Notwithstanding this requirement, patios shall not be less than ten feet from a street right-of-way.
- (4) Fences constructed and maintained in accordance with the applicable provisions of this title.

(Ord. No. 1606, § 1011.05, 11-8-2021)

#### **Sec. 1011.06. Visibility triangles in all districts.**

(a) *Purpose.* This section is intended to define and regulate areas around street intersections for the purpose of preserving adequate sight lines for the safety of motorists, cyclists, and pedestrians passing through the intersections. Visibility triangles are described by locating points A, B, and C as instructed in this section and connecting these points with straight lines.

(b) *Applicability.* Although the visibility triangles described in this section at least partially overlap land in the public right-of-way, the requirements of this section apply only to the privately owned property (i.e., land which is not in the public right-of-way) that lies within a visibility triangle.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Street X.* At an intersection, street X is the street of higher classification or, if intersecting streets are of equal classification, the primary street as determined by the community development department.

*Street Y.* At an intersection, street Y is the street of lower classification or, if intersecting streets are of equal classification, the street which is not determined by the community development department to be the primary street.

*Width of street* means the distance in feet measured from back-of-curb to back-of-curb or, in the absence of a curb, the distance measured perpendicularly from the edge of the paving surface to the opposite edge of the paving surface.

(d) *Parcels zoned low-density or low- to medium-density residential.* The visibility triangle for a street intersection adjacent to an LDR- or LMDR-zoned parcel shall be described as follows:

- (1) Point A: Located by extending the curblines (or pavement edges where there are no curbs) of streets X and Y toward the intersection until the curblines meet.
- (2) Point B: Located on the curbline of street Y 45 feet from point A.
- (3) Point C: Located on the curbline of street X 45 feet from point A.

(e) *Parcels not zoned low-density residential or low- to medium-density residential.* The regulations in this section shall apply to all private property, except LDR- or LMDR-zoned property, within visibility triangles.

(1) *Controlled street intersections.*

- a. *Four-way stop or traffic control signal.* The visibility triangle for a four-way stop or traffic signal controlled intersection shall be described as follows:

1. Point A: located at the intersection of the centerlines of streets X and Y.
2. Point B: located on the centerline of street Y at a distance from point A equal to  $1\frac{1}{2}$  times the average of the widths of street X and Y.

$$\text{Distance from Point A to Point B} = \frac{3}{4} (\text{width of Street X} + \text{width of Street Y})$$

3. Point C: located on the centerline of street X at a distance from point A equal to  $1\frac{1}{2}$  times the average of the widths of streets X and Y.

$$\text{Distance from Point B to Point C} = \frac{3}{4} (\text{width of Street X} + \text{width of Street Y})$$

- b. *Three-way stop.* The visibility triangle for a three-way stop at a T-intersection shall be described the same as for the four-way stop.
- c. *Two-way stop.* The visibility triangle for a two-way stop controlled intersection shall be described as follows (street Y has stop control):
  1. Point A: located at the intersection of the centerlines of streets X and Y.
  2. Point B: located on the centerline of street Y at a distance from point A equal to half the width of street X plus 15 feet.

$$\text{Distance from Point A to Point B} = \left( \frac{\text{width of Street X}}{2} \right) + 15 \text{ feet}$$

3. Point C: located on the centerline of street X at a distance in feet from point A given by table 1011.06.2 according to the speed limit and width of street X.

Table 1011.06.2

| Width of<br>Street X<br>(In Feet) | Speed Limit of Street X |        |        |        |        |
|-----------------------------------|-------------------------|--------|--------|--------|--------|
|                                   | 30 mph                  | 35 mph | 40 mph | 45 mph | 50 mph |
| 16—20                             | 155                     | 190    | 220    | 290    | 350    |
| 21—25                             | 170                     | 205    | 245    | 300    | 365    |
| 26—30                             | 185                     | 225    | 265    | 330    | 400    |
| 31—35                             | 200                     | 245    | 290    | 360    | 435    |
| 36—40                             | 215                     | 265    | 310    | 390    | 470    |
| 41—45                             | 230                     | 280    | 330    | 420    | 505    |
| 46—50                             | 250                     | 300    | 355    | 450    | 540    |
| 51—55                             | 265                     | 320    | 375    | 475    | 575    |
| 56—60                             | 280                     | 340    | 400    | 505    | 610    |

- d. *One-way stop.* The visibility triangle for a one-way stop at a T-intersection shall be the same as for the two-way stop.
- e. *Two-way yield.* The visibility triangle for a two-way yield controlled intersection shall be described as follows (street Y has yield control):
1. Point A: located at the intersection of the centerline of streets X and Y.
  2. Point B: located on the centerline of street Y at a distance from point A equal to half the width of street X plus 50 feet.

$$\text{Distance from Point A to Point B} = \left( \frac{\text{width of Street X}}{2} \right) + 50 \text{ feet}$$

3. Point C: located on the centerline of street X at a distance in feet from point A given by Table 1011.06.2, according to the speed limit of street X.

Table 1011.06.2

|                                                     |     |     |     |
|-----------------------------------------------------|-----|-----|-----|
| Speed limit of street X or Y<br>(in miles per hour) | 30  | 35  | 40  |
| Distance from point A<br>(in feet)                  | 110 | 140 | 180 |

- f. *One-way yield.* The visibility triangle for a one-way yield at a T-intersection shall be described the same as for the two-way yield.
- g. *Special.* The visibility triangle for all other types of controlled intersections shall be described as combinations of the visibility triangles in this subsection (e)(1).



- (2) *Uncontrolled street intersections.*
- a. *Four-leg and three-leg intersections.* Other than T-intersections, the visibility triangle for these types of intersections shall be described as follows:
    - 1. Point A: located at the intersection of the centerlines of streets X and Y.
    - 2. Point B: located on the centerline of street Y at a distance from point A given by Table 1011.06.2, according to the speed limit of street Y.
    - 3. Point C: located on the centerline of street X at a distance from point A given by table 1011.06.2, according to the speed limit of street X.
  - b. *T-intersections.* The visibility triangle shall be determined as for T-intersections with a one-way yield.
  - c. *Roundabout intersections.* No visibility triangle is necessary at roundabout intersections because all traffic circulates in the same counterclockwise direction.
- (3) *Intersections of streets with driveways (or alleys).* The visibility triangle for the intersection of a street with a driveway shall be described as follows:
- a. Point A: located by extending the curblines (or pavement edges where there are no curbs) of the street and driveway toward the intersection until the curblines meet.
  - b. Point B: located on the curbline of the driveway ten feet from point A.
  - c. Point C: located on the curbline of the street ten feet from point A.
- (4) *Intersections of driveways (or alleys) with sidewalks (or paths).* The visibility triangle for the intersection of a driveway shall be described as follows:
- a. Point A: located at the intersection of the driveway and sidewalk.
  - b. Point B: located on the edge of the sidewalk five feet from point A.
  - c. Point C: located on the curbline (or pavement edge, if no curb is present) of the driveway five feet from point A.
- (f) *Prohibitions.* The following restrictions apply to all visibility triangles:
- (1) No structures shall be erected except for fences, walls, or berms not exceeding 30 inches in height as measured from the top of the curb (or pavement edge where there is no curb) immediately adjacent to the triangle area;
  - (2) No motor vehicle, trailer, or other equipment shall be allowed to park, stand, or stop; and
  - (3) No vegetation shall be planted or allowed to grow higher than 30 inches as measured from the top of the curb (or pavement edge where there is no curb) immediately adjacent to the triangle area.
- (Ord. No. 1606, § 1011.06, 11-8-2021)

**Sec. 1011.07. Height exemptions in all districts.**

(a) The building and structure height limitations established for each zoning district shall apply to all buildings and structures, except that the following shall be exempt from said height limitation:

- (1) Church spires;
- (2) Belfries;
- (3) Cupolas and domes which do not contain usable space;
- (4) Monuments;
- (5) Water towers;
- (6) Fire and hose towers;
- (7) Observation towers;
- (8) Flagpoles;
- (9) Electrical transmission towers;
- (10) Chimneys;
- (11) Smokestacks;
- (12) Parapet walls extending not more than three feet above the limiting height of the building;
- (13) Cooling towers;
- (14) Grain elevators;
- (15) Elevator penthouses.

(b) Exception. If, in the opinion of the community development department, such structure would adversely affect adjacent property, such greater height shall not be authorized except by the city council pursuant to the appeals procedure established in section 1009.08.

(Ord. No. 1606, § 1011.07, 11-8-2021)

**Sec. 1011.08. Fences in all districts.**

(a) *General requirements.* Fences may be constructed, placed, or maintained in any yard or adjacent to a lot line in accordance with these requirements:

- (1) The owner of the property upon which a fence is located shall be responsible for locating all property lines prior to constructing said fence.
- (2) All fence posts and supporting members shall be placed within the property lines of the property on which the fence is located.

- (3) Fences in front yards shall not exceed four feet in height. Notwithstanding this limitation, fences in front yards which are adjacent to the side or rear yards of abutting lots may be as tall at 6.5 feet.
  - (4) Fence height shall be measured from the average grade adjacent to the bottom of the fence to the top of the fence material. Fence posts may extend an additional six inches.
  - (5) All fences shall be constructed so that the finished side or more attractive side of the fence faces the adjacent property or the public right-of-way.
  - (6) All fences shall be constructed of durable, uniform, weather-resistant, and rust-proofed materials.
  - (7) All fences shall be maintained and kept in good condition.
  - (8) Fences exceeding four feet in height shall require a permit from the city.
  - (9) Temporary snow fencing is allowed seasonally, when snow is present, without a permit.
  - (10) Nonresidential fences. In addition to the requirements of this section, fences in all nonresidential districts shall conform to the screening requirements of section 1011.03(b).
  - (11) Fencing of play areas. For public or private parks and playgrounds located adjacent to a public right-of-way or railroad right-of-way, a landscaped yard area no less than 30 feet in width or a fence no less than four feet in height shall be installed between the facility and the right-of-way.
- (b) *Residential fences.* The following standards shall apply to all fences constructed in any residential zoning district:
- (1) No fence used for screening or security shall exceed 6½ feet in height;
  - (2) Fences shall be comprised of chain-link, wood, plastic, or metal, but shall not be barbed wire, electric, weaved or welded wire;
  - (3) Exception. Weaved or welded wire or mesh fences erected at the periphery of a garden and used to keep unwanted animals out of the garden shall be allowed to a maximum of eight feet in height.
- (Ord. No. 1606, § 1011.08, 11-8-2021)

**Sec. 1011.09. Essential services in all districts.**

(a) *Purpose.* The purpose of this section is to provide for the installation of essential services in a manner that does not adversely affect the public health, safety, or welfare.

(b) *Essential services allowed by permit.* The following essential services, when installed primarily for the use of city residents, shall only require a permit from the city engineer:

- (1) All communication lines.

- (2) Underground electrical transmission lines, overhead utility lines, and electrical transmission lines intended to serve properties within the city.
  - (3) Pipelines for distribution to individual properties within the city.
  - (4) Electrical substations with less than 33 kilovolts.
  - (5) Radio receivers and transmitters accessory to an essential service, when placed on an existing utility pole, tower, or light standard.
- (Ord. No. 1606, § 1011.09, 11-8-2021)

**Sec. 1011.10. Solar energy systems in all districts.**

(a) Solar energy systems are allowed as accessory uses in all zoning classifications where structures of any sort are allowed.

(b) Active solar energy systems shall be allowed as accessory uses in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below:

- (1) *Height.* Active solar systems must meet the following height requirements:
  - a. Building-mounted or roof-mounted solar energy systems shall not exceed the maximum allowed building height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered mechanical devices and are restricted consistent with other such mechanical devices.
  - b. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
- (2) *Setback.* Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
  - a. *Roof-mounted systems.* Consistent with the required building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
  - b. *Ground-mounted systems.* Ground-mounted solar energy systems shall not extend into the required side- or rear-yard setback when oriented at minimum design tilt.
- (3) *Visibility.* Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.
  - a. *Building-integrated photovoltaic systems.* Building-integrated photovoltaic systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use, and performance standards for the district in which the building is located.

- b. *Solar energy systems with mounting devices.* Roof-mounted or ground-mounted solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mounted systems that are visible from the nearest edge of the street frontage rights-of-way shall be reviewed and approved by community development staff to ensure the system meets the wind load standards for the roof and there are not major aesthetic impacts with the system to the surrounding properties.
  - c. *Coverage.* Roof-mounted or building-mounted systems, excluding building-integrated systems, shall not cover more than 80 percent of the south-facing or flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.
- (4) *Approved components.* Electric solar energy system components must have a UL listing.
- (5) *Plan approval required.* All solar energy systems shall require administrative plan approval by the community development department.
- a. *Applications.* Plan application for solar energy systems shall be accompanied by scaled horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building, or on the property for a ground-mounted system, including the property lines.
  - b. *Pitched-roof-mounted systems.* For all roof-mounted systems other than a flat roof, the elevation drawings shall show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
  - c. *Flat-roof-mounted systems.* For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
- (6) *Plan approvals.* Applications that meet the design requirements of this policy shall be granted administrative approval by the community development department and shall not require planning commission review. Plan approval does not indicate compliance with building code or electric code.
- (7) *Compliance with building code.* All active solar energy systems shall require building permits.
- (8) *Compliance with state electric code.* All photovoltaic systems shall comply with the state electric code.
- (9) *Utility notification.* No grid-intertie photovoltaic system shall be installed until evidence has been given to the community development department that the owner

has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

(Ord. No. 1606, § 1011.10, 11-8-2021)

**Sec. 1011.11. Additional standards in all non-LDR or LMDR districts.**

(a) *Rooftop equipment.* Rooftop equipment, including structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood or other material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

(b) *Waste and recycling areas.* Waste and recycling storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. Waste and recycling enclosures within developments of two stories or more shall incorporate a trellis cover or a roof design to screen views from above. The enclosure should be accessible to residents and businesses, yet located away from main entries.

(c) *Maintenance activities.* Movement of sweeping vehicles, garbage trucks, maintenance trucks, and other service vehicles and equipment is prohibited within 300 feet of a residential district between the hours of 10:00 p.m. and 7:00 a.m., except for emergency vehicles and emergency utility or maintenance activities. Snow removal shall be undertaken in a manner that minimizes activity between the hours of 10:00 p.m. and 7:00 a.m. Long-term snow storage (more than seven days) shall not occur within 300 feet of a residential district unless approved by the community development department. Long-term snow storage may only occur on surplus parking spaces beyond the required spaces within chapter 1013.

(d) *Service areas and mechanical equipment.* Service areas, utility meters, and building mechanical equipment shall not be located on the street side of a building or on a side wall closer than ten feet to the street side of a building, unless determined by community development department that there is no reasonable alternative.

(e) *Parking lot lighting.* The following standards for on-site lighting of parking lots shall be required for all uses.

- (1) *Fixtures.* Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare unless decorative and utilized for pedestrian safety.

- (2) Minimum lighting levels. Energy-efficient lighting systems shall be employed for all exterior lighting. Minimum lighting levels, measured at a height of five feet above the grade, for parking facilities shall be as follows:
- a. *Covered parking facilities (day).*
    - 1. General parking and pedestrian areas: five footcandles.
    - 2. Ramps/corners: ten footcandles.
    - 3. Entrances/exits: 50 footcandles.
    - 4. Stairwells: 20 footcandles.
  - b. *Covered parking facilities (night).*
    - 1. General parking and pedestrian areas: five footcandles.
    - 2. Ramps/corners: five footcandles.
    - 3. Entrances/exits: five footcandles.
    - 4. Stairwells: 20 footcandles.
  - c. *Open parking areas.*
    - 1. General parking, vehicle, and pedestrian areas: 0.4 to one footcandle.
- (3) All lights not reasonably required for security or business operations must be turned off between the hours of 10:00 p.m. and sunrise, or operated by motion detectors so that they only turn on when there is activity nearby and turn off shortly thereafter.
- (4) Pole height. The height of light poles shall not exceed 12 feet if located closer than 50 feet to a residential property line, nor a height of 25 feet if located between 50 feet and 100 feet of a residential property line. Light poles or fixtures may be a maximum of 40 feet tall if located greater than 100 feet from a residential property line and if the light source and light source glare is completely screened by building, berm, or landscape material with a minimum opacity of 90 percent to eye level view of living spaces in homes within 300 feet of light source.
- (5) Decorative lighting. Decorative poles and luminaires shall be allowed on all new development sites when incorporated as pedestrian safety/security lighting along walkways, paths, and near the principal structure.
- (Ord. No. 1606, § 1011.11, 11-8-2021)

**Sec. 1011.12. Additional standards for specific uses in all districts.**

- (a) *Residential uses, principal.*
  - (1) *One- and two-family dwellings.* See the design standards in section 1004.06.
  - (2) *Multifamily dwellings.* See design standards in section 1004.07 in addition to the following:
    - a. Recreational facilities must be provided to serve the needs of the anticipated population.



- b. Minimum distances between buildings shall equal the sum of the required side yards for each building.
  - c. Screening and buffering shall be required per section 1011.03(b).
- (3) *Cohousing community.* Cohousing is a permitted use within any housing type that is permitted within the zoning district where the cohousing development is located. Likewise, any housing type that is conditional within the zoning district may be used for cohousing with conditional use approval. Any allowed use within the zoning district where the cohousing development is located may be allowed as part of the cohousing development.
  - a. A cohousing community shall provide a community building for the shared use of the residents for typical domestic activities such as cooking or child care, and for home occupations as regulated in subsection (b) of this section.
  - b. Usable open space may be combined and shared among cohousing units.
- (4) *Community residential facility, state licensed.*
  - a. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
  - b. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
  - c. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (5) *Nursing home, assisted living, congregate care.*
  - a. The yard requirements for multifamily dwelling in the district apply.
  - b. A facility established after the effective date of the ordinance from which this title is derived within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
  - c. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens, and/or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.
  - d. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (b) *Residential uses, accessory.*
  - (1) *Accessory dwelling units (ADUs).*
    - a. An ADU shall be located on a lot occupied by a one-family dwelling.

- b. No more than one ADU shall be allowed on a lot.
- c. Either the principal dwelling unit or the ADU shall be owner-occupied and both dwelling units shall be under unified ownership.
- d. Maximum occupancy of an ADU shall be limited to two people.
- e. An ADU shall be assigned a unique address identifier to differentiate it from the principal dwelling. An attached ADU shall be identified by "Unit A" and a detached ADU shall be identified by "Unit B" following the primary property address (e.g., 1234 Elm Street Unit B).
- f. A detached ADU may be located above a detached garage or within a separate accessory building meeting the standards for accessory buildings established in section 1004.02.
- g. A property shall have a minimum of one additional, conforming, off-street vehicle parking space above and beyond the number of parking spaces required for the principal dwelling unit in the zoning district.
- h. Home occupations. Home occupations are permitted in ADUs, provided that the combined impacts of home occupations in the ADU and the principal dwelling unit conform to the standards and limitations established in subsection (b)(3) of this section.
- i. Dimensional standards for all ADUs.
  - 1. The maximum height of an ADU, including one built above a garage, shall not exceed the standards for principal or accessory buildings, as applicable.
  - 2. Unit size. An ADU shall include at least 300 square feet of living area up to a maximum of 650 square feet of living area, but in no case shall an ADU exceed 75 percent of the principal dwelling's four season living area (exclusive of the ADU). For the purposes of this subsection, the term "living area" shall include kitchen areas, bathrooms, living rooms, bedrooms (including the closet which defines the bedroom), and other rooms, and shall exclude utility rooms, hallways, entryways, storage areas, and garages.
  - 3. An ADU shall include a maximum of one bedroom.
  - 4. Setback requirements. All ADUs shall meet the standards for principal buildings; notwithstanding this requirement, detached ADUs shall not be located closer to the front property line than the principal building.
- j. The entryway to a detached ADU shall be connected to a street frontage with a paved walkway.
- k. Design standards for attached ADUs. The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a one-family dwelling.

1. Design standards for detached ADUs.
  1. *Material.* The exterior finish material shall match in type, size, and placement the exterior finish material of the principal dwelling unit.
  2. *Roof pitch.* The roof pitch shall match the predominant roof pitch of the principal dwelling unit.
  3. *Details.* Trim shall match the trim used on the principal dwelling unit. Projecting eaves shall match those of the principal dwelling unit.
  4. *Windows.* Windows shall match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
- m. Permit required. A lifetime, non-transferrable ADU occupancy permit shall be required from the community development department to allow an ADU to be rented. For the purposes of this provision, a rented ADU is one that is being occupied by a person other than the family (as defined in section 1001.07) occupying the principal dwelling unit. Each property owner seeking to rent an ADU, or occupy an ADU while renting the principal dwelling unit, shall apply for a new ADU occupancy permit according to the procedure established herein. In addition to receiving an ADU occupancy permit, the property shall be in compliance with the city's rental registration requirements.
  1. *Application.* The owner of property on which an ADU is proposed shall file a permit application by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. The community development department will review the application to determine whether the application is complete and the subject property is eligible to receive the requested ADU permit.
  2. *Notification.* Upon the determination that a complete application has been submitted and that the property is eligible to receive the requested ADU permit, property owners within a radius of 100 feet shall be notified in writing by the community development department of the application and that they have seven days in which to share comments or concerns about the application before the community development department issues the permit.
  3. *Conditions.* The city may impose conditions on the issuance of an ADU permit. Such conditions must be directly related to, and must bear a rough proportionality to, impacts created by the ADU.
  4. *Revocation.* If a permitted ADU or the property for which an ADU permit has been issued should fail to meet the requirements of the permit, and/or if a property for which an ADU permit has been issued should become ineligible for such permit, the issued ADU permit may be revoked upon the determination by the community development department that the

noncompliance and/or ineligibility issue cannot or have not been resolved. If an ADU permit is revoked, occupation of the ADU by a person other than the family (as defined in section 1001.07) occupying the principal dwelling unit shall cease within 60 days of the date of the revocation.

5. *Appeals.* Determinations pertaining to the continuing compliance and/or eligibility of an ADU permit or the property for which an ADU permit has been issued are subject to appeal according to the procedure for appeals of administrative decisions established in section 1009.08.
  6. *Expiration.* An ADU permit shall expire upon transfer of the property to a new owner. Continued use of an ADU on a property which has been transferred to a new owner shall require the new owner to apply for a new ADU permit.
- (2) *Garden sheds in LDR and LMDR districts.* Garden sheds may be built and/or sided with materials which are different in character from the principal structure, but acceptable materials shall not include galvanized or corrugated metal.
- (3) *Home occupation.* Home occupations are allowed in residential districts, subject to the following: standards:
- a. All new home occupations as of January 1, 2011, shall be subject to an annual registration with the city, on a form as required by the community development department and with a fee as determined by the city council.
  - b. Home occupations shall be clearly incidental and subordinate to the residential use of the property. Exterior alterations or modifications that change the residential character or appearance of any structures or the property itself are not allowed.
  - c. Home occupations shall not occupy more than 30 percent of the floor area of the dwelling, to a maximum of 600 square feet. The home occupation shall be conducted entirely within the dwelling. An accessory building shall not be used in the operation of a home occupation.
  - d. Only persons residing on the premises and no more than one nonresident employee shall be engaged in the conduct of home occupations on the premises at any given time.
  - e. There shall be no outside storage of products, materials, or equipment used in conjunction with home occupations.
  - f. The required off-street parking for the residential use shall not be reduced or made unusable by home occupations.
  - g. Home occupations shall not generate excessive traffic or parking demand that is detrimental to the character of the neighborhood.

- h. Shipment and delivery of products, merchandise, or supplies shall be by single rear axle straight trucks or similar delivery vehicles normally used to serve residential neighborhoods.
  - i. There shall be no indications of offensive noise, odors, smoke, heat, glare, vibration, or electrical interference at or beyond the boundaries of the residential lots occupied by home occupations.
  - j. Home occupations shall meet all applicable fire and building codes, as well as any other city, state, or federal regulations.
  - k. Signage for home occupations shall be subject to the requirements of chapter 1010.
  - l. The following activities shall be prohibited as home occupations:
    - 1. The operation of any wholesale or retail business unless it is conducted entirely by mail or internet. The sale of products incidental to the delivery of a service is allowed.
    - 2. Any manufacturing, welding, machine shop, or similar use.
    - 3. Motor vehicle repair.
    - 4. The sale, lease, trade, or transfer of firearms or ammunition.
    - 5. Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
- (4) *Private swimming pools.* All private swimming pools, hot tubs, and other similar private recreational facilities are subject to the following standards:
- a. The facility shall not be operated as a business or private club.
  - b. The facility shall not be located within any required front or side yard.
  - c. The facility, including any walks, paved areas, or related structures or equipment, shall be set back at least ten feet from any property line.
  - d. For swimming pools, the pool itself, the rear yard, or the entire property shall be enclosed by a non-climbable wall, fence, or combination thereof at least four feet in height with ventilating slats with openings not exceeding four inches, with a self-closing gate with a latch and located on the inside, three inches below the top of fence and capable of being secured with a lock so as to prevent uncontrolled access by children. If the only access is through a principal or accessory structure, such point of access shall be lockable. In the case of above-ground pools, pool sides that are vertical may contribute to the required fencing, provided all points of access are controlled to prevent access by children, including the removal of all ladders or stairs whenever the pool is not in use (or compliance with a nationally recognized pool safety standard).
  - e. For in-ground pools, the pool shall be set back at least six feet from the principal structure.

- f. Hot tubs shall not be located within five feet of any side yard or rear lot line, or within any required front yard. Such pools may be equipped with a child-resistant, lockable cover in lieu of a four-foot-tall fence. Hot tubs are permitted on attached or detached decks if it can be proven that the deck is engineered to be structurally sound enough to support the bearing load of the hot tub.
  - g. Portable pools shall not be located within five feet of any side or rear lot line, or within any required front yard. Such pools may be equipped with a child-resistant cover in lieu of a four-foot-tall fence. Any ladder or other means of entry into a portable pool shall be detachable and placed so that no child can gain entry into the pool without the owner's consent. Portable pools shall not be in place longer than six months in a calendar year.
  - h. Lighting shall be so oriented so as not to cast light on adjacent properties.
  - i. The facility shall not be located within any drainage or utility easement.
  - j. Any accessory mechanical apparatus shall be located at least 30 feet from any residential structure on an adjacent lot.
  - k. All swimming pools containing more than 3,000 gallons or with a depth in excess of 42 inches shall require a building permit from the city.
- (5) *Private recreational courts.* All private tennis courts, ball courts, and other similar private recreational facilities are subject to the following standards:
- a. The facility shall not be operated as a business or private club.
  - b. The facility shall not be located within any required front or side yard.
  - c. The facility, including any walks, paved areas or related structures or equipment, shall be set back at least ten feet from any property line.
  - d. The facility shall not be located on a public street.
  - e. The facility shall not be located within any drainage or utility easement.
  - f. A chain-link or other non-opaque fence not exceeding ten feet in height may be allowed to enclose a hard-surfaced recreational court. If such a fence is used, it shall be set back at least five feet from side property lines and ten feet from the rear property line and shall not be placed in front of the principal structure.
- (6) *Roomers, boarders.* A maximum of three roomers or boarders shall be permitted per dwelling unit.
- (c) *Civic and institutional uses.*
- (1) *Church, religious institution.*
- a. A facility established after the effective date of the ordinance from which this title is derived within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
  - b. Micro-unit dwellings in sacred communities are permitted accessory uses in all zoning districts consistent with the requirements of Minn. Stat. § 327.30.

- (2) *School, elementary or secondary.* A facility established after the effective date of the ordinance from which this title is derived within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (3) *College or post-secondary school campus.*
  - a. An office-based facility established after the effective date of the ordinance from which this title is derived within a neighborhood mixed-use district shall have vehicular access to a collector or higher classification street, and shall have buffer area screening consistent with section 1011.03(b).
  - b. A campus master plan, approved by the city council, may be required for campus facilities to address the management of pedestrian, bicycle and vehicular circulation, relationship to surrounding land uses, and buffering and screening of adjacent uses to mitigate any impacts of a new or expanded/intensified campus.
- (4) *Theater (live performance) performing arts center.* A facility established after the effective date of the ordinance from which this title is derived shall have vehicular access to a collector or higher classification street.

(d) *Institutional and recreational uses.* Whenever temporary and/or portable restroom facilities are located within institutional or park and recreation districts for longer than the duration of a single event, the following requirements shall apply unless the community development department determines that the proposed location provides adequate distance and screening from residential property views:

- (1) Facilities shall be located a minimum of 75 feet from any residentially zoned property; and
- (2) Facilities shall be screened with a minimum six-foot-tall 100-percent opaque board-on-board wood fence.

(e) *Business and commercial uses.*

- (1) *Extended hours of operation adjacent to all residential districts.* Fence or screening height in the following requirements supersede the limitations established elsewhere in this title:
  - a. Buffer area. Where a community mixed-use, corridor mixed-use, or core mixed-use district abuts a residential district, all existing buffers shall remain in effect, and any new site improvement shall include an increased buffer area of a minimum of 20 to 40 feet as determined by the community development department. This protective buffer shall contain no structures, shall not be used for parking, off-street loading or storage, and shall include screening. The screening treatment shall include the seeding of grass or sodding of the whole of the buffer area, the planting of shrubbery and trees and maintaining of same, a compact screen wall, fence, berm, landscaping, or combination thereof, which



shall be not less than 75 percent opaque year-round to a minimum height of six feet above the parking lot curb. The screening treatment must be approved by the community development department and shall be in harmony with a residential neighborhood and provide sufficient screening of the corridor and core mixed uses. The fence or landscape screening shall be no less than six feet at the time of installation. Where a berm, wall, fence, or combination thereof is required for screening purposes for a commercial use adjacent to a residential use, such berm, wall, fence, or combination thereof shall be set back from the residential district boundary at least three times its height, and landscaped with trees, shrubs, perennials and sod or seed to screen 50 percent of the surface of the wall or fence at maturity of the plant materials year-round.

- b. Traffic. The site plan shall provide vehicular circulation routes away from residential areas and avoid commercial vehicle ingress and egress from local residential streets to commercial property sites. In the site plan review and approval process, every reasonable effort must be made to design the site circulation so that service vehicles over one-ton capacity do not use routes which bring vehicles between a building and a residential district boundary. The site plan shall also provide pedestrian access routes using walks or paths, including where practical, connections to adjacent residential areas. Service vehicles over one-ton capacity which enter or exit the site between the hours of 10:00 p.m. and 7:00 a.m. shall use a designated route approved by the city. Deliveries and/or delivery truck access, in and on the site during the hours of 10:00 p.m. to 7:00 a.m., shall be limited to single unit, two-axle vehicles not in excess of 26,000 pounds gross weight. The designated route shall keep vehicles at least 300 feet away from any residential district boundary, or be completely screened by a building, wall, landscaped berm, fence, or combination thereof to a point 14 feet above the ground at the outside edge of the truck route lane and to a point five feet above the first floor (main level) of the adjacent residences.
- c. Off-street parking. Where a 24-hour use is within 300 feet of a residential district, that portion of the site within 300 feet shall provide screening of parking and driving areas adjacent to residential areas. The screening shall have a minimum opacity of 90 percent year-round and a minimum height of six feet, and shall be comprised of landscaping, walls, fences, berms, or combinations thereof.
- d. Service delivery or non-customer vehicles shall not be parked or staged within 300 feet of a residential district, except when actively loading or unloading.
- e. In no case shall vehicle staging for unloading occur for more than 24 hours on a site within any community mixed-use, corridor mixed-use, or core mixed-use district.

- f. Off-street loading. Off-street loading shall be as listed in chapter 1013 and servicing space shall be designated for each store unit in the shopping district. Such loading space shall be designed so as not to conflict with movement of vehicular traffic to and from parking areas.
  - 1. Any commercial loading dock within 300 feet of a residential district shall be completely screened by a wall, landscaped berm, fence, or combination thereof from an adjacent residential area, to a point 14 feet above the ground at the loading area and to a point five feet above the first floor (main level) of adjacent residences.
  - 2. Any commercial loading dock within 300 feet of a residential district which is to be used for any reason by vehicles or equipment between the hours of 10:00 p.m. and 7:00 a.m. shall be within a completely enclosed and roofed structure. All loading and unloading operations shall occur with the exterior doors shut at all times.
- (2) *Animal hospital, veterinary clinic.* All activities shall take place within completely enclosed buildings with soundproofing and odor control; outdoor kennels are prohibited except in zoning districts where specifically permitted.
- (3) *Day care center.* The center must meet all standards for registration and inspection and not exceed state limits for number of clients.
- (4) *Mini-storage facility.* No commercial transactions shall be permitted other than the rental of storage units. Plans for on-site circulation and driveway locations shall be reviewed as part of the site plan review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.
- (5) *Communication antennas and towers.* See subsection (g) of this section.
- (6) *Restaurants.*
  - a. In the employment districts, all restaurants shall be incorporated within a multi-use retail center.
  - b. Points of vehicular ingress and egress for fast food restaurants shall not be onto a street which is used primarily for access to abutting residential property.
  - c. A litter collection plan shall be developed for fast food restaurants and submitted to the community development department. The litter collection plan obligates the restaurant operator to keep the area surrounding the restaurant free of litter for a reasonable, specified distance.
- (7) *Accessory buildings.* Accessory buildings shall be limited to a single structure/ building of no greater than 500 square feet in size with a maximum height of 15 feet. Setbacks for accessory structures/buildings are as regulated under sections 1005.02, 1005.03, 1005.04, and 1005.05, except that accessory structures or buildings shall not be permitted in a front yard.

- (8) *Outdoor display.* All outdoor display shall occur on paved surfaces consistent with the parking area requirements of section 1013.11 and shall adhere to the parking area setback requirements in the applicable zoning district. Display shall not obstruct required drive aisles or parking stalls.
- (9) *Outdoor storage, fleet vehicles.* All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of section 1013.11 and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or "retired" vehicles) shall adhere to the requirements for outdoor storage of inoperable/out-of-service vehicles or equipment.
- (10) *Outdoor storage, inoperable /out-of-service vehicles or equipment.* All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of section 1013.11 and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. All such vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence six to eight feet in height and at least 95 percent opaque, and an outdoor storage area shall not obstruct required drive aisles or parking stalls.
- (11) *Student housing, existing building.*
  - a. Student housing seeking to reuse an existing hotel, apartment building/complex or nursing care/assisted living facility shall be a permitted use.
  - b. Reuse sites that are currently adjacent to residentially zoned or used property shall be reviewed by the community development department for screening/fencing needs to mitigate parking and/or drive lane impacts.
- (12) *Student housing, new construction.*
  - a. New construction of student housing shall be limited to a maximum height of 35 feet and a minimum setback of 30 feet when adjacent to LDR or LMDR district; a maximum height of 40 feet and a minimum setback of 20 feet when adjacent to MDR district; and a maximum height of 65 feet and minimum setback of 15 feet when adjacent HDR district.
  - b. Buildings may be stepped with lower heights placed nearer lower density residential use/district and greater heights being placed near roadways.
  - c. Minimum parking lot and/or garage setbacks for student housing uses in all allowed districts shall be ten feet, which area shall consist of landscaping, an opaque screen fence, or a combination thereof.
- (13) *Cannabis delivery/transportation business.* Where a licensed cannabis delivery/transportation business is located in a mixed use zoning district, the scale of such business shall conform to the definition of a limited warehousing/distribution use in section 1001.10.

- (14) *Cannabis or hemp industrial business.* Where a licensed cannabis or hemp industrial business is located in a mixed use zoning district, the scale of such business shall conform to the definition of a limited production/processing use in section 1001.10.
  - (15) *Cannabis combination business.* Where a licensed cannabis combination business is located in a mixed use zoning district, the scale of cultivation and manufacturing elements of such business shall conform to the definition of a limited production/processing use in section 1001.10.
- (f) *Employment uses.*
- (1) *Artisan workshop.* Sale of goods produced shall not exceed 25 percent of the floor area of the facility.
  - (2) *General retail sales and personal service.* In the employment districts, retail or service uses must be located within buildings or as part of building complexes that include office or other employment-related uses and shall be limited to 25 percent of the building or complex.
  - (3) *Motor vehicle broker/wholesaler.* All activities related to a vehicle broker or vehicle wholesaler shall be conducted within the building. No sale lots shall be allowed. A vehicle being readied for purchase/sales transaction shall be allowed to be parked in the parking lot for no more than eight hours.
  - (4) *Manufacturing and processing, outdoor activities.*
    - a. Outdoor servicing, processing, or manufacturing, shall be no closer than 300 feet to a property occupied by a residential use.
    - b. All outdoor servicing, processing, or manufacturing shall be conducted, operated and maintained in accordance with any necessary permits of the state pollution control agency, the county, and the city.
    - c. The applicant shall provide a site plan showing the location of buildings, areas of outdoor servicing, processing or manufacturing, and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to comply with the environmental regulations established in section 1011.02.
  - (5) *Wholesale uses.* Within the employment and employment center districts, a wholesale use shall not exceed 25 percent of the gross floor area of the building where it is located.
  - (6) *Accessory buildings.* Accessory buildings shall be limited to a single structure/building of no greater than 500 square feet in size with a maximum height of 15 feet. Setbacks for accessory structures/buildings are as regulated under sections 1006.02 and 1006.03, except that accessory structures or buildings shall not be permitted in a front yard.

- (7) *Outdoor display.* All outdoor display shall occur on paved surfaces consistent with the parking area requirements of section 1013.11 and shall adhere to the parking area setback requirements in the applicable zoning district. Display shall not obstruct required drive aisles or parking stalls.
- (8) *Outdoor storage, equipment and goods.* All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of section 1013.11 and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. Areas of outdoor storage shall not obstruct required drive aisles or parking stalls. Greater setbacks shall be considered for pressurized canisters or potentially explosive goods. Equipment and goods shall be screened by screen wall or fence at least six feet in height and at least 95 percent opaque. Equipment available for rent may be displayed without screening in an area not exceeding ten percent of the screened outdoor storage area.
- (9) *Outdoor storage, fleet vehicles.* All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of section 1013.11 and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or "retired" vehicles) shall adhere to the requirements for outdoor storage of inoperable/out of service vehicles or equipment.
- (10) *Outdoor storage, inoperable /out-of-service vehicles or equipment.* All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of section 1013.11 and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. All such vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence at least six feet in height and at least 95 percent opaque, and an outdoor storage area shall not obstruct required drive aisles or parking stalls.
- (11) *Cannabis or hemp retailer.* Where a licensed cannabis or hemp retailer is located in an E-1 or E-2 zoning district, such business shall be subject to the limitation established in subsection (f)(2) of this section.
- (12) *Cannabis delivery/transportation business.* Where a licensed cannabis delivery/transportation business is located in an E-1 or E-2 zoning district, the scale of such business shall conform to the definition of a limited warehousing/distribution use in section 1001.10.
- (13) *Cannabis or hemp industrial business.* Where a licensed cannabis or hemp industrial business is located in an E-1 or E-2 zoning district, the scale of manufacturing elements of such business shall conform to the definition of a limited production/processing use in section 1001.10. Further, a wholesale element of such business shall be subject to the limitation established in subsection (f)(5) of this section.

- (14) *Cannabis combination business.* Where a licensed cannabis combination business is located in an E-1 or E-2 zoning district, the scale of cultivation and manufacturing elements of such business shall conform to the definition of a limited production/processing use in section 1001.10. Further, the retail element of such business shall be subject to the limitation established in subsection (f)(2) of this section.

(g) *Accessory uses and structures.*

(1) *Telecommunication towers and antennas.*

- a. *Private antennas and towers.* Private (noncommercial) receiving or transmitting antennas and towers more than 20 feet in height above the principal structure height in residential districts or more than 50 feet in height above the principal structure height in business and industrial districts shall be a conditional use in all districts.
- b. *City-owned antennas and towers.* City-owned or city-controlled antennas and tower sites shall be a permitted use in commercial, community mixed-use, and employment districts, and a conditional use in all other districts.
- c. *Commercial antennas and towers—City sites.* Commercial receiving or transmitting antennas and towers regardless of height or size, with the exception of satellite dish antennas, shall connect to and use the city tower sites if use of such facilities is technically feasible.
- d. *Commercial antennas and towers—Non-city sites.* Commercial receiving or transmitting antennas and towers not located on a city tower site shall be a conditional use. Commercial receiving or transmitting antennas and towers may only be located in commercial, community mixed-use and/or employment districts. The city may establish permit review periods, tower termination, time limits or an amortization schedule specifying the year in which the tower shall be taken down by the applicant or assign. A performance bond or other surety may be required by the city in order to ensure removal of the tower at a specific date.
- e. *Application.* The applicant shall present documentation of the possession of any required license by any federal, state, or local agency.
- f. *Requirements.* All antennas and towers and support structures including guy wires and foundations shall be subject to the appropriate requirements of subsection (g)(1)h of this section and the setback requirements established for accessory structures in the applicable zoning district. Antennas, towers, guy wires and foundations, and support buildings shall be constructed on one lot or parcel and shall be set back a minimum of 30 feet from any front property line.
- g. *Design.* All antennas and towers shall be designed and screened as visually appropriate, shall utilize a city-approved gray or blue color, and shall contain no signage, including logos, except as may be required by any state or federal regulations.



- h. *Existing facilities.* Existing transmitting and receiving facilities at the time of the adoption of the ordinance from which this section is derived may remain in service. However, at such time as any material change is made in the facilities, full compliance with this section shall be required. No transmitting or receiving antennas or towers may be added to existing nonconforming facilities. Towers and receiving facilities shall be dismantled and removed from the site within one year after abandonment of the use of the tower or facility for communication purposes.
  - i. *Security fencing.* Security fencing for antennas and towers may include chain-link and barbed wire to a total height of eight feet above grade.
  - j. *Support buildings.* Support buildings to house switching and other communication equipment shall have a brick exterior, be a maximum of 200 square feet in size, 24 feet in height and have two off-street, paved parking spaces.
  - k. *Building permit.* A building permit shall be required for the construction of new antennas and/or towers and shall include wind loading and strength and footing calculations prepared by a state registered engineer.
  - l. *Exception.* Antennas attached to, but not above, the exterior walls of buildings as an integral part of the architecture shall be a permitted use in all commercial, community mixed-use and/or employment districts. Antennas attached to existing public utility structures or existing public utility towers in any zoning district, including electrical transmission towers or other structures deemed appropriate by the community development department, shall be a permitted use in all zoning districts, provided the antennas do not increase the height or bulk of said structure or tower.
- (2) *Temporary uses and structures.* The following temporary uses and structures shall be permitted in all zoning districts unless specified otherwise, provided such use or structure complies with the regulations of the zoning district in which it is located and all other applicable provisions of this title:
- a. *Garage and boutique sales in residential districts.* Garage sales and residential boutique sales are permitted accessory uses in residential districts, but shall be limited to three sales each calendar year per dwelling unit and shall not exceed three consecutive days per sale or nine total days in duration per year. The maximum daily hours of operation shall be 8:00 a.m. to 6:00 p.m. A residential boutique sale shall not occupy more than 400 square feet of a dwelling unit.
  - b. *Construction sites.* Storage of building materials and equipment or temporary buildings for construction purposes shall be located on the same lot as the project under construction, and shall be removed within 30 days following completion of construction.
  - c. *Portable storage units.* A maximum of two portable storage units, not exceeding a cumulative gross floor area of 250 square feet, shall be permitted on a lot for no more than 30 days per calendar year, unless otherwise approved in conjunction with a building permit.



- d. *Annual outdoor storage and display.* An annual permit shall be required from the community development department to allow outdoor storage and display of merchandise in the commercial and mixed-use districts. The community development department shall review a site plan and specifics of the proposed outdoor storage and display area/use and may issue the permit, subject to (but not limited to) the following requirements:
  - 1. The area of outdoor storage and/or display shall be limited to 350 square feet or as determined by the community development department.
  - 2. The outdoor storage and/or display shall not utilize existing on-site parking spaces.
  - 3. The outdoor storage and/or display area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
  - 4. Merchandise shall be stacked and/or arranged neatly and may be up to eight feet in height or as determined by the community development department.
  - 5. The type of merchandise shall be limited to items incidental to the primary or principal use of the premises or as determined by the community development department.
- e. *Seasonal outdoor sales.* A seasonal outdoor sales permit shall be required from the community development department to allow outdoor sales of merchandise such as produce, plants, garden supplies, and/or a farmer's market. The community development department shall review a site plan and specifics of the proposed seasonal outdoor sales area/use and may issue the permit, subject to (but not limited to) the following requirements:
  - 1. The outdoor sales area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.
  - 2. The outdoor sales area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.
  - 3. The outdoor sales area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
  - 4. Accessory structures (e.g., stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.
  - 5. Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the fire marshal.
  - 6. Signage shall be regulated by chapter 1010.
- f. *Temporary events.* A temporary event permit shall be required from the community development department to allow the temporary sale of merchandise

or temporary event/activity. These uses may include the sales of fireworks, rugs, and other similar merchandise and events utilizing search lights or tents for employee/customer appreciation. The community development department shall review a site plan and specifics of the proposed event area/use and may issue the permit, subject to (but not limited to) the following requirements:

1. Any single or recurring temporary event shall be limited 30 total days per calendar year.
2. The event area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.
3. The event area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.
4. The event area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
5. Accessory structures (e.g., stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.
6. Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the fire marshal.
7. Signage shall be regulated by chapter 1010.

(h) *Temporary family health care dwellings; opt out of Minn. Stat. § 462.3593.* Pursuant to authority granted by Minn. Stat. § 462.3593, subd. 9, the city opts out of the requirements of Minn. Stat. § 462.3593, which defines and regulates temporary family health care dwellings.

(Ord. No. 1606, § 1011.12, 11-8-2021; Ord. No. 1644, § 2, 10-23-2023; Ord. No. 1682, §§ 5, 6, 11-25-2024)

## **CHAPTER 1012. OVERLAY DISTRICTS**

### **Sec. 1012.01. Statement of purpose.**

Overlay districts are designed to:

- (1) Provide specialized guidance for specific geographic areas that may have a number of underlying zoning districts.
  - (2) Comply with the comprehensive plan's land use guidance.
- (Ord. No. 1606, § 1012.01, 11-8-2021)

### **Sec. 1012.02. Bus Rapid Transit (BRT) Overlay District.**

(a) *Purpose.* The Bus Rapid Transit (BRT) Overlay District is intended to:

- (1) Achieve the guidance of the comprehensive plan's future land use goals and policies.

- (2) Promote higher residential density development within the half-mile walkshed of BRT stations.
- (3) Establish standards above and beyond those existing in underlying zoning districts for those areas.
- (4) Focus on enhancing pedestrian connections as part of development.

(b) *Overlay district boundaries.* This section shall apply to all lands within the jurisdiction of the city shown on the official zoning map and/or the attachments thereto as meeting both of the following:

- (1) Located within the boundaries of the Bus Rapid Transit (BRT) Overlay District; and,
- (2) Having the underlying zoning of the following base zoning districts:
  - a. HDR: High Density Residential District.
  - b. MU-1: Neighborhood Mixed-Use District.
  - c. MU-2A and MU-2B: Community Mixed-Use Districts.
  - d. MU-3: Corridor Mixed-Use District.
  - e. MU-4: Core Mixed-Use District.

(c) *Density standards.* Residential density shall be a minimum of 15 units per acre.

(d) *Pedestrian and bicycle facilities plan.* Any expansion of existing buildings or uses, a change in use, or redevelopment of property will require submittal of a pedestrian and bicycle facilities plan prior to any city approval of proposed development. The pedestrian and bicycle facilities plan shall include the following:

- (1) Area map showing existing public and private pedestrian and bicycle facilities and destinations within a half-mile walkshed of the property.
- (2) Proposed pedestrian and bicycle facilities.
- (3) Proposed pedestrian and bicycle connections to existing or planned public sidewalks and trails, including pedestrian/bike street crossings.

(e) *Pedestrian and bicycle facilities standards.*

- (1) Provision of pedestrian and bicycle connections to all existing or planned public sidewalks and trails, including pedestrian/bike street crossings, adjacent to the site.
- (2) Provision of pedestrian-oriented open space adjacent to BRT stations and major roadway intersections designed as a semi-public space, outdoor seating, or other semi-public uses.

(Ord. No. 1606, § 1012.02, 11-8-2021)

**Sec. 1012.03. Shoreland Overlay District.***(a) Statutory authorization and policy.*

- (1) *Statutory authorization.* The ordinance from which this section is derived is adopted pursuant to the authorization and policies contained in Minn. Stat. ch. 103F, Minn. Rules 6120.2500—6120.3900, and the planning and zoning enabling legislation in Minn. Stat. ch. 462.
- (2) *Policy.* The state legislature has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the city.
- (3) *Purpose.* The purpose of the shoreland overlay district is to recognize, preserve, protect and enhance the environmental, recreational and hydrologic resources and functions of the city's lakes by regulating the use of land adjacent to public waters. In order to promote the general health, safety and welfare, certain protected waters in the city have been given a shoreland management classification by the state department of natural resources and the city. The intent of the shoreland overlay district is to apply the regulations and standards found in this section to public waters and adjacent land as an overlay zone, further regulating the use of land as allowed by other districts of this title.

*(b) General provisions and definitions.*

- (1) *Jurisdiction.* The provisions of this section apply to the shorelands of the public water bodies as classified in subsection (d)(1) of this section. Pursuant to Minn. Rules 6120.2500 to 6120.3900, no lake, pond, or flowage less than ten acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the city council, be exempt from this section.
- (2) *Enforcement.* The community development director is responsible for the administration and enforcement of this section. Any violation of the provisions of this section or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, constitutes a misdemeanor and is punishable as defined by law. Violations of this section can occur regardless of whether or not a permit is required for a regulated activity listed in subsection (c)(2) of this section.
- (3) *Abrogation and greater restrictions.* It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However,

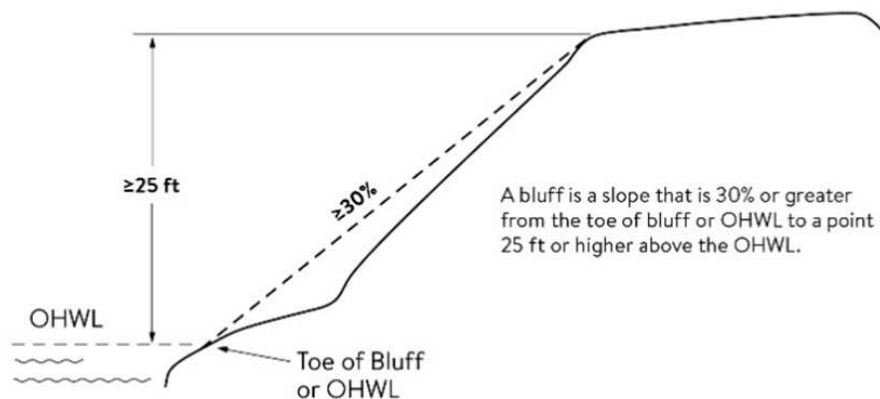
where this section imposes greater restrictions, the provisions of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.

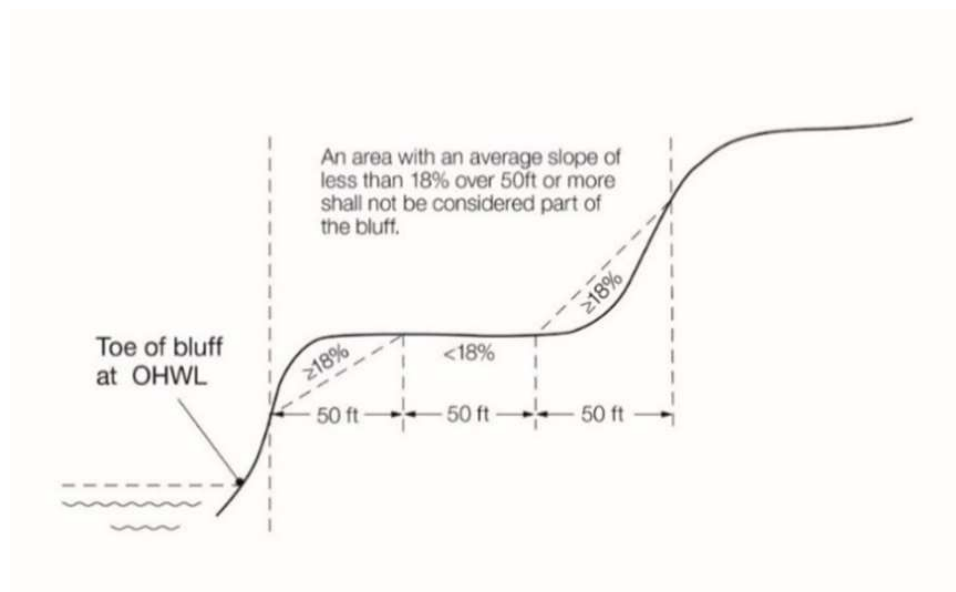
- (4) All distances, unless otherwise specified, are measured horizontally.
- (5) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

*Bluff* means a topographic feature such as a hill, cliff, or embankment having the following characteristics:

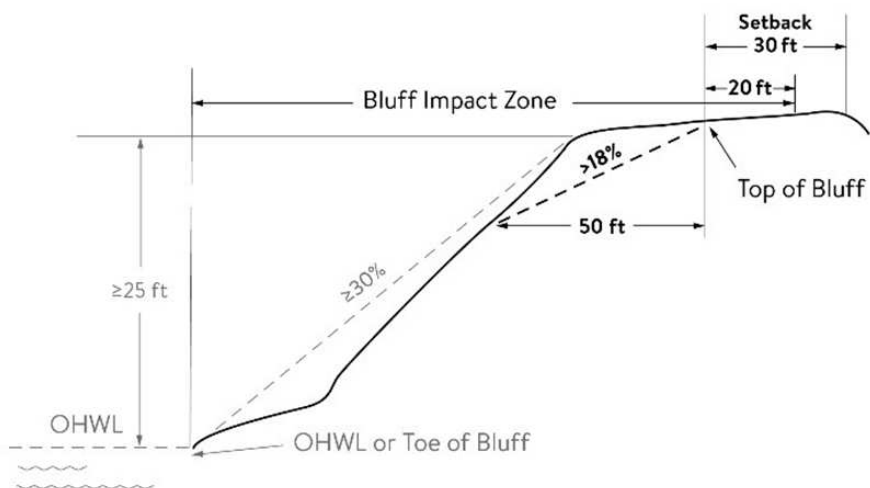
- a. Part or all of the feature is located in a shoreland area;
- b. The slope must drain toward the water body;
- c. The slope rises at least 25 feet above the ordinary high water level;
- d. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater (see Figure 1012-1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 1012-2).

Figure 1012-1. Illustration of Bluff



**Figure 1012-2. Exception to Bluff**

*Bluff impact zone* means a bluff and land located within 30 feet of the top of a bluff. See Figure 1012-3.

**Figure 1012-3. Bluff Impact Zone**

*Bluff, toe of*, means the lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.

*Bluff, top of*, means, for the purposes of measuring setbacks, bluff impact zones, and administering vegetation management standards, the higher point of a 50-foot segment with an average slope exceeding 18 percent.

*Boathouse* means a facility as defined by Minn. Stat. § 103G.245.

*Buffer* means a vegetative feature as defined by Minn. Stat. § 103F.48.

*Building line* means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

*Commercial use* means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

*Commissioner* means the commissioner of the department of natural resources.

*Conditional use* means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

*Controlled access lot* means a lot used to access public waters or as a recreation area for owners of non-riparian lots within the same subdivision containing the controlled access lot.

*Dwelling site* means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

*Industrial use* means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

*Intensive vegetation clearing* means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

*Nonconformity* means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.

*Planned unit development* means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, timeshare condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, resorts, hotels, motels, and conversions of structures and land uses to these uses.



*Public waters* means any water as defined in Minn. Stat. § 103G.005, subds. 15 and 15a.

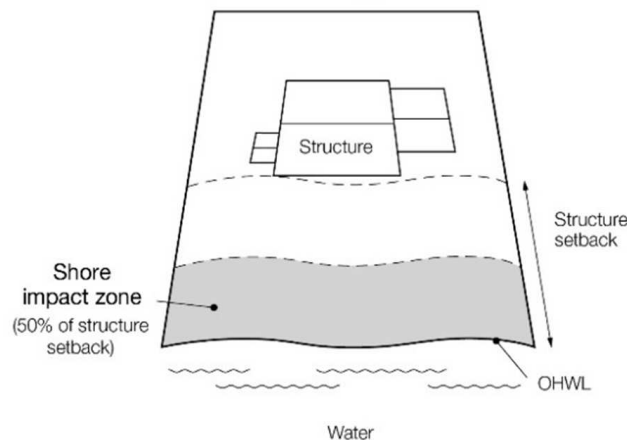
*Residential planned unit development* means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, timeshare condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

*Semi-public use* means the use of land by a private nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

*Sewer system* means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

*Shore impact zone* means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback (see Figure 1012-4).

**Figure 1012-4. Shore Impact Zone**



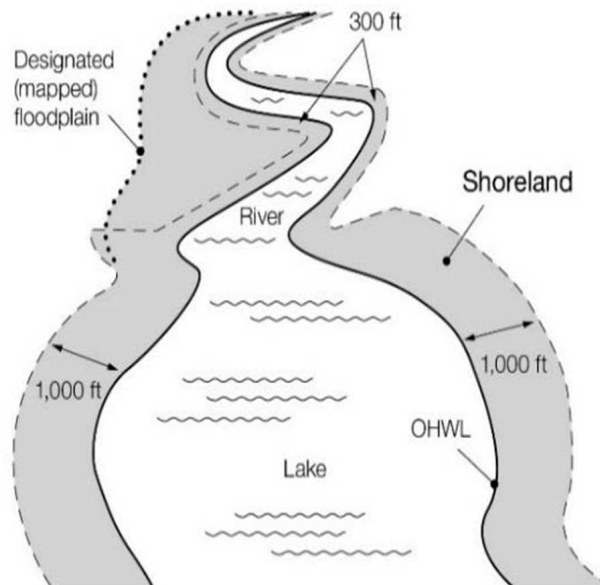
*Shore recreation facilities* means swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

*Shoreland* means land located within the following distances from public waters:

- a. 1,000 feet from the ordinary high water level of a department of natural resources designated lake, pond, or flowage; and
- b. 300 feet from a city-designated water body; and

- c. 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater (see Figure 1012-5).

**Figure 1012-5. Definition of Shoreland**



*Significant historic site* means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the state register of historic sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the state archaeologist or the director of the state historical society. All unplatted cemeteries are automatically considered to be significant historic sites.

*Steep slope* means lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

*Subdivision* means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

*Suitability analysis* means an evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

*Variance* means the same as that defined in Minn. Stat. § 462.357, subd. 6(2).

*Water-dependent use* means the use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.

*Water-oriented accessory structure or facility* means a small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minn. Stat. § 103G.245 are not a water-oriented accessory structures.

*Wetland* has the meaning given under Minn. Rules 8420.0111.

(c) *Administration.*

- (1) *Purpose.* The purpose of this subsection (c) is to identify administrative provisions to ensure this section is administered consistent with its purpose.
- (2) *Permits.*
  - a. A permit is required for the construction of buildings or building additions (including construction of decks and signs) and those grading and filling activities not exempted by subsection (h)(3) of this section.
  - b. A certificate of compliance, consistent with Minn. Rules 7082.0700, subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property.
- (3) *Application materials.* Application for permits and other zoning applications such as variances shall be made to the community development department on the forms provided. The application shall include the necessary information so that the community development director can evaluate how the application complies with the provisions of this section.
- (4) *Variances.* Variances may only be granted in accordance with Minn. Stat. § 462.357 and are subject to the following:
  - a. Variances may not circumvent the general purposes and intent of this section; and
  - b. Variances on riparian lots that allow a structure to be located within the ordinary high water level setback or that allow more impervious surface coverage than the standard shall include the following minimum conditions:
    1. The greater of 20 feet or 20 percent of contiguous shoreline to a depth of ten feet shall be restored with trees, shrubs, and low ground covers consisting of native plants which are consistent with the natural cover of the shoreline.

2. A planting plan which is acceptable to city staff shall be submitted that demonstrates how the restoration will occur.
  3. Either a conservation easement for the restored area shall be established and recorded, or signage following city policies shall be installed and maintained around the restoration area.
- (5) *Conditional uses.* All conditional uses in the shoreland area are subject to a thorough evaluation of the water body and the topographic, vegetation, and soil conditions to ensure:
- a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
  - b. The visibility of structures and other facilities as viewed from public waters is limited;
  - c. There is adequate water supply and on-site sewage treatment; and
  - d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.
- (6) *Mitigation.*
- a. In evaluating all variances, conditional uses, and zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this section, and to protect adjacent properties and the public interest:
    1. Advanced stormwater runoff management treatment;
    2. Reducing impervious surfaces;
    3. Increasing setbacks from the ordinary high water level;
    4. Restoration of wetlands;
    5. Limiting vegetation removal and/or riparian vegetation restoration;
    6. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
    7. Other conditions the zoning authority deems necessary.
  - b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer leaf-on vegetation shall be attached to permits.

(7) *Nonconformities.*

- a. All legally established nonconformities as of the date of the ordinance from which this section is derived may continue, but will be managed according to Minn. Stat. § 462.357, subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
- b. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of subsections (e) through (h) of this section. Any deviation from these requirements must be authorized by a variance.

(8) *Notifications to the department of natural resources.*

- a. All amendments to the ordinance from which this section is derived must be submitted to the department of natural resources for review and approval for compliance with the statewide shoreland management rules. The city will submit the proposed ordinance amendments to the commissioner at least 30 days before any scheduled public hearings.
- b. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- c. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner and postmarked within ten days of final action. When a variance is approved after the department of natural resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- d. Any request to change the shoreland management classification of public waters within the city must be sent to the commissioner for approval, and must include a resolution and supporting data as required by Minn. Rules 6120.3000, subp. 4.
- e. Any request to reduce the boundaries of shorelands of public waters within the city must be sent to the commissioner for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

(9) *Mandatory EAW.* An environmental assessment worksheet consistent with Minn. Rules ch. 4410 must be prepared for projects meeting the thresholds of Minn. Rules 4410.4300, subpts. 19a, 20a, 25, 27, 28, 29, and 36a.

(10) *Planned unit development.* A planned unit development (PUD) may be permitted within the shoreland overlay district as long as it follows the requirements of chapter 1016 and subsection (j) of this section.

(d) *Shoreland classification system and land uses.*

(1) *Shoreland classification system.*

a. *Purpose.* The purpose of the system is to ensure that shoreland development on the public waters of the city is regulated consistent with the classifications assigned by the commissioner under Minn. Rules 6120.3300.

b. Lakes are classified as follows:

1. State designated general development (GD) lakes:

| <i>Lake Name</i> | <i>DNR Public Waters ID #</i> |
|------------------|-------------------------------|
| Little Johanna   | 62005800 or 62-58P            |
| Lake Josephine   | 62005700 or 62-57P            |
| Lake Owasso      | 62005600 or 62-56P            |
| McCarron Lake    | 62005400 or 62-54P            |

2. State designated natural environment (NE) lakes:

| <i>Lake Name</i> | <i>DNR Public Waters ID #</i> |
|------------------|-------------------------------|
| Bennett Lake     | 62004800 or 62-48W            |
| Langton Lake     | 62004900 or 62-49W            |

3. City designated general development (GD) lakes:

| <i>Lake Name</i> |
|------------------|
| Oasis Pond       |
| Zimmerman Lake   |
| Walsh Lake       |
| Willow Pond      |

(2) *Land uses.* The land uses allowable for the shoreland overlay district shall follow the permitted and conditional use designations as defined and outlined in the underlying zoning district.

(e) *Special land use provisions; commercial, industrial, public, and semi-public use standards.*

(1) Water-dependent uses may be located on parcels or lots with frontage on public waters, provided that:

a. The use complies with provisions of subsection (g) of this section;

- b. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
  - c. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
  - d. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
    - 1. Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
    - 2. Signs placed within the shore impact zone are:
      - (i) No higher than ten feet above the ground, and no greater than 32 square feet in size; and
      - (ii) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
    - 3. Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.
- (2) Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.
- (f) *Dimensional and general performance standards.*
- (1) *Purpose.* The purpose of this subsection (f) is to establish dimensional and performance standards that protect shoreland resources from impacts of development.
  - (2) *Lot area and width standards.* After the effective date of the ordinance from which this section is derived, all new lots must meet the minimum lot area and lot width requirements in subsection (f)(2)d of this section, subject to the following standards:
    - a. Only lands above the ordinary high water level can be used to meet lot area and width standards;
    - b. Lot width standards must be met at both the ordinary high water level and at the building line;
    - c. Residential subdivisions of one-family housing (lot) types that have dwelling unit densities exceeding those in subsection (f)(2)d of this section are allowed only if designed and approved as residential PUDs under subsection (j) of this section; and



- d. Minimum lot area and width standards for one-family to four-family housing (lot type).

1. *Riparian lot.*

| <i>Housing (Lot)<br/>Type</i> | <i>General Development<br/>Lake</i> |                                | <i>Natural Environment<br/>Lake</i> |                                |
|-------------------------------|-------------------------------------|--------------------------------|-------------------------------------|--------------------------------|
|                               | <i>Lot Area<br/>(sq. ft.)</i>       | <i>Lot Width<br/>(sq. ft.)</i> | <i>Lot Area<br/>(sq. ft.)</i>       | <i>Lot Width<br/>(sq. ft.)</i> |
| One-family<br>(single)        | 15,000                              | 85                             | 40,000                              | 125                            |
| Two-family<br>(duplex)        | 26,000                              | 135                            | 70,000                              | 225                            |
| Three-family<br>(triplex)     | 38,000                              | 195                            | 100,000                             | 325                            |
| Four-family (quad)            | 49,000                              | 255                            | 130,000                             | 425                            |

2. *Non-riparian lot.* The lot area and lot width shall meet the standards set forth in the underlying zoning district.

- (3) *Impervious surface coverage.* Lot development shall meet the impervious surface requirements of the underlying zoning district and stormwater management requirements of title 8.

- (4) *Special residential lot provisions.*

- a. Development of attached, courtyard cottage, and multifamily housing shall meet the following standards:

1. The lot area and lot width shall meet the standards of the underlying zoning district.
2. Seventy percent of the shore impact zone must be permanently protected. If that zone does not meet a riparian buffer standards, then restoration is required.
3. Shore recreation facilities.
  - (i) Shore recreation facilities must be centralized and located in areas suitable for them based on a suitability analysis.
  - (ii) Docking, mooring, or over-water storage of more than six watercraft on the centralized facility for the development will only be allowed if the width of the development is greater than the minimum lot width for a riparian single-family residential lot on the respective lake type. For each watercraft greater than six, the width of the development must be increased consistent with the following table:

| <i>Ratio of Lake Size to Shore Length<br/>(acres / mile)</i> | <i>Required Percent Increase<br/>in Frontage</i> |
|--------------------------------------------------------------|--------------------------------------------------|
| Less than 100                                                | 25%                                              |

| <i>Ratio of Lake Size to Shore Length<br/>(acres / mile)</i> | <i>Required Percent Increase<br/>in Frontage</i> |
|--------------------------------------------------------------|--------------------------------------------------|
| 100—200                                                      | 20%                                              |
| 201—300                                                      | 15%                                              |
| 301—400                                                      | 10%                                              |
| Greater than 400                                             | 5%                                               |

- (iii) Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units.
  - (iv) A legal instrument must be developed that:
    - A. Specifies which tenants and/or lot owners have authority to use the facilities;
    - B. Identifies what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
    - C. Limits the total number of vehicles allowed to be parked in any parking area specifically dedicated to the centralized facilities and the total number of watercraft allowed to be continuously moored, docked, or stored over water;
    - D. Requires centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
    - E. Requires all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer leaf-on conditions.
  - (v) Accessory structures and facilities, except water-oriented accessory structures, must meet the required structure setback and must be centralized.
  - (vi) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in subsection (g)(3) of this section and are centralized.
- b. Subdivisions of two-family (duplexes), three-family (triplexes), and four-family (quads) dwellings are conditional uses on natural environment lakes and must also meet the following standards:
- 1. Each building must be set back at least 200 feet from the ordinary high water level;
  - 2. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

3. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- c. An accessory dwelling unit may be allowed as long as the standards of section 1011.12(b)(1) and subsections (f)(4)c.1 and 2 of this section are met:
  1. The minimum lot size for a detached ADU must meet the two-family (duplex) standard for the lake type.
  2. A detached ADU must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- d. Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:
  1. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in subsection (f)(4)d.4 of this section;
  2. If docking, mooring, or over-water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

| <i>Ratio of Lake Size to Shore Length<br/>(acres/mile)</i> | <i>Required Percent Increase<br/>in Frontage</i> |
|------------------------------------------------------------|--------------------------------------------------|
| Less than 100                                              | 25%                                              |
| 100—200                                                    | 20%                                              |
| 201—300                                                    | 15%                                              |
| 301—400                                                    | 10%                                              |
| Greater than 400                                           | 5%                                               |

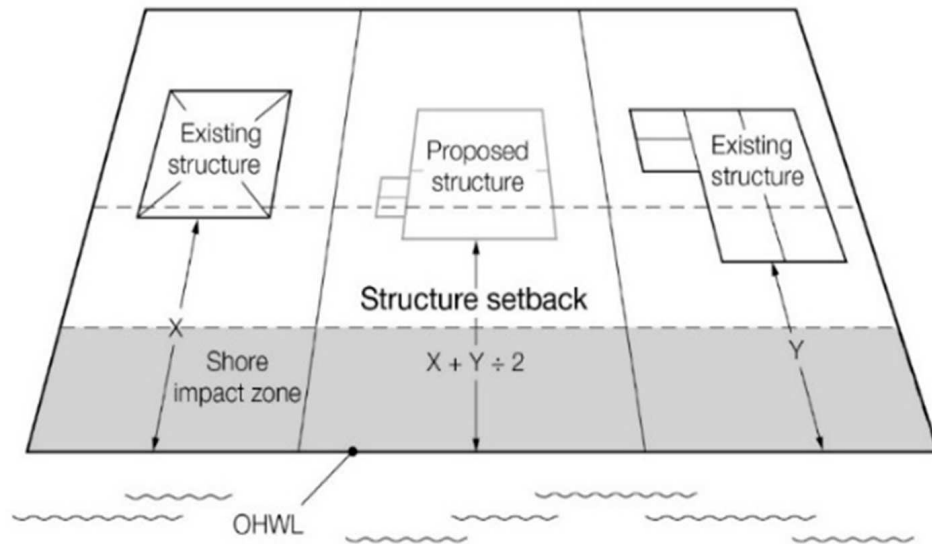
3. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
4. Covenants or other equally effective legal instruments must be developed that:
  - (i) Specify which lot owners have authority to use the access lot;
  - (ii) Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
  - (iii) Limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water;

- (iv) Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
- (v) Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer leaf-on conditions.

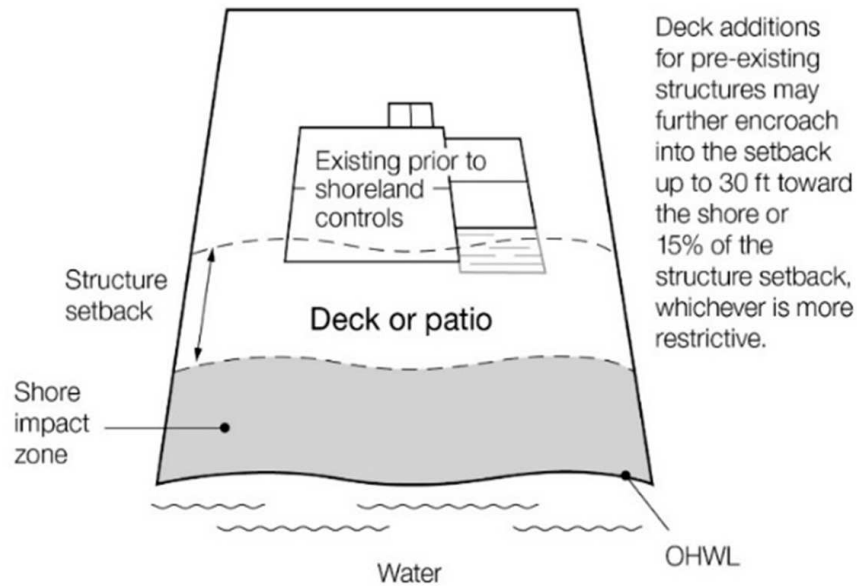
(5) *Placement, height, and design of structures.*

- a. *OHWL setback for structures.* When more than one setback applies to a site, structures and facilities must be located to meet all setbacks and comply with the following OHWL setback provisions:
  - 1. *General development lake.* For a general development lake, the setback shall be 50 feet.
  - 2. *Natural environment lake.* For a natural environment lake, the setback shall be 150 feet.
  - 3. *OHWL setbacks.* Structures and impervious surfaces must meet setbacks from the ordinary high water level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with subsection (g)(3) of this section, may be set back a minimum distance of ten feet from the OHWL.
  - 4. *Setback averaging.* Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone (see Figure 1012-6);

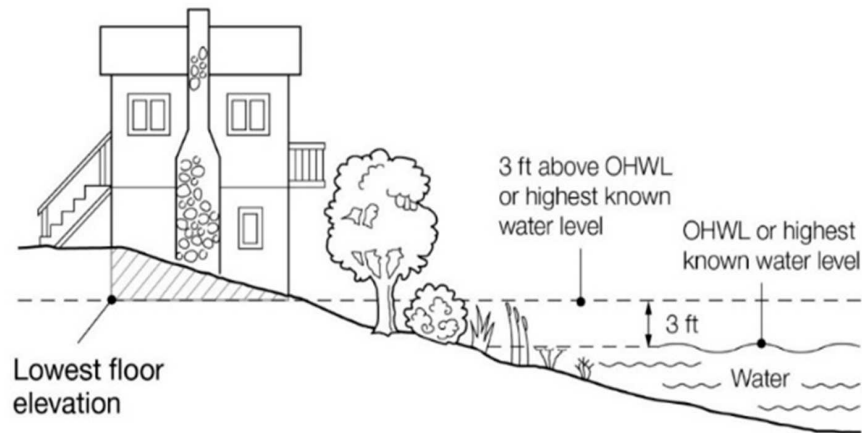
Figure 1012-6. Structure Setback Averaging



5. *Setbacks of decks.* Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:
  - (i) The structure existed on the date the structure setbacks were established;
  - (ii) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
  - (iii) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
  - (iv) The deck is constructed primarily of wood or composite materials having the appearance of wood, and is not roofed or screened (see Figure 1012-7).

**Figure 1012-7. Deck Encroachment**

6. *Additional structure setbacks.* Structures must also meet the following setbacks, regardless of the water body classification:
  - (i) 30 feet from the top of the bluff.
  - (ii) 50 feet from an unplatted cemetery.
7. *Bluff impact zones.* Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- b. *Height of structures.* All structures must meet the height limitations of the underlying zoning district.
- c. *Lowest floor elevation.*
  1. *Determining elevations.* Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or floodproofed must be determined for lakes by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher (see Figure 1012-8).

**Figure 1012.8. Lowest Floor Elevation**

2. *Methods for placement.*

- (i) In addition to the lowest floor, all service utilities must be elevated or watertight to the elevation determined in subsection (f)(5)c.1 of this section.
- (ii) If elevation methods involving fill would result in filling in the shore impact zone, then structures must instead be elevated through floodproofing methods in accordance with subsection (f)(5)c.2(iii) of this section;
- (iii) If the structure is floodproofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pads, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA Technical Bulletins 1, 2 and 3.

- d. *Significant historic sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

(6) *Water supply and sewage treatment.*

- a. *Water supply.* Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the state department of health and the state pollution control agency.
- b. *Sewage treatment.* Any premises used for human occupancy must be connected to a publicly owned sewer system, where available, or comply with Minn. Rules chs. 7080 to 7081.



(g) *Performance standards for public and private facilities.*

- (1) *Placement and design of roads, driveways, and parking areas.* Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:
  - a. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If the city engineer determines that no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;
  - b. Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones, provided the vegetative screening and erosion control conditions of this subsection (g)(1) are met;
  - c. Private facilities must comply with the grading and filling provisions of subsection (h)(3) of this section; and
  - d. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- (2) *Stairways, lifts, and landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:
  - a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
  - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public space recreational uses, and planned unit developments;
  - c. Canopies or roofs are not allowed on stairways, lifts, or landings;
  - d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
  - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer leaf-on conditions, whenever practical; and

- f. Facilities such as ramps, lifts, or mobility paths for physically disabled persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of subsections (g)(2)a through e of this section and the requirements of Minn. Rules ch. 1341.
- (3) *Water-oriented accessory structures or facilities.* Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:
- a. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
  - b. The structure or facility is not in the bluff impact zone;
  - c. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
  - d. The structure is not a boathouse or boat storage structure as defined under Minn. Stat. § 103G.245;
  - e. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions;
  - f. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
  - g. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
  - h. As an alternative for general development and recreational development water bodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet, provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
  - i. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in subsection (f)(5)c.1 of this section if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- (h) *Vegetation and land alterations.*
- (1) *Purpose.* Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

(2) *Vegetation management.*

- a. Removal or alteration of vegetation must comply with the provisions of this subsection (h) except for:
  1. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities; and
  2. The construction of public roads and parking areas if consistent with subsection (g)(1) of this section.
- b. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited.
- c. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
  1. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf-on conditions, is not substantially reduced;
  2. Existing shading of water surfaces along rivers is preserved;
  3. Cutting debris or slash shall be scattered and not mounded on the ground; and
  4. Perennial ground cover is retained;
  5. Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.
- d. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
- e. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

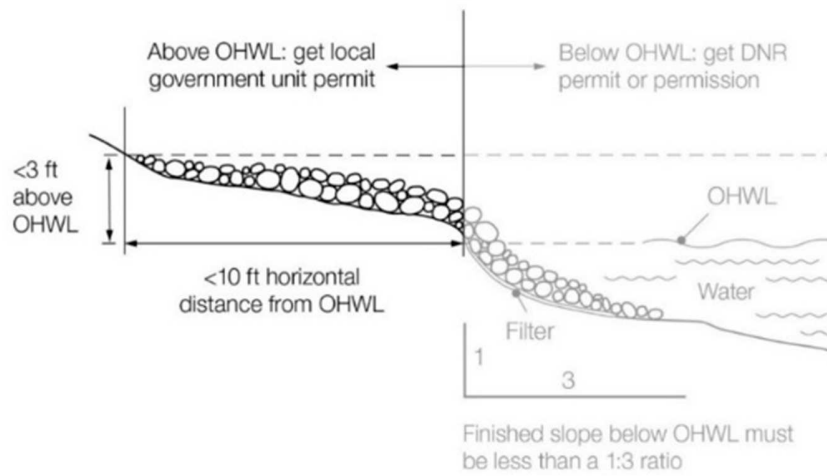
(3) *Grading and filling.*

- a. Grading and filling activities must comply with the provisions of this subsection (h) except for the construction of public roads and parking areas if consistent with subsection (g)(1) of this section.
- b. Permit requirements.
  1. Grading, filling and excavations necessary for the construction of structures, and driveways, if part of an approved permit, do not require a separate grading and filling permit.

2. For all other work, including driveways not part of another permit, a grading and filling permit is required for:
  - (i) The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
  - (ii) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- c. Grading, filling and excavation activities must meet the following standards:
  1. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minn. Rules ch. 8420 and any other permits, reviews, or approvals by other local, state or federal agencies such as watershed districts, the DNR or the United States Army Corps of Engineers;
  2. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
    - (i) Limiting the amount and time of bare ground exposure;
    - (ii) Using temporary ground covers such as mulches or similar materials;
    - (iii) Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;
    - (iv) Using sediment traps, vegetated buffer strips or other appropriate techniques;
    - (v) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
    - (vi) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
    - (vii) Fill or excavated material must not be placed in bluff impact zones;
    - (viii) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minn. Stat. ch. 103G;
    - (ix) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
    - (x) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
      - A. The finished slope does not exceed three feet horizontal to one foot vertical;

- B. The landward extent of the riprap is within ten feet of the ordinary high water level; and
- C. The height of the riprap above the ordinary high water level does not exceed three feet (see Figure 1012-9).

**Figure 1012-9. Riprap Guidelines**



- d. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with Minn. Rules ch. 6115.
- (i) *Subdivision/platting provisions.*
    - (1) *Purpose.* The purpose of this subsection (i) is to ensure that new development minimizes impacts to shoreland resources and is safe and functional.
    - (2) *Land suitability.* Each lot created through subdivision, including planned unit developments authorized under subsection (j) of this section, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
    - (3) *Consistency with other controls.* Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
    - (4) *Dedications.* When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

- (5) *Platting*. All subdivisions that cumulatively create five or more lots or parcels that are 2½ acres or less in size shall be processed as a plat in accordance with Minn. Stat. § 462.358, subd. 3a (cities), and Minn. Stat. ch. 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of the ordinance from which this section is derived unless the lot was previously approved as part of a formal subdivision.
- (6) *Controlled access lots*. Controlled access lots within a subdivision must meet or exceed the lot size criteria in subsection (f)(2)d of this section.
- (j) *Planned unit developments (PUDs)*.
  - (1) *Purpose*. The purpose of this subsection (j) is to protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high-density residential and commercial uses.
  - (2) *Types of PUDs permissible*. Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of subsection (f)(2)d of this section is allowed if the standards in this section are met.
  - (3) *Processing of PUDs*. Planned unit developments must be created through rezoning to an overlay district. The planned unit development shall comply with the provisions of this section in addition to the standards set forth in chapter 1016.
  - (4) *Application for a PUD*. In addition to the application materials required by chapter 1016, the applicant for a PUD must submit the following documents prior to final action on the application request:
    - a. A property owner's association agreement (for residential PUDs) which includes mandatory membership, and which is consistent with subsection (j)(6) of this section.
    - b. Deed restrictions, covenants, permanent easements or other instruments that ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in subsection (j)(6) of this section.
  - (5) *Density determination*. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures:
    - a. Step 1: Identify density analysis tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

| <i>Water Body Classification</i>          | <i>No Sewer<br/>(ft.)</i> | <i>Sewer<br/>(ft.)</i> |
|-------------------------------------------|---------------------------|------------------------|
| General development lakes—1st tier        | 200                       | 200                    |
| General development lakes—All other tiers | 267                       | 200                    |
| Natural environment lakes                 | 400                       | 320                    |

- b. Step 2: Calculate suitable area for development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.
- c. Step 3: Determine base density. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier.

| <i>Inside Living Floor Area<br/>or Dwelling Site Areas<br/>(sq. ft.)</i> | <i>General Development<br/>Lakes w / Sewer—<br/>All Tiers</i> | <i>Natural Environment<br/>Lakes</i> |
|--------------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------|
| <200                                                                     | 0.040                                                         | 0.010                                |
| 300                                                                      | 0.048                                                         | 0.012                                |
| 400                                                                      | 0.056                                                         | 0.014                                |
| 500                                                                      | 0.065                                                         | 0.016                                |
| 600                                                                      | 0.072                                                         | 0.019                                |
| 700                                                                      | 0.082                                                         | 0.021                                |
| 800                                                                      | 0.091                                                         | 0.023                                |
| 900                                                                      | 0.099                                                         | 0.025                                |
| 1,000                                                                    | 0.108                                                         | 0.027                                |
| 1,100                                                                    | 0.116                                                         | 0.029                                |
| 1,200                                                                    | 0.125                                                         | 0.032                                |
| 1,300                                                                    | 0.133                                                         | 0.034                                |
| 1,400                                                                    | 0.142                                                         | 0.036                                |
| >1,500                                                                   | 0.150                                                         | 0.038                                |

- d. Step 4: Determine if the site can accommodate increased density.
  1. The following increases to the dwelling unit or dwelling site base densities determined in subsection (j)(5)c of this section are allowed if the design criteria in subsection (j)(6) of this section are satisfied as well as the standards in subsection (j)(5)d.2 of this section:

| <i>Shoreland Tier</i> | <i>Maximum Density Increase Within<br/>Each Tier (percent)</i> |
|-----------------------|----------------------------------------------------------------|
| 1st                   | 50                                                             |
| 2nd                   | 100                                                            |
| 3rd                   | 200                                                            |
| 4th                   | 200                                                            |
| 5th                   | 200                                                            |

2. Structure setbacks.
  - (i) Structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback; or
  - (ii) The impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.



(6) *Design criteria.* All PUDs must meet the following design criteria:

a. *General design standards.*

1. All residential planned unit developments must contain at least five dwelling units or sites.
2. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
3. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in subsection (f) of this section.
4. Shore recreation facilities.
  - (i) Shore recreation facilities must be centralized and located in areas suitable for them based on a suitability analysis.
  - (ii) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier.
  - (iii) Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
5. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
6. Accessory structures and facilities, except water-oriented accessory structures, must meet the required structure setback and must be centralized.
7. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in subsection (g)(3) of this section and are centralized.

b. *Open space requirements.*

1. Open space must constitute at least 50 percent of the total project area and must include:
  - (i) Areas with physical characteristics unsuitable for development in their natural state;
  - (ii) Areas containing significant historic sites or unplatted cemeteries;
  - (iii) Portions of the shore impact zone preserved in its natural or existing state as follows:
    - A. For existing residential PUDs, at least 50 percent of the shore impact zone.

- B. For new residential PUDs, at least 70 percent of the shore impact zone.
2. Open space may include:
- (i) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
  - (ii) Non-public water wetlands.
3. Open space shall not include:
- (i) Dwelling sites;
  - (ii) Dwelling units or structures, except water-oriented accessory structures or facilities;
  - (iii) Road rights-of-way or land covered by road surfaces and parking areas;
  - (iv) Land below the OHWL of public waters; and
  - (v) Commercial facilities or uses.
- c. *Open space maintenance and administration requirements.*
1. *Open space preservation.* The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:
- (i) Commercial uses (for residential PUDs);
  - (ii) Vegetation and topographic alterations other than routine maintenance;
  - (iii) Construction of additional buildings or storage of vehicles and other materials; and
  - (iv) Uncontrolled beaching of watercraft.
2. *Development organization and functioning.* Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owner's association with the following features:
- (i) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
  - (ii) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
  - (iii) Assessments must be adjustable to accommodate changing conditions; and
  - (iv) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

d. *Erosion control and stormwater management.*

1. Erosion control plans must be developed and must be consistent with the provisions of subsection (h)(3) of this section. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
2. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.

(Ord. No. 1606, § 1012.03, 11-8-2021; Ord. No. 1629, § 2(1012.03), 3-20-2023)

### **CHAPTER 1013. PARKING AND LOADING AREAS**

#### **Sec. 1013.01. Statement of purpose.**

The purpose of regulating off-street parking, paved areas, and loading spaces is to prevent congestion on public rights-of-way for the safety and welfare of the public. The regulations are created through analysis of the associated land use intensity, duration, time, and style, and result in design requirements and standards for such facilities.

(Ord. No. 1606, § 1019.01, 11-8-2021)

#### **Sec. 1013.02. Applicability.**

No building permit or certificate of occupancy shall be issued for the construction of a new building, the enlargement or increase in the net floor area of an existing building, the development of a use not located in a building, or the change from one type of use to another, unless off-street parking spaces, loading bays, and bicycle parking are provided in accordance with this Code.

(Ord. No. 1606, § 1019.02, 11-8-2021)

#### **Sec. 1013.03. Exempted improvements.**

If undertaking improvements to an existing parking area, the following improvements are exempt from this section:

- (1) Seal coating or surface treatment (e.g., mill and overlay) of a parking area; or
- (2) Patching or repair to less than 25 percent of the parking area surface.

(Ord. No. 1606, § 1019.03, 11-8-2021)

#### **Sec. 1013.04. Minimum parking spaces and electric vehicle charging requirements.**

(a) Parking space requirements are established in Table 1013.04-1. For uses not listed, the off-street parking requirements shall be established by the community development department based upon the characteristics and functional similarities between uses, including, but not limited to, the size of building, type of use, number of employees, expected

volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles. For structures containing multiple uses, parking shall be calculated separately for each use.

(b) Required parking spaces shall be located on the same lot as the principal use, unless shared parking or off-site parking is approved for the use.

(c) The number provided for required parking spaces in Table 1013.04-1 shall be the minimum requirement. For those uses that the minimum parking is calculated on a use per square foot, the total gross floor area will be applied.

Table 1013.04-1. Minimum Parking Standards

| <i>Use</i>                                          | <i>Minimum Standard</i>                                                                                                        |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Residential, single-family dwelling                 | 2 spaces per dwelling unit; 1 space must be enclosed                                                                           |
| Residential, two-family dwelling                    | 2 spaces per dwelling unit; 1 must be enclosed                                                                                 |
| Residential, multifamily dwelling                   | 1 space per bedroom plus $\frac{1}{4}$ spaces per every 1 unit for visitor parking                                             |
| Cluster housing                                     | 2 spaces per dwelling unit; 1 space must be enclosed                                                                           |
| Senior housing                                      | 1 enclosed space per dwelling unit plus $\frac{1}{4}$ space per unit for visitor parking                                       |
| Adult day care                                      | 1 space per each employee plus 1 space per each 10 program participants, based on maximum participant capacity of the facility |
| Group day care, nursery school                      | 1 space per employee plus 1 space per each 10 program participants, based on maximum participant capacity of the facility      |
| Medical or dental office                            | 1 space per 250 sq. ft. of GFA, but not fewer than 5 spaces                                                                    |
| Assisted living                                     | 1 space per employee plus 1 space per 4 beds or dwelling unit, whichever is greater                                            |
| Nursing home                                        | 1 space per 4 beds at designed capacity                                                                                        |
| Community center                                    | Parking requirement shall be based upon uses within the building                                                               |
| Libraries, museums, art                             | 1 space per 300 sq. ft. GFA of principal structure                                                                             |
| Places of public assembly or religious institutions | 1 space per each 4 seats at maximum capacity of assembly hall. A single seat on a bench is equal to 28"                        |
| Elementary and junior high schools                  | 2 spaces per each classroom or 1 space for each 5 seats in the primary assembly area, whichever is greater                     |
| High school and post-secondary schools              | 1 space per each 4 students based on building capacity plus one space for each 2 classrooms                                    |
| Animal hospitals and veterinarians                  | 1 space per each 250 sq. ft. GFA, but not fewer than 5 spaces                                                                  |

| <i>Use</i>                                                                                           | <i>Minimum Standard</i>                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bank                                                                                                 | 1 space per each 300 sq. ft. GFA                                                                                                                                                                          |
| Catering                                                                                             | 1 space per each 500 sq. ft. GFA                                                                                                                                                                          |
| Coffee shop                                                                                          | 1 space per each 200 sq. ft. GFA                                                                                                                                                                          |
| Convention or exhibit halls                                                                          | 1 space per each 4 occupants at maximum designed capacity                                                                                                                                                 |
| Food service or bakeries                                                                             | 1 space per 25 sq. ft. customer floor area                                                                                                                                                                |
| Lodging (e.g., hotel, motel, or inn)                                                                 | 1 space per each guest room plus 1 space per 20 guest rooms to accommodate staff parking; plus 75% of the normal space required for accessory uses (e.g., restaurant, banquet space, meeting rooms, etc.) |
| Motor fuel station                                                                                   | 3 spaces (multiple uses shall be calculated separately)                                                                                                                                                   |
| Motor vehicle service                                                                                | 4 spaces per each service bay                                                                                                                                                                             |
| <b>Offices</b>                                                                                       |                                                                                                                                                                                                           |
| Less than 50,000 sq. ft. floor area                                                                  | 1 space per each 250 sq. ft. GFA                                                                                                                                                                          |
| Between 50,000 sq. ft. floor area and 200,000 sq. ft. floor area                                     | 1 space per each 275 sq. ft. GFA                                                                                                                                                                          |
| Between 200,000 sq. ft. floor area and 400,000 sq. ft. floor area                                    | 1 space per each 300 sq. GFA                                                                                                                                                                              |
| Greater than 400,000 sq. ft. floor area                                                              | 1 space per each 325 sq. ft. GFA                                                                                                                                                                          |
| Open sales or rental lots                                                                            | 1 space per each 2,500 sq. ft. customer service area                                                                                                                                                      |
| Sport/health club, studio, pool                                                                      | One space per each 200 sq. ft. non-court area                                                                                                                                                             |
|                                                                                                      | Two spaces per tennis/racquetball court                                                                                                                                                                   |
|                                                                                                      | One space per each 50 sq. ft. deck area for a swimming pool                                                                                                                                               |
| Theater, auditorium, assembly halls                                                                  | 1 space per each 4 seats (a single seat on a bench is equal to 28")                                                                                                                                       |
| Restaurants, drive-through/fast food                                                                 | 1 space per each 60 sq. ft. floor area                                                                                                                                                                    |
| Restaurant, sit-down, taprooms, and cocktail rooms                                                   | 1 space for every 3 seats under maximum designed capacity, 1 space for every 3 seats of an outdoor seating area, and 1 space for each employee at the greatest shift                                      |
| Retail store, grocery, and service establishment where >25 percent gross floor area is customer area | 1 space per each 325 sq. ft. GFA                                                                                                                                                                          |

| <i>Use</i>                                                   | <i>Minimum Standard</i>                                                                                                                                                                                                              |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Large merchandise retail (e.g., appliance stores, car sales) | 1 space per each 500 sq. ft. GFA                                                                                                                                                                                                     |
| Retail where <25% gross floor area is customer area          | One space per each 100 sq. ft. of customer service area                                                                                                                                                                              |
| Shopping center                                              | 1 space per 325 sq ft. of GFA                                                                                                                                                                                                        |
|                                                              | Grocery stores and theaters shall be calculated separately                                                                                                                                                                           |
|                                                              | Restaurants and food service shall be calculated separately unless the shopping center exceeds 20,000 sq. ft. in size and no wait-staff is present, and the use constitutes less than 25 percent of the shopping center's floor area |
| Manufacturing, fabrication, or processing                    | 1 space per employee on the largest shift                                                                                                                                                                                            |
| Retail showrooms                                             | 1 space per each 500 sq. ft. floor area                                                                                                                                                                                              |
| Warehouse                                                    | 1 space per each 2,000 sq. ft. GFA                                                                                                                                                                                                   |

## (d) Electric vehicle charging standards.

- (1) The intent of this subsection (d) is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle charging infrastructure, and establish minimum requirements for electric vehicle parking spaces and charging infrastructure to serve both short-term and long-term parking needs.
- (2) Minimum number of required electric vehicle charging stations (EVCS).
  - a. All new parking areas, existing parking areas expanding by more than 25 percent additional parking spaces, and existing parking areas improving more than 25 percent of the parking area are subject to the standards of Table 1013.04-2.
  - b. For all calculations of required parking spaces based on percentages, any result less than one shall be rounded up to one and, above that, fractional results of at least one-half shall be rounded up to the nearest whole number.

Table 1013.04-2. Minimum Number of Required  
Electric Vehicle Charging Stations (EVCS)

| <i>Number of Spaces</i> | <i>EVCS by Required Parking Spaces and Charging Levels (Level 1, Level 2, DC) for New Parking Areas</i> | <i>EVCS by Required Parking Spaces and Charging Levels (Level 1, Level 2, DC) for Expansion or Improvement of Existing Parking Areas</i> |
|-------------------------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 29 or fewer             | Optional                                                                                                | Optional                                                                                                                                 |

| <i>Number of Spaces</i> | <i>EVCS by Required Parking Spaces and Charging Levels (Level 1, Level 2, DC) for New Parking Areas</i>                                                                                                                                                                                                                         | <i>EVCS by Required Parking Spaces and Charging Levels (Level 1, Level 2, DC) for Expansion or Improvement of Existing Parking Areas</i>                                                                                                                  |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 30—49                   | Multiple-family residential (5 or more units):<br>5 percent of required parking spaces, of which at least 1 shall be accessible, as Level 1 or greater<br>Nonresidential land uses:<br>2 parking spaces, of which at least 1 shall be accessible, as Level 2 or greater                                                         | For parking areas that are expanded or improved (per section 1013.03) by more than 25%, EVCS shall be provided at the minimum quantities required for new parking areas, prorated to the number of parking spaces in the area of expansion or improvement |
| 50+                     | Multiple-family residential (5 or more units):<br>10% of required parking spaces, of which at least 1 shall be accessible, as Level 1 or greater<br>One guest parking space as Level 2 or greater<br>Nonresidential land uses:<br>5% of required parking spaces, of which at least 1 shall be accessible, as Level 2 or greater | For parking areas that are expanded or improved (per section 1013.03) by more than 25%, EVCS shall be provided at the minimum quantities required for new parking areas, prorated to the number of parking spaces in the area of expansion or improvement |

- c. Notwithstanding the requirements of subsection (d)(2)b of this section, all new motor fuel sales (gas stations), as defined in section 1001.07, shall be required to install at least one EVCS as Level 2 or greater.
- d. In addition to the number of required EVCS, the following accommodations shall be required for the anticipated future growth in market demand for electric vehicles:
  1. New nonresidential and multiple-family residential land uses (five or more units per building). All new parking areas shall provide electric vehicle supply equipment (EVSE) with the electrical capacity necessary to accommodate the future hardwire installation of EVCS as Level 2 or greater for a minimum of ten percent of required parking spaces.
  2. Existing nonresidential and multiple-family residential land uses (five or more units per building). In all existing parking areas that are expanded or improved (per section 1013.03) by more than 25 percent, EVSE shall be



provided according to the preceding standards required for new parking areas, prorated to the number of parking spaces in the area of expansion or improvement.

- e. These requirements may be revised upward or downward by the city council as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.
- (3) Reductions to EVSE and EVCS requirements. When the cost of meeting the requirements of this section would exceed five percent of the total project cost, the property owner or applicant may request a reduction in the requirements and submit cost estimates for city consideration. When city council approval of the project is not required, the community development department may administratively approve a reduction to the requirements in order to limit the installation costs to not more than five percent of the total project cost.
- (4) Permitted locations.
- a. Level 1, Level 2, and DC EVCS are permitted in every zoning district, when accessory to the primary permitted use. Such EVCS located at residential uses shall be designated as private restricted use only.
  - b. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a motor fuel sales use for zoning purposes. Installation shall be located in zoning districts which permit a motor fuel sales use.
- (5) General requirements for one- to four-family dwellings.
- a. EVCS shall be located in a garage, or on the exterior wall of the home or garage adjacent to a parking space.
  - b. EVCS shall comply with all relevant design criteria as outlined in subsection (d)(6)d of this section, unless specifically exempted.
- (6) General requirements for multifamily dwellings (five or more units per building) and nonresidential development.
- a. Accessible parking spaces. An EVCS will be considered accessible if it is located adjacent to, and can serve, an accessible parking space as defined and required by the ADA. It is not necessary to designate the EVCS exclusively for the use of vehicles parked in the accessible parking space.
  - b. EVCS public use shall be subject to the following requirements:
    - 1. EVCS shall be located in a manner that will be easily seen by the public for informational and security purposes.
    - 2. EVCS shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.

3. EVCS must be operational during the normal business hours of the use that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use it serves.
- c. Lighting. Site lighting shall be provided where an EVCS is installed, unless charging is for daytime purposes only.
- d. EVCS equipment design standards.
  1. Battery charging station outlets and connector devices shall be mounted to comply with state code and must comply with all relevant Americans with Disabilities Act (ADA) requirements. EVCS mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
  2. EVCS may be located adjacent to designated parking spaces in a garage or parking lot as long as the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).
  3. The design should be appropriate to the location and use. Facilities should be able to be readily identified by electric vehicle users and blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
  4. EVCS pedestals shall be designed to minimize potential damage by accidents, vandalism and to be safe for use in inclement weather.
- e. Usage fees. Service fees may be collected for the use of EVCS.
- f. Maintenance. EVCS shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.

(Ord. No. 1606, § 1019.04, 11-8-2021; Ord. No. 1629, § 3(1019.04), 3-20-2023)

**Sec. 1013.05. Reductions to minimum requirements.**

The off-street parking reductions described in this section may be utilized jointly or separately except as indicated otherwise.

- (1) *Modification request.* An applicant may request a modification of the minimum required number of parking spaces by submitting a study of anticipated parking demand. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analysis, unless an equally qualified individual is authorized by the community development department.
- (2) *Transit service.* Parking may be reduced by ten percent for any parcel located within one-quarter of a mile of a transit stop. To qualify, the transit stop must be served by regular transit service on all days of the week and adequate pedestrian access must be available between the transit stop and the parcel. Regular transit service shall

operate at least twice hourly between 7:30 a.m. and 6:30 p.m. on weekdays and once hourly after 6:30 p.m. Regular transit service shall operate on Saturdays, Sundays, and holidays.

- (3) *On-street parking.* Parking may be reduced on a one-for-one basis through the use of on-street parking adjacent to the parcel. To qualify, adequate pedestrian access must be available between the principal structure and all on-street parking spaces. On-street parking reductions may be approved by the community development department, subject to a determination by the city engineer that adequate off-street parking will be available to accommodate vehicles during snow removal and other periods of parking restrictions.
  - (4) *Travel demand management.* In those instances where no transit or on-street parking reductions are available, parking minimums may be reduced by five percent through the implementation of a travel demand management plan. Such a plan shall be filed with and approved by the community development department and may be subject to an annual review.
- (Ord. No. 1606, § 1019.05, 11-8-2021)

**Sec. 1013.06. Parking area maximums.**

(a) The maximum number of parking spaces for any building or use shall not exceed the amount determined in this section.

- (1) Minimum parking requirement of 20 or fewer spaces shall not have more than 175 percent of the number of spaces identified in Table 1013.04-1.
- (2) Minimum parking requirement of more than 20 spaces and less than 51 spaces shall not have more than 150 percent of the number of spaces identified in Table 1013.04-1.
- (3) Minimum parking requirement of 51 spaces or more shall not have more than 125 percent of the number of spaces required as identified in Table 1013.04-1.

(b) Additional parking may be provided if it does not increase impervious surface area beyond that which would be created by meeting the maximum parking requirement. Examples of additional parking include, but are not limited to, under-structure parking, roof-top parking, or structured parking above a surface parking lot.

(c) An applicant may request a modification of the maximum allowed number of parking spaces by submitting a study of anticipated parking demand. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analysis, unless the community development department authorizes an equally qualified individual.

(Ord. No. 1606, § 1019.06, 11-8-2021)

**Sec. 1013.07. Shared parking.**

Shared off-street parking facilities are allowed to collectively provide parking in any district for more than one structure or use, subject to the conditions established in this section.

- (1) The uses must have their highest peak demand for parking at substantially different times of the day or week or an adequate amount of parking shall be available for all uses during shared hours of peak demand. A parking plan shall address the hours, size, and mode of operation of the respective uses.
- (2) The minimum spaces required under a shared parking plan shall be based on the following:
  - a. For those uses parking at substantially different times of the day or week, the number of spaces required for the use that requires the most parking; and
  - b. For those uses parking at the same hours of peak demand, the minimum shall be 1.5 times the number of spaces required by the use that requires the most parking.
- (3) Shared parking facilities shall be protected by a covenant running with the land and recorded with the county in a form approved by the city attorney. Such a covenant shall not be revoked without consent of the city. A certified copy of the recorded document shall be provided to the community development department prior to the use of the shared parking arrangement.

(Ord. No. 1606, § 1019.07, 11-8-2021)

**Sec. 1013.08. Proof of parking.**

If it is demonstrated that the required minimum parking is in excess of the actual demand, all of the required parking need not be constructed initially. The city council may grant a proof of parking agreement to the developer. This agreement shall describe the required parking, demonstrate that space exists to comply with the parking requirement, and set conditions for the future construction of the required parking, if necessary. The agreement shall state that the developer or future successors shall be responsible for completing parking improvements to meet Code requirements. The area of future parking shall be landscaped, but that landscaping shall not be used to satisfy landscaping requirements.

(Ord. No. 1606, § 1019.08, 11-8-2021)

**Sec. 1013.09. Parking area use.**

Required parking spaces and the driveways providing access to them shall not be utilized for the following:

- (1) Storage of unlicensed or inoperable motor vehicles, other goods, or snow;
- (2) Display, sales, rental, or repair of motor vehicles;

- (3) Permanent display and sales goods; temporary or seasonal display and sale of goods shall be allowed pursuant to section 1011.12;
  - (4) Loading and unloading of vehicles; and
  - (5) Living space, unless required parking spaces are provided elsewhere.
- (Ord. No. 1606, § 1019.09, 11-8-2021)

**Sec. 1013.10. Bonuses.**

If 50 percent or more of all required off-street parking spaces are provided via above-ground or underground structured parking, the following bonuses shall apply:

- (1) For each structured parking space, 300 square feet shall be added as lot area for the purpose of determining allowable density up to a 20 percent increase.
  - (2) The height added to the principal structure by any floor that is totally used for parking in or under the principal structure shall not be included to determine the size of the required yards.
- (Ord. No. 1606, § 1019.10, 11-8-2021)

**Sec. 1013.11. Design requirements.**

(a) *Site plan.* All applications for a building permit shall include a site plan, drawn to scale, that depicts the location and arrangement of vehicle parking, curb cuts, driveways, and walkways and to be consistent with the requirements of chapter 703.

(b) *Access and location.* Parking areas shall have access to a public street. Driveways shall be located to minimize interference with traffic movement, and to be consistent with the requirements of chapter 703.

(c) *Parking spaces.* Required parking spaces shall be at least nine feet wide and 18 feet long. Up to 50 percent of the required spaces may be designated compact spaces. Compact spaces shall be identified through appropriate signage. Unless alternative requirements are designated by the community development department and/or city engineer, parking spaces shall be served by access drives with minimum dimensions provided as follows:

Table 1013.11: Parking Lot Dimensions

| <i>Stall Angle<br/>(degrees)</i> | <i>Curb Length<br/>(feet)</i> | <i>Vehicle<br/>Projection<br/>(feet)</i> | <i>Aisle<br/>(feet)</i> | <i>Traffic Flow</i> |
|----------------------------------|-------------------------------|------------------------------------------|-------------------------|---------------------|
| 45                               | 9                             | 22                                       | 14                      | One-way             |
| 60                               | 9                             | 21                                       | 16                      | One-way             |
| 75                               | 9                             | 21                                       | 18                      | One-way             |
| 90                               | 9                             | 18                                       | 24                      | Two-way             |
| 90 (compact)                     | 8                             | 16                                       | 24                      | Two-way             |
| Parallel                         | 23                            | 8.5                                      | 22                      |                     |

(d) *Handicapped parking spaces.* The size, number, and location of stalls reserved for handicapped parking shall be provided and identified as required by applicable regulations. These spaces are included in the computation for the minimum parking space requirement.

(e) *Turnarounds.*

- (1) All parking areas except those serving one-family and two-family dwellings on local streets shall be designed so that cars do not have to back into the public street.
- (2) Parking areas for one-family and two-family dwellings with driveway access onto county or state roads shall be designed so that cars do not have to back into the street.

(f) *Surfacing.* All off-street parking areas and driveways shall be constructed of bituminous asphalt, concrete, pavers, or other material approved by the city engineer.

(g) *Walkways.* Required parking areas for six or more vehicles shall have walkways separated from the parking area and surfaced with bituminous asphalt, pavers, or concrete to provide access from parking areas to the entrances of buildings.

(h) *Drainage.* All parking or paved areas shall be adequately served by a storm sewer or other approved stormwater facilities. Such facilities shall be approved by the city engineer.

(i) *Curbs.* A six-inch-high, poured-in-place concrete curb shall be provided around the periphery of all parking lots and internal access roads, except where the city engineer determines that a curb would impede the drainage plan.

(Ord. No. 1606, § 1019.11, 11-8-2021)

#### **Sec. 1013.12. Maintenance.**

All off-street parking areas shall be maintained in good repair.

(Ord. No. 1606, § 1019.12, 11-8-2021)

#### **Sec. 1013.13. Bicycle parking.**

(a) Bicycle parking is required to provide adequate and safe facilities for the storage of bicycles, to encourage the use of bicycles as an alternative to motor vehicles, and to provide bicycle access to employment, commercial, and other destinations.

(b) General requirements.

- (1) Bicycle parking may be provided using the following approaches:
  - a. Bicycle racks: open-air devices to which a bike may be locked, suitable for short-term visitor and customer parking;
  - b. Bicycle lockers: stand-alone enclosures designed to hold one bicycle per unit, preferred for sites where all-day bicycle parking is common; and/or
  - c. Bicycle lock-ups: site-built secure enclosures that hold one or more bicycles, best for residents' and employees' all-day or long-term bicycle storage;

(2) All bicycle racks or lockers must be securely anchored to the ground or building structure; or

(3) Bicycle racks or lockers shall be placed on a level pavement or concrete surface.

(c) Location criteria for bicycle racks.

(1) Bicycle racks shall be placed near building entrances, generally within 50 feet.

(2) Bicycle rack placement should allow for visual monitoring by people within the building and/or people entering the building.

(3) Bicycle racks shall be located to avoid conflicts with pedestrians.

(4) Bicycle racks shall be at least 24 inches from a wall to which they are parallel and 30 inches from a wall to which they are perpendicular.

(d) Number of required bicycle parking spaces.

(1) Bicycle parking spaces shall be equal to ten percent of the automobile parking space requirement, but not less than four bicycle parking spaces.

(2) Exceptions.

a. *Low-density residential.* No bicycle parking spaces are required in low-density residential areas.

b. *Schools.* Schools shall provide a minimum of one bicycle parking space per ten students.

(e) Proof of bicycle parking. If it is demonstrated that the required minimum bicycle parking is in excess of the actual demand, all of the required parking need not be constructed initially. The community development department may approve a proof of bicycle parking plan. This plan shall describe the required bicycle parking, demonstrate that space exists to comply with the bicycle parking requirement, and set conditions for the future construction of the required bicycle parking, if necessary. The plan shall state that the developer or future successors shall be responsible for completing bicycle parking improvements to meet Code requirements.

(Ord. No. 1606, § 1019.13, 11-8-2021)

#### **Sec. 1013.14. Pedestrian circulation and access.**

(a) *Access points.* Pedestrian access points shall be provided at all pedestrian arrival points to the development, including the property edges, adjacent lots, abutting street intersections, crosswalks, and at transit stops. Pedestrian access shall be coordinated with existing development to provide circulation patterns between developments.

(b) *Conflicts.* Pedestrian walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances, and between buildings.



(c) *Design standards.* Pedestrian access and walkways shall meet the following minimum design standards:

- (1) Accessways and walkways shall be well-lit and physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation, or other means to protect pedestrians from vehicular traffic;
- (2) Accessways and walkways shall be a minimum of six feet of unobstructed width and meet city standards for surfacing of walkways or sidewalks;
- (3) Accessways and walkways shall be usable by mobility-impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by either grade change, texture, or other equivalent means; and
- (4) A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles. Raised crosswalks or speed bumps may be required at all points where a walkway crosses the lane of vehicle travel.

(Ord. No. 1606, § 1019.14, 11-8-2021)

**Sec. 1013.15. Off-street loading facilities.**

(a) *Loading zones.* The off-street loading requirement for nonresidential buildings may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area and access to the loading zone area shall be provided such that it does not conflict with automobile circulation to, from, or within the site.

(b) *Loading docks, berths, and facilities.*

- (1) *Loading facility.* A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.
- (2) *Location.*
  - a. All loading berth curb cuts shall be located 40 feet or more from the intersection of two street rights-of-way.
  - b. No loading berth shall be located less than 50 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including, but not limited to, schools, religious institutions, and community centers, unless the loading berth is entirely within a building.
  - c. Loading facilities shall not occupy the required front yard. In situations where access to the loading berth is directly from the street and no other practicable means of access exist, this requirement may be waived by the community development department.
- (3) *Access.* Each loading berth location shall permit vehicular access to a street in a manner that will least interfere with traffic.

(4) *Surfacing.* All loading facilities and accessways shall be paved with bituminous or concrete paving to control the dust and drainage.

(5) *Screening.* See section 1011.03.

(c) *Accessory use.* No loading berth or access drive shall be used for the storage of goods or inoperable vehicles. It may not be included as a part of the space necessary to meet the off-street parking requirements.

(Ord. No. 1606, § 1019.15, 11-8-2021)

## CHAPTER 1014. SEXUALLY ORIENTED USES

### Sec. 1014.01. Purpose.

The purpose of this chapter is to establish provisions for the opportunity as well as controls of sexually oriented uses within the city.

(Ord. No. 1606, § 1020.01, 11-8-2021)

### Sec. 1014.02. General provisions.

Sexually oriented uses as defined in this chapter shall be subject to the following general provisions:

- (1) Activities classified as obscene as defined by Minn. Stat. § 617.241 are not permitted and are prohibited.
- (2) Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also used for residential purposes.
- (3) Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also licensed to sell intoxicating liquor, non-intoxicating malt liquor or wine.
- (4) A sexually oriented use which does not qualify as a sexually oriented accessory use shall be classified as a sexually oriented principal use.

(Ord. No. 1606, § 1020.02, 11-8-2021)

### Sec. 1014.03. Principal uses.

(a) Sexually oriented principal uses shall be located at least 1,320 radial feet, as measured in a straight line, from the closest point of the property line of the building upon which the sexually oriented principal use is located to the property line of:

- (1) Another sexually oriented principal use.
- (2) Churches.
- (3) Daycare centers.
- (4) On-sale or off-sale liquor establishments.
- (5) Public libraries.

- (6) Public or private schools and government office buildings.
- (7) Public parks and other public recreation facilities.
- (8) Residentially zoned property.

(b) Sexually oriented principal use activities, as defined by this title, shall be classified as one use. No two sexually oriented principal uses shall be located in the same building or upon the same property and each use shall be subject to subsection (a) of this section.

(c) Sexually oriented principal uses shall, in addition to other sign requirements established by this Code or this title, also adhere to the following signing regulations:

- (1) Sign messages shall be generic in nature and shall only identify the type of business which is being conducted.
  - (2) Signage shall not contain material classified as advertising.
  - (3) Signage shall comply with the requirements of size and number of the district in which they are located.
- (Ord. No. 1606, § 1020.03, 11-8-2021)

**Sec. 1014.04. Accessory uses.**

(a) Sexually oriented accessory uses shall:

- (1) Comprise no more than ten percent of the floor area of the establishment in which it is located, provided that the maximum floor area used for sexually oriented accessory uses may not exceed 1,000 square feet.
- (2) Comprise no more than 20 percent of the gross receipts of the entire business operation.
- (3) Not involve or include any activity except the sale or rental of merchandise.

(b) Sexually oriented accessory uses shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:

- (1) *Movie rentals.* Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operator.
- (2) *Magazines.* Publications classified or qualifying as sexually oriented shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

(c) Sexually oriented accessory uses shall be prohibited from both internal and external advertising and signing of sexually oriented materials and products.

(d) Sexually oriented accessory use activities, including sale or display of instruments, devices or paraphernalia which are used or designed for use in connection with specified sexual activities, shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.

(Ord. No. 1606, § 1020.04, 11-8-2021)

## CHAPTER 1015. FLOODPLAIN REGULATIONS

### Sec. 1015.01. Statutory authorization, findings of fact and purpose.

(a) *Statutory authorization.* The state legislature has, in Minn. Stat. chs. 103F and 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as provided in this chapter.

(b) *Findings of fact.*

- (1) The flood hazard areas of the city are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) Methods used to analyze flood hazards. This chapter is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the state department of natural resources.
- (3) National Flood Insurance Program compliance. The ordinance from which this chapter is derived is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR parts 59—78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

(c) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize those losses described in subsection (b)(1) of this section by provisions contained herein.

(Ord. No. 1606, § 1021.01, 11-8-2021)

### Sec. 1015.02. General provisions.

(a) *Lands to which chapter applies.* This chapter shall apply to all lands within the jurisdiction of the city shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway, flood fringe, or general floodplain districts.

(b) *Establishment of official zoning map.* The official zoning map, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of this chapter. The attached materials referred to shall include the flood insurance study for the

county (all jurisdictions); flood insurance rate map panels therein numbered 27123C0012G, 27123C0015G, 27123C0016G, 27123C0020G, 27123C0036G, 27123C0038G, 27123C0080G, 27123C0085G and 27123C0101G; and the flood insurance rate map index (map number 27123CIND0B), all dated June 4, 2010, and prepared by the Federal Emergency Management Agency. The official zoning map shall be on file in the office of community development.

(c) *Regulatory flood protection elevation.* The regulatory flood protection elevation shall be 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.

(d) *Interpretation.*

- (1) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the city council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (2) The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the zoning administrator, the board of adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the board of adjustment and to submit technical evidence.

(e) *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 shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(f) *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 shall 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 thereunder.

(g) *Severability.* If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(h) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Accessory use or structure* means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

*Basement* means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

*Conditional use* means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (1) Certain conditions as detailed in the zoning regulations set forth in this title exist.
- (2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

*Equal degree of encroachment* means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

*Flood* means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

*Flood frequency* means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

*Flood fringe* means that portion of the floodplain outside of the floodway. The term "flood fringe" is synonymous with the term "floodway fringe" used in the flood insurance study for the county (all jurisdictions).

*Floodplain* means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

*Floodproofing* means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

*Floodway* means 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.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure used solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor.

*Manufactured home* means 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* means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, 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.

*Principal use or structure* means all uses or structures that are not accessory uses or structures.

*Reach* is a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or human-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

*Recreational vehicle* means 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" shall be synonymous with the term "travel trailer/travel vehicle."

*Regional flood* means a flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. The term "regional flood" is synonymous with the term "base flood," one percent annual chance flood" or "100-year flood elevation."

*Regulatory flood protection elevation.* The regulatory flood protection elevation shall be 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* means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in section 1015.09(1) and other similar items.

*Substantial damage* means 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 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means, 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 percent of the market value of the structure before the start of construction of the improvement. The term "substantial improvement" includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" 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.
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. For the purpose of this chapter, the term "historic structure" shall be as defined in 44 CFR 59.1.

*Variance* means a modification of a specific permitted development standard required in an official control, including this chapter, to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

(i) *Annexations*. The flood insurance rate map panels adopted by reference into subsection (b) of this section may include floodplain areas that lie outside of the corporate boundaries of the city at the time of adoption of the ordinance from which this chapter is derived. If any of these floodplain land areas are annexed into the city after the date of adoption of the ordinance from which this chapter is derived, the newly annexed floodplain lands shall be subject to the provisions of this chapter immediately upon the date of annexation into the city.

(Ord. No. 1606, § 1021.02, 11-8-2021)

### **Sec. 1015.03. Establishment of zoning districts.**

(a) *Districts*.

- (1) *Floodway district*. The floodway district shall include those areas designated as Zone AE and Zone A on the flood insurance rate map panels adopted in section 1015.02(b) that are below the ordinary high water level as defined in Minn. Stat. § 103G.005, subd. 14.
- (2) *Flood fringe district*. The flood fringe district shall include those areas designated as Zone AE and Zone A on the flood insurance rate map panels adopted in section 1015.02(b) that are below the one percent annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minn. Stat. § 103G.005, subd. 14. See section 1015.06 for procedures to determine the one percent annual chance flood elevation (100-year flood elevation).

(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 which apply to uses within the jurisdiction of this chapter. Within the floodway, flood fringe and general floodplain districts, all uses not listed as permitted uses or conditional uses in sections 1015.04 and 1015.05, respectively, shall be prohibited. In addition, a caution is provided here that:

- (1) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this chapter and specifically section 1015.11.
- (2) As-built elevations for elevated or floodproofed structures must be certified by ground surveys and floodproofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this chapter and specifically as stated in section 1015.10.

(Ord. No. 1606, § 1021.03, 11-8-2021)

#### **Sec. 1015.04. Floodway district (FW).**

The permitted and conditional uses listed below are only allowable in the floodway if not prohibited by any other underlying zoning district classifications of the city and if not prohibited by any applicable state or federal law.

- (1) *Permitted uses.*
  - a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, and wild crop harvesting.
  - b. Boat launching ramps, swimming areas, parks, wildlife and nature preserves, and fishing areas.
  - c. Residential lawns, gardens and play areas.
- (2) *Standards for floodway permitted uses.*
  - a. The use shall have a low flood damage potential.
  - b. The use shall be permissible in the underlying zoning district if one exists.
  - c. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.
- (3) *Conditional uses.*
  - a. Extraction and storage of sand, gravel, and other materials.
  - b. Marinas, boat rentals, docks, piers, wharves, and water control structures.
  - c. Railroads, streets, bridges, utility transmission lines, and pipelines.
  - d. Placement of fill.

(4) *Standards for floodway conditional uses.*

- a. All uses. No fill (including fill for roads and levees), deposit, obstruction, or other use may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach affected.
- b. All floodway conditional uses shall be subject to the procedures and standards contained in section 1015.10(d).
- c. The conditional use shall be permissible in the underlying zoning district if one exists.
- d. Fill:
  1. Fill, dredge spoil, and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
  2. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
  3. As an alternative, and consistent with subsection (4)d.2 of this section, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the city council has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use must be title registered with the property in the office of the county recorder.
- e. Storage of materials and equipment. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city council. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- f. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

(Ord. No. 1606, § 1021.04, 11-8-2021)

**Sec. 1015.05. Flood fringe district (FF).**

(a) *Permitted uses.* Permitted uses in the flood fringe district shall be those uses of land or structures listed as permitted uses in the underlying zoning use district. If no preexisting, underlying zoning use districts exist, then any residential or nonresidential structure or use

of a structure or land shall be a permitted use in the flood fringe district, provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for flood fringe district permitted uses listed in subsection (b) of this section.

(b) *Standards for flood fringe permitted uses.*

- (1) All structures, including accessory structures, 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 erected thereon.
- (2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at their largest projection may be floodproofed in accordance with the following standards:
  - a. Accessory structures shall not be designed for human habitation.
  - b. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the state building code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the state building code and, for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. Floodproofed accessory structures must meet the following additional standards:
    1. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
    2. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed; and
    3. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- (3) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

(c) *Conditional uses.* Any structure that is not elevated on fill or floodproofed in accordance with subsections (b)(1) and (b)(2) of this section and/or any use of land that does not comply with the standards in subsection (b)(3) of this section shall only be allowable as

a conditional use in the flood fringe district. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in this section and section 1015.10(d).

(1) *Standards for flood fringe conditional uses.*

- a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if:
  1. The enclosed area is above grade on at least one side of the structure;
  2. It is designed to internally flood and is constructed with flood-resistant materials; and
  3. It is used solely for parking of vehicles, building access or storage.
- b. The alternative elevation methods noted in subsection (c)(1)a of this section are subject to the following additional standards:
  1. *Design and certification.* The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.
  2. *Specific standards for above-grade, enclosed areas.* Above-grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:
    - (i) A minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters without any form of human intervention; and

- (ii) That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the state building code and shall be used solely for building access, parking of vehicles or storage.
  - c. Basements shall be subject to the following:
    - 1. Residential basement construction shall not be allowed below the regulatory flood protection elevation.
    - 2. Nonresidential basements may be allowed below the regulatory flood protection elevation, provided the basement is structurally dry floodproofed in accordance with subsection (c)(1)d of this section.
  - d. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the state building code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.
  - e. Storage of materials and equipment.
    - 1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
    - 2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city council.
  - f. The provisions of subsection (c)(2) of this section shall also apply.
- (2) *Standards for all flood fringe uses.*
- a. Commercial uses. Accessory land uses, such as yards, railroad tracks, and parking lots, may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four upon occurrence of the regional flood.
  - b. Manufacturing and industrial uses. Measures shall be taken to minimize interference with normal plant operations, especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in

subsection (c)(2)a of this section. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

- c. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- d. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.
- e. Standards for recreational vehicles are contained in section 1015.09.
- f. 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.

(Ord. No. 1606, § 1021.05, 11-8-2021)

**Sec. 1015.06. Procedures for determining one percent annual chance flood elevations (100-year flood elevations) in Zone A.**

(a) Upon receipt of an application for a permit or other approval within Zone A, the zoning administrator will use the one percent annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the one percent annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the zoning administrator for the determination for the one percent annual chance flood elevation in accordance with approved FEMA methods.

(b) The applicant shall be responsible to submit one copy of the information specified in subsection (a) of this section to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe district and to determine the one percent annual chance flood elevation (100-year flood elevation). Procedures consistent with Minn. Rules 6120.5000—6120.6200 and 44 CFR 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective state department of natural resources' area hydrologist prior to commencing the analysis.



(c) Once the one percent annual chance flood elevation (100-year flood elevation) has been determined, the zoning administrator shall process the permit application consistent with the applicable provisions of sections 1015.04 and 1015.05.

(Ord. No. 1606, § 1021.06, 11-8-2021)

#### **Sec. 1015.07. Subdivisions.**

(a) *Review criteria.* No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall be able to contain a building site outside of the floodway district at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this chapter and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the floodplain, the floodway and flood fringe district boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

(b) *Procedures for determining one percent annual chance flood elevation (100-year flood elevation) in Zone A.* In a designated Zone A area, applicants shall provide the information required in section 1015.06(b) to determine the one percent annual chance flood elevation (100-year flood elevation) and the regulatory flood protection elevation for the subdivision site.

(c) *Removal of special flood hazard area designation.* The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one percent annual chance flood elevation (100-year flood elevation). FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(Ord. No. 1606, § 1021.07, 11-8-2021)

#### **Sec. 1015.08. Public utilities, railroads, roads, and bridges.**

(a) *Public utilities.* All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be floodproofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.

(b) *Public transportation facilities.* Railroad tracks, roads, and bridges to be located within the floodplain shall comply with sections 1015.04 and 1015.05. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

(c) *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 floodwaters into the systems; and
- (2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters 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.

(Ord. No. 1606, § 1021.08, 11-8-2021)

**Sec. 1015.09. Placement of recreational vehicles.**

Recreational vehicles that do not meet the exemption criteria specified in subsection (1) of this section shall be subject to the provisions of this chapter and as specifically spelled out in subsections (3) and (4) of this section.

- (1) Exemption. Recreational vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in subsection (2) of this section and, further, they meet the following criteria:
  - a. Have current licenses required for highway use.
  - b. Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks, and the recreational vehicle has no permanent structural type additions attached to it.
  - c. The recreational vehicle and associated use must be permissible in any pre-existing underlying zoning use district.
- (2) Areas exempted for placement of recreational vehicles:
  - a. Individual lots or parcels of record.
  - b. Existing commercial recreational vehicle parks or campgrounds.
  - c. Existing condominium type associations.
- (3) Recreational vehicles exempted in subsection (1) of this section lose this exemption when development occurs on the parcel exceeding \$500.00 for a structural addition to the recreational vehicle or exceeding \$500.00 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/floodproofing requirements and the use of land restrictions specified in

sections 1015.04 and 1015.05. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood-free location should flooding occur.

- (4) New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following:

- a. All new or replacement vehicles and related contents that are not elevated above the regulatory flood protection elevation or are not placed over properly elevated road access in the floodway or flood fringe district, as an alternative, shall be allowed as a conditional use if in accordance with the following provisions and the provisions of section 1015.10(d). The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of subsections (a)(1)a and b of this section will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with section 1015.08(c).

(Ord. No. 1606, § 1021.09, 11-8-2021)

#### **Sec. 1015.10. Administration.**

(a) *Community development department.* The community development department shall administer and enforce this chapter. If the community development department finds a violation of the provisions of this chapter, the community development department shall notify the person responsible for such violation in accordance with the procedures stated in section 1015.12.

(b) *Permit requirements.*

- (1) *Permit required.* A permit issued by the community development department in conformity with the provisions of this chapter shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
- (2) *Application for permit.* Application for a permit shall be made in duplicate to the community development department and shall include the following where applicable:

plans in duplicate 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.

- (3) *State and federal permits.* Prior to granting a permit or processing an application for a conditional use permit or variance, the community development department shall determine that the applicant has obtained all necessary state and federal permits.
- (4) *Certificate of zoning compliance for a new, altered, or nonconforming use.* It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the community development department stating that the use of the building or land conforms to the requirements of this chapter.
- (5) *Construction and use to be as provided on applications, plans, permits, variances and certificates of zoning compliance.* Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter, and punishable as provided by section 1015.12.
- (6) *Certification.* The applicant shall be 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 shall be certified by a registered professional engineer or registered architect.
- (7) *Record of first floor elevation.* The community development department shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The community development department shall also maintain a record of the elevation to which structures or alterations and additions to structures are floodproofed.
- (8) *Notifications for watercourse alterations.* The community development department shall notify, in riverine situations, adjacent communities and the commissioner of the department of natural resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minn. Stat. ch. 103G, this shall suffice as adequate notice to the commissioner of natural resources. A copy of said notification shall also be submitted to the Chicago regional office of the Federal Emergency Management Agency (FEMA).
- (9) *Notification to FEMA when physical changes increase or decrease the 100-year flood elevation.* As soon as is practicable, but not later than six months after the date such

supporting information becomes available, the community development department shall notify the Chicago regional office of FEMA of the changes by submitting a copy of said technical or scientific data.

(c) *Variance board.*

- (1) *Overview.* Variance applications will be reviewed by city staff and discussed in a public hearing by the variance board, which meets on the first Wednesday of each month, as necessary. State law requires that a decision be issued for each application within 60 days of the application submission date. Sixty-day extensions may be obtained if more time is needed to resolve outstanding issues.
- (2) *Application deadline.* Applications must be received by the close-of-business on the first Friday of each month; applications received after this date cannot be heard at the variance board meeting of the following month. The variance process takes about six weeks from the application deadline.
- (3) *Submission requirements.* The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.
- (4) *Initial review.* Applications will be reviewed for completeness by community development department staff, and a determination of completeness will be provided to the applicant in the form of a letter within about ten days of the application submittal date. A letter in response to an incomplete application will identify the materials that are needed in order to complete the application; once all of the outstanding application materials are received, the 60-day action timeline will restart. A letter in response to a complete application will outline the schedule for the formal review and approval process described below.
- (5) *Formal review.* Variance applications may be discussed by a panel of city staff representing various departments. The members of this panel will address points of concern based on their respective professional experience; a summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the variance board.
- (6) *Staff report.* Community development staff will prepare a report summarizing the application, reviewing it against the city's codes, ordinances, and policies, and providing a recommendation for the variance board. A copy of this report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the variance board meeting.
- (7) *Notice of public hearing.*
  - a. *Published and mailed notices.* State law requires published notice in a city's legal newspaper a minimum of ten days prior to a public hearing. City policy further requires that notices be mailed to property owners within 500 feet of the affected property. Both of these notices are prepared and sent by the city. A copy

of the proposed variance application shall be mailed sufficiently in advance so that the commissioner of natural resources will receive at least ten days' notice of the public hearing.

- b. *Posted signs.* Variance applications also require a "notice of land use application" sign to be posted on the subject property by the applicant/property owner at least ten days prior to the date of the public hearing; larger sites may require additional signs. These signs may be obtained at the community development counter in city hall.
- (8) *Variance board meeting.* Applicants are encouraged to attend and participate in the public hearing in order to respond to questions from the variance board and/or members of the public. The public hearing will be held in the city hall council chambers, which is equipped to display drawings, photographs, video, or other proposed variance application. Because the hearing will be televised and recorded, applicants should be prepared to speak into the microphone at the presentation table.
- (9) *At the public hearing.* The variance board chairperson will call the meeting to order at the appointed time, commissioners and representatives of the city in attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The chairperson will introduce the application and city staff will review the issues and recommendations detailed in the staff report. Members of the variance board may ask questions about the application to be answered by city staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the chairperson will close the public hearing, and the board members will discuss the application and take action.
- (10) *Variance board action.* The variance board has the authority to approve or deny an application and its decision is final. The variance board will provide the rationale for its decision and adopt a motion approving or denying the variance request. If the decision is not appealed within the time allowed, the variance becomes effective, and any necessary building permits may be issued; at this time the variance board resolution will be sent to the county to be recorded against the property. The variance board decision shall not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. A copy of all decisions granting variances shall be forwarded to the commissioner of natural resources, within ten days of such action. No variance shall have the effect of allowing in any district uses prohibited 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. The following additional variance criteria of FEMA must be satisfied:
  - a. Variances shall 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 shall 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 shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (11) *Appeals.* The decision of the variance board may be appealed by the applicant or by any other city property owner within ten days of the decision. Appeals are heard by the city council which acts as the board of zoning adjustments and appeals. An appeal is a matter of public record, but it does not require a public hearing and no new information will be reviewed as part of the appeal; the board of zoning adjustments and appeals will simply review the variance board's decision-making process to determine whether it complied with city ordinances and state statutes.
- (12) *Flood insurance notice and recordkeeping.* The community development department shall notify the applicant for a variance that:
- a. 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 \$25.00 for \$100.00 of insurance coverage; and
  - b. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the national flood insurance program.

(d) *Conditional use.*

- (1) *Overview.* Conditional use applications will be reviewed by city staff and discussed in a public hearing by the planning commission, which meets on the first Wednesday of each month, before a decision to approve or deny the application is made by the city council at its regular meeting on the fourth Monday later that month.
- (2) *Application deadline.* Applications must be received by the close-of-business on the first Friday of each month; applications received after this date cannot be heard at the planning commission meeting of the following month. State law requires that a decision be issued for each application within 60 days of the submission of a complete application.



- (3) *Submission requirements.* The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.
- (4) *Escrow deposit.* Because commercial uses can involve a significant amount of research and analysis by staff and/or outside consultants, the applicant must deposit \$1,000.00 in escrow in addition to the commercial application fee for a conditional use. If the escrow is drawn down to \$500.00, the applicant will be required to replenish the account; unused escrow funds will be returned to the applicant at the conclusion of the conditional use process.
- (5) *Formal review.* Conditional use applications may be discussed by a panel of city staff representing various departments. The members of this panel will address points of concern based on their respective professional experience; a summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the planning commission.
- (6) *Staff report.* Community development staff will prepare a report summarizing the application, reviewing it against the city's codes, ordinances, and policies, and providing a recommendation for the planning commission. A copy of this report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the planning commission meeting.
- (7) *Notice of public hearing.*
  - a. *Published and mailed notices.* State law requires published notice in a city's legal newspaper a minimum of ten days prior to a public hearing. City policy further requires that notices be mailed to property owners within 500 feet of the affected property. Both of these notices are prepared and sent by the city. A copy of the proposed conditional use application shall be mailed sufficiently in advance so that the commissioner of natural resources will receive at least ten days' notice of the public hearing.
  - b. *Posted signs.* Conditional use applications also require a "notice of land use application" sign to be posted on the subject property by the applicant/property owner at least ten days prior to the date of the public hearing; larger sites may require additional signs. These signs may be obtained at the community development counter in city hall.
- (8) *Planning commission meeting.* Applicants are encouraged to attend and participate in the public hearing in order to respond to questions from the planning commission and/or members of the public. The public hearing will be held in the city hall council chambers, which is equipped to display drawings, photographs, video, or other materials. Because the hearing will be televised and recorded, applicants should be prepared to speak into the microphone at the presentation table.
- (9) *At the public hearing.* The planning commission chairperson will call the meeting to order at the appointed time, commissioners and representatives of the city in

attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The chairperson will introduce the application and city staff will review the issues and recommendations detailed in the staff report. Members of the planning commission may ask questions about the application to be answered by city staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the chairperson will close the public hearing, and the commissioners will discuss the application and take action.

- (10) *Planning commission action.* The planning commission does not approve or deny an application; instead, it makes a recommendation of approval or denial to the city council and provides the rationale for its recommendation. The application, along with the recommendation of the planning commission, is then brought to the city council which has authority to approve or deny the application.
- (11) *City council.* At the scheduled time, the mayor will call the meeting to order and it will progress similar to the planning commission meeting. Based on the recommendation from the planning commission in addition to its own review, the city council will approve or deny the proposed conditional use as an item on the "consent agenda." At their discretion, however, the city council may choose to review the application in greater detail and take public comment, similar to the public hearing, before ultimately approving or denying the request. A copy of all decisions granting conditional use permits shall be forwarded by mail to the commissioner of natural resources within ten days of such action.
- (12) *Procedures for approving a conditional use.* The following procedures shall be followed when considering/approving a conditional use within all floodplain districts:
  - a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the city community development department for determining the suitability of the particular site for the proposed use:
    - 1. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the stream channel; and
    - 2. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
  - b. Transmit one copy of the information described in subsection (d)(12)a of this section to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

- c. Based upon the technical evaluation of the designated engineer or expert, the community development department shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- (13) *Factors upon which the conditional use shall be based.* In approving a conditional use, the city shall consider all relevant factors specified in other sections of this chapter, and:
- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - e. The importance of the services provided by the proposed facility to the community.
  - f. The requirements of the facility for a waterfront location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  - l. Such other factors which are relevant to the purposes of this chapter.
- (14) *Conditions attached to conditional use permits.* Upon consideration of the factors listed in subsection (d)(13) of this section and the purpose of this chapter, the city shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:
- a. Modification of waste treatment and water supply facilities.
  - b. Limitations on period of use, occupancy, and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.

- d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- e. Floodproofing measures, in accordance with the state building code and this chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(Ord. No. 1606, § 1021.10, 11-8-2021)

**Sec. 1015.11. Nonconformities.**

A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance from which this chapter is derived 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 section 1015.02(h)(2)a, shall be subject to the provisions of subsections (1) through (5) of this section.

- (1) No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
- (2) Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the state building code, except as further restricted in subsections (3) through (6) of this section.
- (3) The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent 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 percent of the market value of the structure, then the structure must meet the standards of section 1015.04 or 1015.05 for new structures depending upon whether the structure is in the floodway or flood fringe district, respectively.
- (4) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The assessor shall notify the zoning administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.
- (5) If any nonconforming use or structure is substantially damaged, it shall not be reconstructed except in conformity with the provisions of this chapter. The applicable provisions for establishing new uses or new structures in sections 1015.04 and 1015.05 will apply depending upon whether the use or structure is in the floodway, flood fringe or general floodplain district, respectively.

- (6) If a substantial improvement occurs, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of section 1015.04 or 1015.05 for new structures, depending upon whether the structure is in the floodway or flood fringe district, respectively.

(Ord. No. 1606, § 1021.11, 11-8-2021)

**Sec. 1015.12. Penalties for violation.**

(a) 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 or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

(b) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:

- (1) In responding to a suspected chapter violation, the zoning administrator and local government 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 community must act in good faith to enforce these official controls and to correct chapter violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- (2) When a chapter violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate department of natural resources' and Federal Emergency Management Agency regional office along with the community's plan of action to correct the violation to the degree possible.
- (3) The zoning administrator shall notify the suspected party of the requirements of this chapter and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the zoning administrator may either:
  - a. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or

- b. Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.
  - (4) If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this chapter and shall be prosecuted accordingly. The zoning administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this chapter.
- (Ord. No. 1606, § 1021.12, 11-8-2021)

**Sec. 1015.13. Amendments.**

(a) 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 natural resources if the commissioner determines that, through other measures, lands are adequately protected for the intended use.

(b) All amendments to this chapter, including amendments to the official zoning map, must be submitted to and approved by the commissioner of natural resources prior to adoption. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) technical conditions and criteria and must receive prior FEMA approval before adoption. The commissioner of natural resources must be given ten days' written notice of all hearings to consider an amendment to this chapter and said notice shall include a draft of the chapter amendment or technical study under consideration.

(Ord. No. 1606, § 1021.13, 11-8-2021)

**CHAPTER 1016. PLANNED UNIT DEVELOPMENTS**

**Sec. 1016.01. Purpose and intent.**

(a) The purpose of the planned unit development (PUD) zoning district is to provide greater flexibility in the development of residential and nonresidential areas in order to achieve more creative development outcomes while remaining economically viable and marketable. This is achieved by undertaking a process that results in a development outcome exceeding that which is typically achievable through the underlying zoning district. The city reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply under the standard applicable zoning district if it is determined that proposed benefits do not justify requested flexibilities.

(b) Overarching goals (not requirements) of the city in approving a PUD include, but are not limited to:

- (1) Higher standards of site and building design such that a new development appears attractive and inviting from all surrounding parcels;

- (2) Greater utilization of new technologies in building design, construction, and land development;
  - (3) A more creative and efficient use of land than would otherwise be possible;
  - (4) Incorporation of extensive landscaping and site amenities in excess of what is required by code;
  - (5) Creation of high-quality park, open space, and trail opportunities that exceed the expectations established in the comprehensive plan;
  - (6) Enhanced access to a convenient and efficient multi-modal transportation option to service the daily needs of residents at peak and non-peak use levels, with high connectivity to the larger community;
  - (7) Creative designs that reduce initial infrastructure costs as well as long-term maintenance and operational costs;
  - (8) The preservation and enhancement of desirable site characteristics (including flora and fauna, scenic views, and screening);
  - (9) Flexibility in design and construction to alleviate anticipated impacts to nearby properties and to provide greater opportunity for increased buffers between uses of differing intensities;
  - (10) Incorporation of structured parking to hide vehicle storage and to promote opportunities for improved buffering between intensive uses and sensitive areas;
  - (11) Elimination of repetition by encouraging a housing mixture that diversifies the architectural qualities of a neighborhood;
  - (12) Facilitation of a complementary mix of lifecycle housing; and
  - (13) Accommodation of higher development intensity in areas where infrastructure and other systems are capable of providing appropriate levels of public services and subsequently lower intensity in areas where such services are inadequate or where natural features require protection and/or preservation.
- (Ord. No. 1606, § 1023.01, 11-8-2021)

**Sec. 1016.02. Initiation of proceedings.**

The owner of property on which a PUD is proposed shall file the applicable application for approval of the PUD by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form and within this chapter. Complete applications shall be reviewed by city commissions as deemed necessary by the community development department, including a public hearing before the planning commission, and be acted upon by the city council according to the process set forth in chapter 107. If a proposed PUD is denied, any subsequent application for a substantially similar PUD within one year of the date of denial shall fully address all findings which supported the denial prior to being accepted as complete.

(Ord. No. 1606, § 1023.02, 11-8-2021)



**Sec. 1016.03. Reflection on the official zoning map.**

(a) PUD provisions provide an optional method of regulating land use which permits flexibility from standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance creating an overlay zoning district atop the boundaries of the development area. For each PUD district, a specific ordinance shall be adopted establishing all rules which shall supersede underlying zoning. Issues not specifically addressed by the PUD overlay district shall be governed by the underlying zoning district regulations.

(b) All PUDs approved prior to April 11, 2016, shall be allowed to continue per the original conditions of approval.

(Ord. No. 1606, § 1023.03, 11-8-2021)

**Sec. 1016.04. Permitted locations for PUD rezoning.**

Establishment of a PUD overlay district may be requested for any area regardless of current zoning.

(Ord. No. 1606, § 1023.04, 11-8-2021)

**Sec. 1016.05. PUD qualifications.**

(a) Establishment of a PUD will be considered only for areas of land in single ownership or control. Alternatively, multiple-party ownership, at the sole discretion of the city, is acceptable when legally sufficient written consent from all persons and entities with ownership interest is provided at the time of application.

(b) Projects eligible for a PUD shall have a site which consists of a parcel or contiguous parcels of land two acres or more in size. Tracts of less than two acres may be eligible for a PUD overlay district only if the applicant can demonstrate that a project of superior design can be achieved, or that greater compliance with the comprehensive plan goals and policies can be attained through use of the PUD process.

(Ord. No. 1606, § 1023.05, 11-8-2021)

**Sec. 1016.06. Permitted uses within a PUD.**

(a) The extent of permitted land uses within a PUD shall be limited to those land uses that are either permitted or deemed by the community development department to be substantially similar to those allowed in the underlying zoning district.

(b) Adopted PUD overlay district regulations may include specific provisions governing uses which supersede underlying zoning requirements.

(c) More than one building may be placed on one lot in a PUD.

(Ord. No. 1606, § 1023.06, 11-8-2021)

**Sec. 1016.07. Areas of flexibility.**

Flexibility provided through a PUD will not be approved simply to avoid adherence to underlying zoning regulations, but instead must be used as a springboard to new development that would not otherwise be possible utilizing existing zoning standards. Areas of possible flexibility include the following:

- (1) Building placement, including zero lot line construction subject to building code allowances. Specifications and standards for lots and setbacks shall be at the discretion of the city council and shall encourage a desirable living or working environment which assists in achieving the goals set out for PUDs in section 1016.01(b).
- (2) Trees/landscaping requirements. Requires specialized landscaping plans that better address on-site needs and adjacent property concerns than would otherwise be required.
- (3) Open spaces. Provision of public open spaces that are enhanced with public art and other amenities to provide a congregation area and a unique sense of place within the development.
- (4) Parking standards. A change in stall or lot configuration requirements in exchange for structured parking, better screening of parking areas, or higher quality landscaping throughout a parking area.
- (5) Exterior materials. Flexibility on exterior materials to allow for unique architectural expression.
- (6) Density. Up to a ten percent increase in residential density if the PUD provides substantially more site amenities and achieves more comprehensive plan goals than could be achieved in a conventional development for the applicable land use zone.
- (7) Other. The city council reserves the right to consider other modifications to underlying zoning requirements not listed above, provided such changes are supportable under the PUD review criteria listed in section 1016.08.

(Ord. No. 1606, § 1023.07, 11-8-2021)

**Sec. 1016.08. PUD review criteria.**

The following findings shall be made by the city council prior to approval of a new or amended PUD overlay district:

- (1) The quality of the building and site design proposed by the PUD will substantially enhance aesthetics of the site and implement relevant goals and policies of the comprehensive plan;
- (2) The design creates a unified environment within the project boundaries by ensuring architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features, and efficient use of utilities;

- (3) The design achieves maximum compatibility with surrounding land uses, both existing and anticipated, and shall minimize the potential adverse impacts that the PUD and surrounding land uses may have on one another;
- (4) The design takes into consideration proposed modification of underlying zoning requirements and provides appropriate solutions to eliminate adverse impacts that proposed modifications may impose on surrounding lands;
- (5) If the proposed PUD involves construction over two or more phases, the applicant has demonstrated that each phase is capable of being a stand-alone development independent of other phases; and
- (6) At least one or more of the following specific goals will be achieved by the proposed PUD:
  - a. Sustainability improvements multiple sustainability techniques are incorporated into the development plans, including, but not necessarily limited to:
    - 1. Implementation of high-quality construction standards and the use of high-quality construction materials to ensure the longevity of the proposed project;
    - 2. Improvements to reduce the project's energy load, increase energy efficiency, and maximize the use of renewable energy sources;
    - 3. Inclusion of facilities to reuse or recycle water for on-site uses such as irrigation; and/or
    - 4. Enhancement of indoor environmental quality (IEQ) by maximizing interior daylight, investment in appropriate ventilation and moisture control, occupant control over systems such as lighting and temperature, and avoidance of materials with high VOC emissions.
  - b. Improved stormwater management. Where appropriate, maximize the use of ecologically based approaches to stormwater management, restoration or enhancement of on-site ecological systems, and protection of off-site ecological systems through the application of low impact development (LID) practices.
  - c. Enhanced buffering. Along property lines that abut different use types, implementation of two or more of the following techniques:
    - 1. Significant vegetative screening and maintenance of existing vegetation if possible and appropriate;
    - 2. Increased setbacks; and/or
    - 3. Inclusion of berms, walls, fencing, or a combination of such.
  - d. Structured parking. Inclusion of structure parking to minimize land area dedicated to vehicles thereby maximizing uses elsewhere on the property.

(Ord. No. 1606, § 1023.08, 11-8-2021)

**Sec. 1016.09. PUD review procedure.**

All requests to establish a PUD overlay district shall be initiated by following the following steps:

- (1) *Developer open house required.*
  - a. Prior to submitting a PUD sketch plan application for review, the applicant shall be required to hold a developer open house meeting in accordance with the provisions of section 1102.01(4)b.
  - b. The written summary required by section 1102.01(4)b.2(v) shall be submitted to the city as a component of the subsequent PUD sketch plan application.
- (2) *PUD sketch plan.*
  - a. *Purpose.* The PUD sketch plan is the next step in the public engagement process, which gives the developer an opportunity to present their ideas to the city council and the public so as to gain general feedback on areas that will require additional analysis, study, design, and changes. Feedback gained during the PUD sketch plan phase should be addressed within the subsequent PUD concept plan to be presented at a second required developer open house meeting prior to formal submittal.
  - b. *Specific PUD sketch plan submittal requirements.* Except as may be waived by the community development department, the following information shall constitute a complete application for the PUD sketch plan:
    1. A listing of contact information, including name, address and phone number of the owner of record, authorized agents or representatives, the engineer, the surveyor, and any other relevant associates;
    2. A listing of the following site data: address, current zoning, parcel size in acres and square feet and the current legal description;
    3. A narrative explaining the applicant's proposed objectives for the PUD, a listing of the areas of flexibility from standard zoning sought through the use of PUD design, and an explanation of how the proposal addresses the PUD review criteria in section 1016.08;
    4. A listing of general information, including the number of proposed residential units, commercial and/or industrial land uses and square footages by category of use, public use areas, including a description of proposed use, and any other land use proposed as part of the PUD;
    5. Calculation of the proposed density of the project and the potential density under standard zoning regulations, including both gross density and net density accounting for developable and undevelopable land. Undevelopable land for the purposes of this calculation shall include all wetlands, floodplains, slopes greater than 18 percent, poor soils and areas of concentrated woodlands;

6. The outline of a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas); and
7. A PUD sketch plan illustrating the nature and type of proposed development. At a minimum, the plan should show:
  - (i) Area calculations for gross land area;
  - (ii) Existing zoning districts on the subject land and all adjacent parcels;
  - (iii) Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (such as schools and parks);
  - (iv) Area calculations for each parcel;
  - (v) General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;
  - (vi) Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
  - (vii) Proposed sidewalks and trails;
  - (viii) Proposed parking areas;
  - (ix) Proposed parks, common areas, and preservation easements (indicate public versus private if applicable);
  - (x) General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
  - (xi) Location of utility systems that will serve the property; and
  - (xii) Any additional information that may explain the proposed PUD.
- c. *PUD sketch plan proposal review.* Upon receiving a PUD sketch plan application, the community development department shall schedule a date upon which the city council will review the sketch plan application and provide feedback to the applicant.
  1. During the meeting, the city council may make comment on the merit, needed changes, and suggested conditions that the proposer should adhere to with any future application.
  2. Staff should identify information submittals that were waived so the city council may determine if such is needed for PUD concept plan submittal.
  3. The city council may take comment from the public as part of the meeting.
  4. The city council shall make no formal decision as part of the consideration. The city council's comments are explicitly not an approval or denial of the project, but are intended only to provide information for the applicant to consider prior to application for a possible PUD concept plan.

(3) *Second developer open house meeting required.*

- a. Prior to submitting a PUD concept plan application for review, the applicant shall be required to hold a second developer open house meeting in accordance with the provisions of section 1102.01(4)b.
- b. The written summary required by section 1102.01(4)b.2(v) shall be submitted to the city as a component of the subsequent PUD concept plan application.

(4) *PUD concept plan.*

- a. *Prerequisites.*
  1. No application for a PUD concept plan will be accepted unless a distinctly similar proposal has completed the PUD sketch plan review process within the previous year from the date of the concept plan application.
  2. No application for a PUD concept plan will be accepted unless the required developer open house meeting has been held not less than 15 days and not more than 45 days prior to the submission of a PUD concept application.
- b. *PUD concept plan submittal requirements.* Except as may be waived by the community development department, the following information shall constitute a complete application for PUD concept plan:
  1. All required information for a preliminary plat per section 1102.01(4)c and section 1102.02;
  2. A written summary of the required developer open house meeting as required by section 1102.01(4)b.2(v);
  3. A separate PUD concept site plan that includes the following information:
    - (i) Administrative information (including identification of the drawing as a "PUD concept plan," the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and north arrow);
    - (ii) Area calculations for gross land area, wetland areas, right-of-way dedications, and proposed public and private parks or open space;
    - (iii) Existing zoning districts on the subject land and all adjacent parcels;
    - (iv) Layout of proposed lots with future lot and block number. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote outlots planned for public dedication and/or open space (such as schools and parks);
    - (v) Area calculations for each parcel;
    - (vi) Proposed setbacks on each lot (forming the building pad) and calculated buildable area;
    - (vii) Proposed gross hardcover allowance per lot (if applicable);

- (viii) Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel in question;
  - (ix) Delineation of wetlands and/or watercourses over the property;
  - (x) Delineation of the ordinary high water levels of all water bodies;
  - (xi) Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;
  - (xii) Easements and rights-of-way within or adjacent to the subdivision parcel;
  - (xiii) The location and orientation of proposed buildings;
  - (xiv) Proposed sidewalks and trails;
  - (xv) Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, and, if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;
  - (xvi) Lighting location, style and mounting system, as well as a light distribution plan;
  - (xvii) Proposed parks, common areas, and preservation easements (indicate public versus private if applicable); and
  - (xviii) Location, access and screening detail of large trash handling and recycling collection areas;
4. Colored renderings which detail the building materials being used and clearly communicate the look and design of the proposed building;
  5. A grading drainage and erosion control plan prepared by a registered professional engineer providing all information as required by public works and/or the community development department;
  6. A utility plan providing all information as required by public works and/or the community development department;
  7. A landscape plan prepared by a qualified professional providing all information outlined in section 1011.03, landscaping and screening in all districts;
  8. A tree preservation plan as required by section 1011.04, tree preservation and restoration, in all districts;
  9. The location and detail of signage providing all pertinent information necessary to determine compliance with chapter 1010, sign regulations;
  10. A traffic study containing, at a minimum, the total and peak-hour trip generation from the site at full development and the effect of such traffic on the level of service of nearby and adjacent streets, intersections, and total parking requirements;



11. A plan sheet or narrative clearly delineating all features not consistent with underlying zoning regulations and all PUD goals being addressed in exchange for the desired areas of flexibility; and
12. Any other information as directed by the community development department.

c. *PUD concept plan review.*

1. As part of the review process for a PUD concept plan, the community development department shall generate an analysis of the proposal against the expectations for PUDs and make a recommendation regarding the proposed overlay district for planning commission and city council consideration.
2. The community development department shall prepare a draft ordinance to establish the potential overlay district to be established as a component of the PUD final plan.
3. The planning commission shall hold a public hearing and consider the application's consistency with the goals for PUDs, the PUD review criteria, and applicable comprehensive plan goals. The planning commission shall make recommendations to the city council on the merits, needed changes, and suggested conditions to impose on the PUD.
4. In approving or denying the PUD concept plan, the city council shall make findings on the PUD review criteria outlined in section 1016.08.
5. As a condition of PUD concept plan approval, adoption and publication of an overlay district ordinance must occur prior to the filing of any future final plat.

(5) *PUD final plan.*

- a. *Application deadline.* Application for a PUD final plan shall be submitted for approval within 90 days of city council approval of the PUD concept plan unless a written request for a time extension is submitted by the applicant and approved by the city council.
- b. *PUD final plan submittal requirements.* Except as may be waived by the community development department, the following information shall constitute a complete application for PUD final plan:
  1. All required information for a final plat per section 1102.04;
  2. All required PUD concept plan documents, other than the preliminary plat, shall be updated to incorporate and address all conditions of PUD concept plan approval;
  3. Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowner's association or other documents or contracts which control the use or maintenance of property covered by the PUD;

4. A final staging plan, if staging is proposed, indicating the geographical sequence and timing of development, including the estimated start and completion date for each stage;
  5. Up-to-date title evidence for the subject property in a form acceptable to the community development department;
  6. Warranty deeds for property being dedicated to the city such as parks and outlots must be free from all liens and encumbrances;
  7. All easement dedication documents for easements not shown on the final plat, including those for trails, ingress/egress, together with all necessary consents to the easement by existing encumbrancers of the property;
  8. Any other information deemed necessary by the community development department to fully present the intention and character of the PUD; and
  9. If certain land areas or structures within the PUD are designated for recreational use, public plaza, open areas or service facilities, the owner of such land and buildings shall provide a plan to the city that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.
- c. *PUD final plan review.*
1. The community development department shall generate an analysis of the final documents against the conditions of PUD concept plan approval and make a recommendation as to whether all conditions have been met or if additional changes are needed.
  2. Staff should once again identify any information submittals that were waived so the council may determine if such is needed prior to making a final decision.
  3. The community development department shall finalize the ordinance to establish the proposed overlay district for consideration by the planning commission and city council.
  4. The planning commission shall hold a public hearing on the proposed overlay district ordinance and final PUD plans, and shall submit a recommendation to the city council for consideration. Because a PUD concept plan was previously approved, the planning commission's recommendation shall only focus on whether the ordinance and PUD final plan are in substantial compliance with the PUD concept plan and the required conditions of approval.
  5. The city council shall then consider the recommendations of the community development department, the public, and the planning commission and make a decision of approval or denial, in whole or in part, on the PUD

final plan. A denial shall only be based on findings that a PUD final plan is not in substantial compliance with the approved PUD concept plan and/or the required conditions of approval.

6. As a condition of PUD final plan approval, publication of the overlay district ordinance shall be required prior to filing of the approved final plat.
7. Planned unit development agreement.
  - (i) At its sole discretion, the city may, as a condition of approval, required the owner and developer of the proposed PUD to execute a development agreement which may include, but not be limited to, all requirements of the PUD final plan.
  - (ii) The development agreement may require the developers to provide an irrevocable letter of credit in favor of the city. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the city. The city may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
8. As directed by the city, documents related to the PUD shall be recorded against the property.

d. *Time limit.*

1. A PUD shall be validated by the applicant through the commencement of any necessary construction or establishment of the authorized use, subject to the permit requirements of title 9, pertaining to building regulations, in support of the PUD within one year of the date of PUD final plan approval. Failure to meet this deadline shall render the PUD final plan approval void. Notwithstanding this time limitation, the city council may approve extensions of the time allowed for validation of the PUD approval if requested in writing by the applicant; extension requests shall be submitted to the community development department and shall identify the reasons why the extension is necessary along with an anticipated timeline for validation of the PUD.
2. An application to reinstate a PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new PUD beginning with a PUD concept plan (the prerequisite for a previous PUD sketch plan submittal shall not apply, but the required open house in subsection (3) of this section must be held).

(Ord. No. 1606, § 1023.09, 11-8-2021)

**Sec. 1016.10. PUD amendments.**

Approved PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer. At such a time, the applicant shall make an application to the city for a PUD amendment.

- (1) Existing PUD overlay district amendments for approved PUD overlay districts shall be processed as one of the following:
  - a. *Administrative amendment.* The community development department may approve minor changes in the location, placement, and height of buildings if such changes are required by engineering or other circumstances, provided the changes conform to the approved overlay district intent and are consistent with all requirements of the PUD ordinance. Under no circumstances shall an administrative amendment allow additional stories to buildings, additional lots, or changes to designated uses established as part of the PUD. An administrative amendment shall be memorialized in a letter signed by the community development director and recorded against the PUD property.
  - b. *Ordinance amendment.* A PUD change requiring a text update to the adopted PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in chapter 1009. Ordinance amendments shall be limited to changes that are deemed by the community development department to be consistent with the intent of the original PUD approval, but are technically necessary due to construction of the adopted overlay district language.
  - c. *PUD amendment.* Any change not qualifying for an administrative amendment or an ordinance amendment shall require a PUD amendment. An application to amend a PUD shall be administered in the same manner as that required for a new PUD beginning with a PUD concept plan (the prerequisite for a previous PUD sketch plan submittal shall not apply, but the required open house in section 1016.09(3) must be held).
- (2) Preexisting PUDs approved as a special use permit. Preexisting PUDs authorized prior to April 11, 2016, shall continue to be governed per the original conditions of approval until the PUD is cancelled by the city, or the PUD is converted to a PUD overlay district. An application to amend a preexisting PUD shall be administered in the same manner as that required for a new PUD beginning with a PUD concept plan. (The prerequisite for a previous PUD sketch plan submittal shall not apply, but the required open house in section 1016.09(3) must be held).

(Ord. No. 1606, § 1023.10, 11-8-2021)

**Sec. 1016.11. PUD cancellations.**

A PUD shall be cancelled and revoked only upon the city council adopting an ordinance rescinding the overlay district or special use permit establishing the PUD. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to

changes in local regulations over time; is inconsistent with the comprehensive plan or other applicable land use regulations; threatens public safety, health, or welfare; or due to other applicable findings in accordance with law.

(Ord. No. 1606, § 1023.11, 11-8-2021)

#### **Sec. 1016.12. Administration.**

In general, the following rules shall apply to all PUDs:

- (1) *Rules and regulations.* No requirement outlined in the PUD review process shall restrict the city council from taking action on an application if necessary to meet state-mandated time deadlines.
- (2) *Preconstruction.* No building permit shall be granted for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.
- (3) *Effect on conveyed property.* In the event that any real property in an approved PUD is conveyed in total or in part, the new owners thereof shall be bound by the provisions of the approved overlay district.

(Ord. No. 1606, § 1023.12, 11-8-2021)

### **CHAPTER 1017. COMPREHENSIVE PLAN**

#### **Sec. 1017.01. Preparation of plan.**

It shall be the function and duty of the planning commission to prepare and recommend a comprehensive city plan for the development of the city, including proposed public buildings, street arrangements, public utility services, parks, playgrounds and other similar developments, the use of property, the density of population and other matters relating to the development of the city. Such plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the commission's program of work.

(Ord. No. 1675, § 2(1024.01), 4-22-2024)

#### **Sec. 1017.02. Adoption procedure.**

The planning commission may, at any time, recommend to the city council the adoption of the city comprehensive plan, any section of it or any substantial amendment thereof. Before making such a recommendation to the city council, the planning commission shall hold at least one public hearing, as provided for in chapter 107. The recommendation by the planning commission to the city council shall be by a resolution of the commission, approved by the affirmative votes of not less than five-sevenths of its total membership. The commission may from time to time recommend minor amendments to the city comprehensive

plan or any section thereof without the public hearing mentioned herein providing that a majority of its members are of the opinion that such hearing is not necessary or in the public interest.

(Ord. No. 1675, § 2(1024.02), 4-22-2024)

**Sec. 1017.03. Procedure for consideration of requested amendment to plan.**

If an amendment to the comprehensive plan future land use map is requested by a property owner, the applicant shall hold an open house meeting with residents and property owners in the vicinity of the affected property prior to submitting an application for the amendment. Requirements for such an open house are as follows:

- (1) *Purpose.* The purpose of an open house is to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.
- (2) *Timing.* The open house shall be held not more than 30 days prior to the submission of an application for comprehensive plan future land use map amendment approval and shall be held on a weekday evening beginning between 6:00 p.m. and 7:00 p.m. and ending by 10:00 p.m.
- (3) *Location.* The open house shall be held at a location in or near the neighborhood affected by the proposed amendment, and, in the case of a site near the city's boundaries, preferably in the city. In the event that such a meeting space is not available, the applicant shall arrange for the meeting to be held at the city hall campus.
- (4) *Invitations.* The applicant shall prepare a printed invitation identifying the date, time, place, and purpose of the open house and shall mail the invitation to the recipients in a list prepared and provided in electronic format by community development department staff. The recipients will include property owners within 500 feet of the project property, members of the planning commission and city council, and other community members that have registered to receive the invitations.
- (5) *Summary.* A written summary of the open house shall be submitted as a necessary component of an application for comprehensive plan future land use map amendment approval.

(Ord. No. 1675, § 2(1024.03), 4-22-2024)

**Sec. 1017.04. Adoption or amendment of plan by city.**

Upon receiving a recommendation from the planning commission for the establishment or amendment of a plan, the city council shall follow procedure as set forth in chapter 107. The city council may adopt such plan or amendments by a majority vote of its members or by a larger majority if required by statute.

(Ord. No. 1675, § 2(1024.04), 4-22-2024)

**Sec. 1017.05. Means of executing plan.**

Upon the adoption of the city plan or any section thereof, it shall be the duty of the planning commission to recommend to the city council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the city. Such means shall consist of a zoning plan, the control of subdivision plats, a plan for future street locations, etc.

(Ord. No. 1675, § 2(1024.05), 4-22-2024)





## Title 11

### SUBDIVISIONS

#### **Chapter 1101. In General**

- 1101.01. Purpose and jurisdiction.
- 1101.02. Definitions.

#### **Chapter 1102. Procedure**

- 1102.01. Plats.
- 1102.02. Variances.
- 1102.03. Acceptance of roadways.
- 1102.04. Required improvements.
- 1102.05. Arrangements for improvement.

#### **Chapter 1103. Design Standards**

- 1103.01. Transportation plan.
- 1103.02. Rights-of-way.
- 1103.03. Easements.
- 1103.04. Block standards.
- 1103.05. Lot standards.
- 1103.06. Park dedication.



**CHAPTER 1101. IN GENERAL****1101.01. Purpose and jurisdiction.**

(a) *Purpose.* Each new subdivision accepted by the city becomes a permanent unit in the basic physical structure of the community and is one component of the city as a whole, as guided by the comprehensive plan. All subdivisions of land lying within the incorporated limits of the city shall in all respects fully comply with the regulations set forth in this title.

(b) *Jurisdiction.* The city has the authority to make certain regulations and requirements for the subdivision of land within the city pursuant to the enabling legislation contained in Minn. Stat. chs. 412, 429, 462, 471, 505, and 508, which the city council deems necessary for the health, safety, general welfare, convenience, and good order of the community.  
(Code 1995, § 1101.01)

**1101.02. Definitions.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boulevard* means the property between the back of a curb (or the edge of the street, if there is no curb) and the adjacent right-of-way line.

*Consolidation* means the platting or replatting of two or more lots resulting in fewer lots of record, for the transfer of ownership or building development. When it is appropriate to the context, the term "consolidation" relates either to the process of consolidating or to the land consolidated.

*Easement* means the grant of one or more of the property rights by the owner to, or for the use by, the public, public utility, corporation, or another person or entity.

*Emergency vehicle* means any vehicle that is used for the preservation of the health, safety, and welfare of the residents, property owners, visitors, workers, and property.

*Lot* means a tract of land of record, designated by metes and bounds, land survey, minor land division, or plat, which is on file at the office of the county recorder or registrar of titles.

*Median* means the property between the backs of curbs of separated travel lanes.

*Owner* means a person, partnership, association, public or quasi-public corporation, private corporation, other lawful business entity, or a combination of any of the same, whether plural or singular.

*Parcel* means all or part of a lot or multiple lots.

*Pathway* means a public or private trail, footpath, pedestrian path, bike lane, or similar facility, across a block or providing access within a block to be used by pedestrians or cyclists, or both.

*Plat* means a drawing or map of a subdivision prepared for filing of record pursuant to Minn. Stat. ch. 505 and containing all elements and requirements set forth in this title.

*Right-of-way (ROW)* means land dedicated to the public or preserved for public use as roadways, sewers, electric, gas, and water facilities, stormwater drainage and holding areas or ponds, and similar utilities and improvements.

*Roadway* means a paved public or private street, avenue, highway, road, boulevard, lane, or similar facility, which affords primary access to abutting properties.

*Street.* See *Roadway*.

*Subdivision* means a described tract of land which is to be or has been divided into two or more lots, any of which resultant lots is less than five acres in area, for the transfer of ownership, or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes re-subdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.  
(Code 1995, § 1101.02)

## CHAPTER 1102. PROCEDURE

### 1102.01. Plats.

Any subdivision or consolidation of land shall adhere to the platting procedures established herein.

- (1) *Requirements governing approval of a subdivision or consolidation.*
  - a. Due regard shall be shown for all natural features such as tree growth, watercourses, historic locations, or similar conditions.
  - b. Conditions of approval. The city may require such changes or revisions to any proposal as deemed necessary for the health, safety, general welfare, and convenience of the city. For major plats, the planning commission may also recommend to the city council such changes or revisions.
  - c. Flooding. No application will be approved for a site that is subject to periodic flooding, or which contains inadequate drainage facilities, unless the owner agrees to make improvements which meet the city's stormwater and drainage requirements.
  - d. Building permit. No building permit shall be issued for the construction of any building, structure, or improvement to the land or any lot within an approved subdivision or consolidation until all requirements of this title have been complied with fully.
  - e. Occupancy permit. No occupancy permit shall be granted for the use of any structure within an approved subdivision or consolidation until required utility

facilities have been installed and made ready to service the property, and roadways providing access to the subject lots have been constructed or are in the course of construction.

- f. Park dedication. No application will be considered until a park dedication recommendation has been made in accordance with section 1103.06.

(2) *Platting alternatives.*

- a. The following processes are alternatives to the plat procedures established in this chapter:
  - 1. *Common wall duplex subdivision.* This type of platting alternative shall be limited to a common wall duplex minor subdivision of a parcel in any zoning district which allows duplexes, along a common wall of the structure and common lot line of the principal structure where the structure meets all required setbacks except the common wall property line.
  - 2. *Recombination.* This type of platting alternative transfers a parcel of land from one lot of record to an abutting lot. This type of platting alternative creates no new lots or streets. The proposed recombination shall not cause any portion of the existing lots, parcels, or improvements thereon to be in violation of this title or title 10.
  - 3. *Corrections.* This type of platting alternative is intended to correct a survey or legal description of a parcel or lot that has been found to be inadequate to describe the actual boundaries. This type of platting alternative creates no new lots or streets. The proposed correction shall not cause any portion of the existing lots, parcels, or improvements thereon to be in violation of this title or title 10.
- b. Applications. The owner of property on which a platting alternative is proposed shall file an application for approval of the platting alternative by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed and acted upon by the development review committee, as established in section 1002.06.
- c. Validation and expiration. A platting alternative approval shall be validated by the applicant through the filing of the approved platting alternative at the office of the county recorder or registrar of titles, as may be appropriate, within one year of the date of the approval. Notwithstanding this time limitation, extensions of the time allowed for validation of the approval may be granted; extension requests shall be submitted in writing to the community development department and shall identify the reasons why the extension is necessary along with an anticipated timeline for validation of the approval. A platting alternative approval shall automatically expire if the approval is not validated as described herein.

(3) *Minor plat.*

- a. *Purpose.* The minor plat process may be used when all of the following criteria are present. All other subdivision proposals that do not fall within the regulations listed herein shall be submitted for review by the planning commission and the approval of the city council in accordance with the major plat process established in this chapter.
  1. The proposal subdivides or consolidates existing lots of record resulting in three or fewer lots.
  2. The subject property is adequately served by public utilities and rights-of-way, and no further utility or right-of-way is necessary.
  3. The anticipated development on the lots resulting from the proposed subdivision or consolidation is supported by the comprehensive plan land use designation applicable to the subject property.
  4. The existing or anticipated development on the lots resulting from the proposed subdivision or consolidation conforms, or is made to conform, to the zoning regulations applicable to the subject property.
- b. *Applications.* The owner of property on which a minor plat is proposed shall file an application for approval of the plat by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. Required supporting documentation may include, but is not limited to, a boundary survey, topographic survey, grading plan, stormwater management plan, and tree preservation plan. Complete applications shall be reviewed in a public hearing before, and acted upon by, the city council according to the process set forth in chapter 107. Notwithstanding other restrictions, an application for minor plat approval shall not be accepted if it represents the further subdivision or consolidation of a lot which itself is the result of any subdivision or consolidation approved within five years preceding the application.
- c. *Validation and expiration.* Adhering to the county's manual of guidelines for subdivision plats, a minor plat approval shall be validated by the owner through the filing of the approved plat at the office of the county recorder within one year of the date of the approval. Notwithstanding this time limitation, the city council may approve extensions of the time allowed for validation of the minor plat approval if requested in writing; extension requests shall be submitted to the community development department and shall identify the reasons why the extension is necessary along with an anticipated timeline for validation of the minor plat approval. A minor plat approval shall automatically expire if the approval is not validated as described herein.

(4) *Major plat.*

- a. *Purpose.* The major plat process shall apply when any of the following criteria are present:
  1. The proposal subdivides or consolidates existing lots of record resulting in four or more lots.



2. The subject property is not adequately served by public utilities or rights-of-way, and further utility or street right-of-way is necessary.
  3. The anticipated development on the lots resulting from the proposed subdivision or consolidation would require an amendment to the comprehensive plan land use designation applicable to the subject property.
  4. The existing or anticipated development on the lots resulting from the proposed subdivision or consolidation would require an amendment to the zoning designation applicable to the subject property.
- b. *Developer open house meeting.*
1. *Purpose.* Prior to submitting an application for a preliminary plat of four or more lots/parcels, an applicant/owner shall hold an open house meeting with property owners and renters in the vicinity of the potential development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.
  2. *Applicant/owner responsibility.* The owner shall be responsible for the following items:
    - (i) Completed open house form (application).
    - (ii) Payment of application fee and escrow deposit set forth in the city fee schedule.
    - (iii) Provision of applicable information regarding the project/request.
    - (iv) Determined the open house location, date, and time.
    - (v) Required submittal of open house summary upon conclusion of meeting.
  3. *Generally.* The applicant/owner shall refer to the open house meeting policy that is a component of the open house form (application) or contact the community development department for additional information regarding the process.
- c. *Applications for preliminary approval.* The owner of property on which a major plat is proposed shall file an application for preliminary approval of the plat by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. Required supporting documentation may include, but is not limited to, a boundary survey, topographic survey, grading plan, stormwater management plan, and tree preservation plan. Complete applications shall be reviewed in a public hearing before the planning commission and acted upon by the city council according to the process set forth in chapter 107, except that city council action shall occur within 120 days of the submission of a completed application.
- d. *Validation and expiration of preliminary approval.* Preliminary approval of a major plat shall be validated by the owner through application for final

approval of the plat of the proposed subdivision within six months of the date of the preliminary approval. Notwithstanding this time limitation, the city council may approve extensions of the time allowed for validation of the preliminary approval if requested in writing; extension requests shall be submitted to the community development department and shall identify the reasons why the extension is necessary along with an anticipated timeline for validation of the preliminary approval. Preliminary approval of a major plat shall automatically expire if the approval is not validated as described herein.

e. *Application for final approval.*

1. *Applications.* The owner of property on which final approval of a major plat is requested shall file an application by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. Required supporting documentation may include, but is not limited to, a development agreement as described in section 1102.05. The city council shall act upon an application for final approval of a major plat within 60 days of the submission of a completed application.

2. *Required changes incorporated.* The final plat shall have incorporated all changes or modifications required by the city council in the preliminary approval of the major plat and shall otherwise be substantially the same as the plat.

f. *Validation and expiration of final approval.* Adhering to the county's manual of guidelines for subdivision plats, final approval of a major plat shall be validated by the owner through the filing of the approved plat at the office of the county recorder within one year of the date of the final approval. Notwithstanding this time limitation, the city council may approve extensions of the time allowed for validation of the final approval if requested in writing; extension requests shall be submitted to the community development department and shall identify the reasons why the extension is necessary along with an anticipated timeline for validation of the final approval. Final approval of a major plat shall automatically expire if the approval is not validated as described herein.

(5) *Refusal to approve.* The refusal to approve a plat or platting alternative shall be set forth in the proceedings of the city council and reported to the owner. If approval of a proposal is so denied, an application for approval of substantially the same plat or platting alternative on the same property shall not be accepted within one year of the date of the denial.

(Code 1995, § 1102.01; Ord. No. 1610, 3-7-2022)

**1102.02. Variances.**

(a) *Purpose.* Regulations pertaining to the process of subdividing or consolidating land and to the characteristics of the resulting lots are established in this title and title 10. There are occasions, however, where it may be appropriate to vary the regulations as they apply to specific properties where an unusual hardship on the land exists, pursuant to Minn. Stat. § 462.358, subd. 6.

(b) *Applications.* The owner of property on which a variance is proposed shall file an application for approval of the variance by paying the fee set forth in the city fee schedule and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing according to the process set forth in chapter 107. If a proposed variance is denied, an application for substantially the same variance on the same property shall not be accepted within one year of the date of the denial.

(c) *Approval.* The city 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. In order to approve a requested variance, the planning commission may recommend, and the city council shall adopt, findings pertaining to the following specific grounds:

- (1) The proposal is consistent with the comprehensive plan.
  - (2) The proposal is in harmony with the purposes and intent of the zoning and subdivision ordinances.
  - (3) An unusual hardship on the land exists.
  - (4) The variance, if granted, will not alter the essential character of the locality.
- (Code 1995, § 1102.02)

### **1102.03. Acceptance of roadways.**

(a) *Approval of plat or annexation into city not considered acceptance.* If any plat or subdivision contains public roadways which are dedicated as such, whether located within the corporate limits of the city or outside the corporate limits or contains existing roadways outside of the corporate limits, the approval of the plat by the city council or the subsequent annexation of the property to the city shall not constitute an acceptance by the city of such roadways, nor the improvements constructed or installed in such subdivision, irrespective of any act by a city officer, agent, or employee with respect to such roadways or improvements.

(b) *Acceptance by resolution of city council.* The acceptance of such roadways shall be made only by the approval of a resolution by the city council after there has been filed, with the city manager, a certificate by the public works director. The certificate shall indicate that all improvements required to be constructed or installed in or upon such roadways in connection with the approval of the plat of subdivision by the city council have been fully completed and approved by the public works director, or a cash deposit or bond is on file to ensure the installation of such required improvements. However, if it appears to the city council that a public local improvement will be constructed in any such roadway within a reasonable foreseeable time, the city council, upon the recommendation of the public works director, may, by resolution, temporarily accept such roadway for maintenance by the city, and defer the completion of the roadway by the owner until such local improvement has been constructed.

(Code 1995, § 1102.03)

**1102.04. Required improvements.**

No final approval of a plat shall be granted by the city council without first receiving a report signed by the public works director certifying that the following improvements described in the owner's preliminary plans and specifications meet the minimum requirements of all ordinances in the city, and that they comply with the requirements of the public works design standards manual:

- (1) *Sewers.*
  - a. *Sanitary sewers.* Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the city sanitary sewer system is available or where detailed plans and specifications for sanitary sewers to serve the subdivision are available.
  - b. *Storm sewers.* Storm sewers shall be constructed to serve all properties in the subdivision where a connection to the city storm sewer system is available or where detailed plans and specifications for storm sewers to serve the subdivision are available. When drainage swales are necessary, the soil therein shall be stabilized in accordance with applicable standards.
  - c. *Development area grading and drainage plan.* The developer shall submit a grading and drainage plan for the entire area of anticipated development within the plat indicating the elevation of proposed houses, surrounding ground, and the direction of flow. The developer shall not deviate from this plan without first obtaining written acceptance from the public works director of such changes.
- (2) *Water supply.* When a connection to the city water system is presently available, water distribution facilities, including pipe fittings, hydrants, valves, etc., shall be installed to serve all properties within the subdivision.
- (3) *Right-of-way grading.* The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved.
- (4) *Roadway improvements.* The following standards shall apply to all city and private roadways when newly constructed or reconstructed as a result of plat approval. All local residential roadways shall be constructed in conformance with the public works design standards manual.
  - a. All roadways shall be paved, with curb and gutter, in conformance with standards for the applicable functional classification.
  - b. Pathways shall be constructed in accordance with the pathways master plan and the applicable standards of the public works department along the width of a development site abutting any roadway of functional classification collector or greater.
  - c. Stormwater inlets and necessary culverts shall be provided within the roadway improvement at points specified by the public works department.

- d. All unpaved portions of boulevards and medians within the dedicated right-of-way area shall be graded and the soil therein stabilized in accordance with applicable standards.
- e. Roadway width.
  - 1. To ensure adequate access for emergency vehicles, no roadway shall be constructed to a width less than 24 feet.
  - 2. Parking restrictions. For roadways with functional classification of collector or greater, on-street parking shall be reviewed by the public works department. For local and marginal access roadways, "no parking" signs shall be installed in accordance to the following:

|                       |                                                                 |
|-----------------------|-----------------------------------------------------------------|
| ≥24 feet and <26 feet | No parking on both sides of the street (signs on both sides)    |
| ≥26 feet and <32 feet | No parking on one side of the street (signs on one side)        |
| ≥32 feet              | Parking permitted on both sides of the street (no signs needed) |

In cases where the specified width is impractical, however, the city council may reduce this dimension, as outlined in the city street width policy.

- f. Roadways near existing parcels. When the periphery boundary of a proposed plat abuts rear lot lines or side lot lines, or both, of existing single-family lots, any new street within the plat shall be located a distance from the rear or side lot lines not less than the minimum depth required for a conforming lot in an LDR district.

(5) *Public utilities.*

- a. All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground. Such lines, conduits, or cables shall be placed within easements or dedicated public ways. The placement of transformer boxes and other above-ground facilities shall be reviewed and approved by the city engineer.
- b. The city council may waive the requirements of underground services as set forth in subsection (5)a of this section if, after study and recommendation by the planning commission, the city council establishes that such underground utilities would not be compatible with the planned development, or unusual topography, soil, or other physical conditions make underground installation unreasonable or impractical.

(Code 1995, § 1102.04; Ord. No. 1591, 10-12-2020; Ord. No. 1610, 3-7-2022)

**1102.05. Arrangements for improvement.**

(a) *Development agreement.* Prior to the acceptance of the final plat, the owner shall enter into a development agreement with the city.

- (1) In conjunction with this contract, the owner shall deposit with the public works director either a cash deposit or a corporate surety performance bond, approved as to form by the city attorney, in an amount equal to 1 ½ times the public works director's estimated cost of the improvements. This bond shall also have a clause which guarantees the improvements for a period of one year after acceptance by the city of the improvements. In lieu of this clause, a separate one-year maintenance bond approved as to form by the city attorney shall be submitted to the public works director upon acceptance of the improvements by the city council. Upon receipt of this maintenance bond, the performance bond may be released.
- (2) When park dedication is required pursuant to section 1103.06, the development agreement will identify the amount of land, cash contribution, or combination of land and cash contribution determined necessary to satisfy the park dedication requirement. The development agreement will also specify the time and manner such required dedication is to be made.

(b) *Improvements.* All such improvements shall be made in accordance with the plans and specifications prepared by a state licensed engineer and approved by the public works director, and in accordance with applicable city standards and requirements.

(c) *Bond.* The owner shall deposit with the public works director cash or an approved indemnity bond to cover all expenses incurred by the city for engineering, legal fees, and other incidental expenses in connection with the making of the improvements listed in section 1102.04. In the event of a cash deposit, any balance remaining shall be refunded to the owner or applicant after payment of all costs and expenses to the city have been paid.

(d) *Roadway access to improved lots required.* It is not the intent of this section to require the owner to develop the entire plat and to make all the required improvements at the same time. However, building permits will not be granted for development of lots without access to roadways on which the required improvements have been made or arranged for by cash deposit or bond as herein provided.

(Code 1995, § 1102.05)

**CHAPTER 1103. DESIGN STANDARDS****1103.01. Transportation plan.**

New roadways and related pathways shall comply to a master street plan that is based on the city's comprehensive plan and pathways master plan to promote a safe, efficient, sustainable, and connected network for all users and modes.

(Code 1995, § 1103.01)

**1103.02. Rights-of-way.**

(a) *Width.* All rights-of-way shall conform to the following minimum dimensions corresponding to the functional classifications of the roadways therein:

|                    |                                                                    |
|--------------------|--------------------------------------------------------------------|
| Principal arterial | As determined by the applicable jurisdiction governing the roadway |
| Minor arterial     | As determined by the applicable jurisdiction governing the roadway |
| Collector          | 66 feet                                                            |
| Local              | 60 feet                                                            |
| Marginal access    | 50 feet                                                            |

(b) *Horizontal lines.* When horizontal right-of-way lines within a block deflect from each other at any one point more than ten degrees, there shall be a connecting curve. Centerline horizontal curvatures shall conform to the following minimum radii corresponding to the functional classifications of the roadways therein:

|                    |                                                                    |
|--------------------|--------------------------------------------------------------------|
| Principal arterial | As determined by the applicable jurisdiction governing the roadway |
| Minor arterial     | As determined by the applicable jurisdiction governing the roadway |
| Collector          | 300 feet                                                           |
| Local              | 150 feet                                                           |
| Marginal access    | 150 feet                                                           |

(c) *Tangents.* Tangents at least 50 feet long shall be introduced between reverse curves on collector rights-of-way.

(d) *Centerline gradients.* All centerline gradients shall be at least one-half percent and shall not exceed the following gradients corresponding to the functional classifications of the roadways therein:

|                    |                                                                    |
|--------------------|--------------------------------------------------------------------|
| Principal arterial | As determined by the applicable jurisdiction governing the roadway |
| Minor arterial     | As determined by the applicable jurisdiction governing the roadway |
| Collector          | 4 percent                                                          |
| Local              | 6 percent                                                          |
| Marginal access    | 6 percent                                                          |

(e) *Jogs.* Right-of-way jogs with centerline offsets of less than 125 feet shall be prohibited.

(f) *Culs-de-sac.* If there is not a looped road system provided and a proposed right-of-way is greater than 200 feet in length, an approved turnaround shall be constructed.

(1) *Length.* Culs-de-sac shall be a maximum length of 500 feet, measured along the centerline from the intersection of origin to the end of right-of-way.



- (2) *Standard design.* The standard cul-de-sac shall have a terminus of nearly circular shape with a standard diameter of 120 feet.

(Code 1995, § 1103.02)

#### **1103.03. Easements.**

(a) Easements at least a total of ten feet wide, centered on interior lot lines and abutting rights-of-way or roadway easements, shall be provided for drainage and utilities where the city engineer determines they are necessary.

(b) When a subdivision is traversed by a watercourse, drainageway, channel, or stream, drainage and utility easements shall be provided that conform substantially with the lines of such watercourses, together with such further width or construction, or both, as will be adequate for the stormwater drainage of the area.

(c) All drainage easements shall be identified on the plat and soils therein shall be graded and stabilized in accordance with applicable standards.

(d) Pathways. Pathway easements shall be at least 20 feet wide.

(Code 1995, § 1103.03)

#### **1103.04. Block standards.**

(a) Blocks over 900 feet long shall require pathway easements at their approximate centers. The use of additional pathway easements connecting to schools, parks, or other destinations may be required by the city council.

(b) Blocks shall be shaped so that all blocks fit readily into the overall plan of the subdivision, the neighborhood, and the city, and must consider lot planning, traffic flow, and public open space areas.

(c) Blocks intended for commercial, institutional, and industrial use must be designated as such, and the plat must show adequate off-street areas to provide for parking, loading docks, and such other facilities that may be required to accommodate motor vehicles.

(d) When a subdivision abuts a railroad or limited access highway right-of-way, a marginal access right-of-way may be required to provide access to abutting properties and to allow for appropriate screening of the highway or railway.

(Code 1995, § 1103.04)

#### **1103.05. Lot standards.**

(a) The minimum lot dimensions in all subdivisions shall be those of the applicable zoning standards as established in title 10, or of the intended zoning district if the subdivision is in conjunction with a zoning change, in addition to any requirements herein defined.

(b) Additional standards for lots for single-family detached residences. The shapes of new lots shall be appropriate for their location and suitable for residential development. Lots with simple, regular shapes are considered most appropriate and suitable for residential development.

- (1) Lots which are appropriate for their location and suitable for residential development often have:
  - a. Side lot lines that are approximately perpendicular or radial to the front lot lines of the parcels being subdivided; or
  - b. Side lot lines that are approximately parallel to the side lot lines of the parcels being subdivided; or
  - c. Side lot lines that are both approximately perpendicular or radial to the front lot lines and approximately parallel to the side lot lines of the parcels being subdivided.
- (2) It is acknowledged, however, that property boundaries represent the limits of property ownership, and existing boundaries that have complex or unusual alignments are not easily changed. Subdivisions of such irregularly shaped parcels may be considered, but the shapes of proposed new lots might be found to be too irregular and, consequently, applications can be denied for failing to conform adequately to the purposes for which simple, regular parcel shapes are considered most appropriate and suitable for residential development.
- (3) Flag lots are not permitted. A flag lot is a lot with two distinct parts:
  - a. The "flagpole" is the part of a flag lot that abuts a street with a relatively narrow strip of land, which fails to conform to the minimum required lot width, as defined in section 1001.07, and which passes beside a neighboring parcel.
  - b. The "flag" is the buildable part of a flag lot, which is connected to the street by the flagpole, and which is located behind the neighboring parcel.
- (4) Through lots.
  - a. Through lots, as defined in title 10, shall be prohibited, including the creation of such lots out of existing adjacent lots by the location of streets on the platted property.
  - b. Notwithstanding this prohibition, the creation of through lots within the land being platted may be considered where one or both of the following circumstances are present:
    1. Topographic or other conditions render subdividing otherwise unreasonable.
    2. The proposed new street would be substantially in alignment with the existing street network.

- c. Because through lots have access to streets at the front and back, vehicular access to such lots shall be gained from the roadway of lower functional classification or as otherwise approved by the city engineer.
  - (5) When new principal structures are constructed on lots contiguous to roadways with functional classification of minor arterial or greater, driveways servicing such lots shall be designed and constructed to provide a vehicle turnaround facility within the lot.
  - (6) When new single-family residential lots are created on a new street, the driveway cut for the new lot must be placed within the new street.
- (Code 1995, § 1103.05; Ord. No. 1591, 10-12-2020)

#### **1103.06. Park dedication.**

(a) *Authority.* Minn. Stat. § 462.358, subds. 2b and 2c permits the city to require dedication of parkland, or cash in lieu of land, as part of the subdivision process in order to fulfill its plans for recreational facilities and open spaces. The city council, at its discretion, will determine whether park dedication is required in the form of land, cash contribution, or a combination of cash and land. To properly use this authority, the city will base its determination on existing development, the need created by the proposed development, and the city plans and policies embodied by the parks and recreation system master plan, pathways master plan, and comprehensive plan.

(b) *Condition to approval.* Park dedication will be required as a condition to the approval of any subdivision, plat, replat or lot split. The parks and recreation commission shall recommend, in accordance with statute and after consulting the approved plans and policies noted herein, either a portion of land to be dedicated to the public or, in lieu thereof, a cash deposit given to the city to be used for park purposes, or a combination of land and cash deposit.

(c) *Park dedication amount.* The portion of land to be dedicated in all areas shall be ten percent. Park dedication fees shall be reviewed and determined annually by the city council. The amount of the fee shall be provided in the city fee schedule, and the fee shall be paid as part of the development agreement required in section 1102.05.

(d) *Utility dedications not qualified.* Land dedicated for required pathways, street rights-of-way or utilities, including drainage, does not qualify as park dedication.

(Code 1995, § 1103.06; Ord. No. 1530, 7-10-2017; Ord. No. 1601, 6-21-2021)

Title 12

**HOUSING**

**Chapter 1201. Rental Property**

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Secs. 1201.01—1201.12. Reserved.

Division 2. Registration of One- to Four-Unit Residential Property Rentals

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## ROSEVILLE CITY CODE

- Sec. 1201.108. Notice to city and tenant of proposed sale of an affordable housing building.
- Sec. 1201.109. Post sale notice.
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### **Chapter 1203. Affordable Housing Trust Fund**

- Sec. 1203.01. Establishment of trust fund.
- Sec. 1203.02. Definitions.
- Sec. 1203.03. Eligible activities.
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**CHAPTER 1201. RENTAL PROPERTY****DIVISION 1. GENERALLY**

**Secs. 1201.01—1201.12. Reserved.**

**DIVISION 2. REGISTRATION OF ONE- TO FOUR-UNIT RESIDENTIAL PROPERTY  
RENTALS**

**Sec. 1201.13. Purpose.**

(a) The city recognizes a need for an organized registration program of residential rental property with one to four units within the city in order to:

- (1) Gather accurate contact information for property owners of residential rental properties;
- (2) Provide educational materials to property owners and occupants of residential rental properties;
- (3) Identify and quantify these units in the city;
- (4) Provide information and a method to enforce minimum standards to meet city and state safety, health, fire property maintenance and zoning codes within the city;
- (5) Provide a more efficient system to ensure that the stock of residential rental property within the city is properly maintained.

(b) The city recognizes that the most efficient system to provide information on the rental status of certain residential properties is through the creation of a program requiring the registration of residential rental property with one to four units within the city.

(Code 1995, § 907.01)

**Sec. 1201.14. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Family* means one of the following:

- (1) Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care;
- (2) Up to four people not so related, living together as a single housekeeping unit;
- (3) Any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency, or for other reasons;

- (4) Any individual, who is the owner, living and maintaining a common household and using a common cooking and kitchen facility.

*Local agent* means the owner's representative who resides in any of the following state counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington, and is authorized by the owner to make or order repairs or services for the property if in violation of the city or state codes.

*Owner* means a person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.

*Rent* includes money or services in exchange for occupation of the unit.

*Residential rental property* means any building, structure, room, enclosure, or mobile home with one to four units, including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters. The term "residential rental property" does not mean on-campus college housing, hospital units, nursing home units, multiple rental property over four units or hotels or motels with daily rental units, all of which shall be specifically exempt from registration under this division.

*Short-term rental* means a non-owner-occupied dwelling unit rented for a period of 30 consecutive days or less. Rentals less than seven consecutive days are prohibited between October 1 and May 1, and rentals less than ten consecutive days are prohibited between May 1 and October 1. The use of recreational vehicles, campers or other similar vehicles as rentals is prohibited. Short-term rentals are governed by division 4 of this chapter, requiring a license.

*Unit* means all or a portion of a residential rental property that is arranged, designed, used, or intended to be used as separate living quarters and which is leased to an individual or group.

(Code 1995, § 907.02; Ord. No. 1595, 2-8-2021)

#### **Sec. 1201.15. Registration requirements.**

Except as provided in sections 1201.18(a) and 1201.20, it shall be unlawful for any person to hereafter occupy, allow to be occupied, or let to another person for occupancy any residential rental property of one to four units within the city for which an application for registration has not been properly made and filed with the city or after the time that a registration is suspended or revoked. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

- (1) Name, street address and phone number of the property owner and, if the owner is a business entity, the name, street address and phone number of a designated agent for the owner. In cases where the owner of the dwelling lives outside of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington counties, the owner must also provide the name, street address, and phone number of a local agent authorized



by the owner to make or order repairs or services for the property if in violation of city or state codes. The designated local agent must live or work in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington Counties.

- (2) The name, street address, and phone number, of any person authorized to make or order repairs or services for the property, if in violation of city or state codes, if the person is different than the owner or local agent.
  - (3) The street address of the rental property.
  - (4) The type of units within the rental property (single-family, twinhome, townhome, condo, duplex, triplex or fourplex).
  - (5) The number of bedrooms and bathrooms in the unit.
  - (6) Certification and attestation that the maximum occupancy per unit is either four or less unrelated adults or one family pursuant to section 906.18.
- (Code 1995, § 907.03)

**Sec. 1201.16. Expiration of registration.**

(a) *Term.* All registrations issued under this division are effective upon issuance and shall expire one year (365 days) from the date of issuance. All required renewal registration application materials shall be received and submitted prior to the expiration date.

(b) *Late fee.* Any renewal registrations submitted 30 days after expiration will be considered late and subject to fee penalties.

(c) *Violation.* Any registration not renewed 60 days from expiration will be considered in violation of this ordination. Renters will not be allowed to occupy a property if the renewal registration is not received within 60 days after expiration.

(Code 1995, § 907.04; Ord. No. 1539, 1-8-2018)

**Sec. 1201.17. Fees.**

(a) All fees and fines shall be charged to and payable by the property owner.

(b) Residential rental properties in violation of this division may be subject to fines under the city fee schedule, in addition to any other fees or penalties per section 1201.22 or other applicable sections of this title.

(Code 1995, § 907.05)

**Sec. 1201.18. Manner of registration.**

(a) An owner who has an existing residential rental property as defined by this chapter that is not already registered must apply for registration pursuant to this chapter no later than 60 days following the effective date of the ordinance from which this division is derived.

(b) An owner of a property that after the effective date of the ordinance from which this chapter is derived wishes to convert the property into a rental property, shall apply for and register the property prior to its conversion.

(c) If there is a change in the type of occupancy from the type stated on the registration form, a new registration form shall be filed within 30 days of the change.

(d) When a previously registered property is sold, the new owner shall register within 30 days of the sale, if the property continues to be a residential rental property.  
(Code 1995, § 907.06)

**Sec. 1201.19. Notice to tenant, requirement to post.**

The owner or its agent must post, in accordance with the instructions provided by the city, in each rental unit a current copy of the registration certificate provided by the city upon registration. This certificate shall specifically include the following minimum information:

- (1) The street address of the registered property; and
- (2) The name, street address, and telephone number of either the owner or the designated agent;
- (3) The expiration date of the registration; and
- (4) Information about how to access the landlords and tenants rights and responsibilities handbook provided by the state attorney general.

(Code 1995, § 907.07)

**Sec. 1201.20. Exemptions.**

(a) All owners of residential rental properties are required to register their properties according to section 1201.18; however, the following property owners are exempt from the registration fee and the requirement to post a registration certificate:

- (1) Owners of residential rental properties. When all renters residing in the rental property are related to the owner as a parent, child, sibling, grandparent, grandchild, stepparent, step-child, step-grandparent, or step-grandchild and the owner or agent affirms in the registration that each of the renters is one of these relations.
- (2) Owners of residential rental property licensed by the state as a group home and used as such. The owner or agent must provide the current license number on the registration form.

(b) Rentals that are owner-occupied during the duration of the rental period.

(c) Rentals that are licensed under division 4 of this chapter shall not be required to obtain a registration under this division.

(d) Accessory dwelling units permitted under title 10 when the accessory dwelling unit is not detached from the principal dwelling unit.

(e) In all cases, an owner must notify the city in writing within 30 days if an exemption, as described in this division, is no longer applicable.

(Code 1995, § 907.08; Ord. No. 1426, 6-18-2012; Ord. No. 1595, 2-8-2021)

**Sec. 1201.21. Registration suspensions and revocation.**

(a) A rental registration may be revoked or suspended by the city council at any time under the provisions of this chapter for grounds, including, but not limited to, the following:

- (1) Three or more confirmed violations of this section within 180 days.
- (2) False or misleading information given or provided in connection with a registration application.
- (3) Failure to maintain the residential rental property in a manner that meets pertinent provisions of this Code, including, but not limited to, chapters 405 and 906.
- (4) Violations committed or permitted by the owner or the owner's agent, or committed or permitted by the tenant or the tenant's guests or agents, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the premises, including, but not limited to, the following:
  - a. Minn. Stat. § 609.75 through 609.76, which prohibit gambling;
  - b. Minn. Stat. § 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
  - c. Minn. Stat. § 152.01 through 152.025 and Minn. Stat. § 152.027, subds. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
  - d. Minn. Stat. § 340A.401, which regulates the unlawful sale of alcoholic beverages;
  - e. Minn. Stat. § 609.33, 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;
  - f. Minn. Stat. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and chapter 503 of this Code, which prohibit the unlawful possession, transportation, sale or use of weapon;
  - g. Minn. Stat. 609.72, which prohibits disorderly conduct;
  - h. Chapters 404, 405, 906, 1004, 1005, and 1013; and
  - i. Minn. Stat. §§ 609.221, 609.222, 609.223, 609.2231 and 609.224, regarding assaults in the first, second, third, fourth and fifth degree.

(b) Registration suspension shall be for a term not less than 180 days for the first suspension and 365 days for the second suspension. Depending on the gravity of the offense, the council may impose longer suspension timeframes than noted in this subsection.

(c) Registration revocation shall be considered by the city council when violations occur under subsection (a) of this section and when two prior suspensions occurred under the same registrant.

(d) In order to reinstate a suspended rental registration, the applicant shall apply following the same process as if applying for a new rental registration. Reinstatements following suspension will only be considered when the circumstances leading to the suspension have been remedied, the suspension penalty imposed by the city council has been satisfied, and upon city council approval.

(e) If a rental registration is revoked, reinstatement may only be considered by the city council if there is an ownership change. Ownership change to a family member of the prior owner, or entity affiliated with the prior owner shall not constitute compliance with this requirement.

(f) Repeat nuisance service call fees shall be applied pursuant to chapter 510.  
(Code 1995, § 907.09; Ord. No. 1595, 2-8-2021)

#### **Sec. 1201.22. Violation.**

(a) *Misdemeanor.* Except as provided in sections 1201.18(1) and 1201.20, any person who maintains a residential rental property without having the property registered, or after the registration for the property has been revoked or suspended, or who permits new occupancy in violation of this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense.

(b) *Administrative fine.* In addition to, or in lieu of, charging a misdemeanor, the city may impose administrative fines in an amount set in the city fee schedule. Each day of violation constitutes a separate offense.

(c) *Prohibited occupancy.* Pursuant to subsection (b)(2) of this section, the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until:

- (1) The administrative fine has been paid; and
- (2) A rental registration is obtained or the city is satisfied that the dwelling unit will not be used as a rental dwelling unit; and
- (3) Completion of any abatement, written compliance order, legal action from a citation or action per sections 405.06, 405.07 and 405.08.

(Code 1995, § 907.10)

#### **Sec. 1201.23. Appeals.**

(a) An appeal pertaining to any violation, suspension, or revocation decision addressed in this division may be filed by a residential rental property owner.

- (1) The appeal shall be submitted to the city manager within ten calendar days after the making of the order or decision being appealed.
- (2) The appeal shall state the specific grounds upon which the appeal is made.

(3) The appeal shall be accompanied by the fee set forth in the city fee schedule.

(b) When an appeal is filed, a public meeting regarding the matter shall be held before the city council, acting as the board of adjustments and appeals, at a regular meeting held within 30 calendar days of the receipt of the appeal. The board of adjustments and appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicants may be considered by the board of adjustments and appeals at its sole discretion if that information serves to clarify information previously considered by the community development director.

(Code 1995, § 907.11)

**Sec. 1201.24. Maintenance of records.**

All records, files and documents pertaining to the rental registration program shall be maintained in the city office and made available to the public as allowed or required by applicable laws, rules, codes, statutes or ordinances.

(Code 1995, § 907.12)

**Sec. 1201.25. Authority.**

Nothing in this chapter shall prevent the city from taking action under any applicable rule, standard, statute or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this division shall prevent the city from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this division on registration, including an order prohibiting the occupancy of such rental units, until violations of this division have been remedied by the property owner or designated agent.

(Code 1995, § 907.13)

**Sec. 1201.26. Applicable laws.**

Residential rental property shall be subject to all applicable rules, standards, statutes and ordinances governing use, maintenance and occupancy of the dwelling or dwelling unit; and this division shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes or ordinances.

(Code 1995, § 907.14)

**Sec. 1201.27. Rules, policies, procedures.**

The city council may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this division. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this division.

(Code 1995, § 907.15)

**Sec. 1201.28. No warranty by the city.**

By enacting the ordinance from which this division is derived and undertaking to enforce this division, neither the city, the city council, or its officers, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the city. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental registration.

(Code 1995, § 907.16)

**Secs. 1201.29—1201.42. Reserved.****DIVISION 3. MULTIFAMILY RENTAL PROPERTY LICENSES****Sec. 1201.43. Purpose.**

It is the purpose of this division to ensure that multifamily rental dwellings (MRDs) with five or more units in the city are decent, safe, sanitary, and well maintained. The implementation of an MRD licensing program is a mechanism to ensure that rental housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; or will not create a disincentive to reinvestment in the community. The operation of an MRD is a business enterprise that entails responsibilities. Operators are responsible to ensure that residents and children may pursue the normal activities of life in surroundings that meet the following criteria: safe, secure, and sanitary; free from crimes and criminal activity, noises, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property.

(Code 1995, § 908.01)

**Sec. 1201.44. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City-approved inspector's report or inspection report* means a rental dwelling inspection report prepared and signed by a city fire marshal, fire inspector or inspector contracted by the city to conduct an inspection and provide a report to the city.

*Denial* means the refusal to grant a license to a new or renewing applicant by the city.

*Dwelling unit* means any portion of a building thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.

*Family* means one of the following:

- (1) Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care;

- (2) Up to four people not so related, living together as a single housekeeping unit;
- (3) Any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency, or for other reasons; or
- (4) Any individual, who is the owner, living, and maintaining a common household and using a common cooking and kitchen facility.

*Fire inspector* means the city fire inspector as designated by the fire chief.

*Fire marshal* means the city fire marshal as designated by the fire chief.

*Follow-up inspection* means a follow-up inspection that is:

- (1) Conducted to determine if a code violation has been corrected; or
- (2) Needed because a licensee, owner or other responsible party fails to attend a scheduled inspection; or
- (3) Needed because a scheduled inspection does not occur or is prevented due to any act of a licensee, owner or responsible party; or
- (4) Any inspection other than the initial inspection for a license application When one or more violations are found.

*Lease* means an oral or written agreement between an MRD owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.

*License* means the formal approval of an activity specified on the certificate of license issued by the city.

*Local agent* means the owner's representative who resides in any of the following state counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

*Memorandum of understanding* means a document outlining the terms and details of an agreement between parties, including each party's requirements and responsibilities.

*Manager* means an individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter tenants' dwelling units. The term "manager" does not include a person who is hired on a casual basis and not in the ongoing course of the business of the owner.

*Multifamily rental dwelling (MRD)* means any building or portion thereof, including the real property upon which it is located and which surrounds it, that contains five or more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, or have a common entrance and have a common owner that are being rented out in the city. The term "multifamily rental dwelling" does not apply to rest homes licensed by the state department of health, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.



*Owner* means a person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term "owner" includes general partners and corporate officers.

*Permissible occupant load* means the maximum number of persons permitted to occupy a building or space within a building per this Code.

*Rent* means the consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.

*Repair* means to restore to a sound and functional state of operation, serviceability, or appearance.

*Revoke* means to take back a license issued by the city.

*Safety* means the condition of being reasonably free from danger and hazards that may cause accidents or disease.

*Suspend* means to make a license temporarily inoperative.

*Tenant* means any adult person granted temporary use of a rental dwelling unit pursuant to a lease with the owner of the MRD.  
(Code 1995, § 908.02)

#### **Sec. 1201.45. Licensing requirements.**

(a) *General rule.* No person shall operate, let, or cause to be let an MRD that has not been properly licensed by the city in the manner required by this division. A license must be obtained for each MRD. Upon receipt of a properly executed initial or renewal application for a rental license, the fire department shall cause an inspection to be made of the MRD to determine compliance with all applicable codes, standards and ordinances. The standards for compliance shall include the state fire code, chapter 906 of this Code, city ordinances and other applicable codes or other nationally recognized standards, and the laws of the state, as adopted by the city council. A minimum of one-third of all rental dwelling units shall be inspected to determine if they comply with all applicable codes and ordinances. Previously inspected units with noted violations shall have a follow-up inspection completed to verify corrections of noted violations have occurred.

(b) *Licensing.* A license will be granted on an annual (one-year) basis. All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will expire annually.

(c) *Criminal background check.* The licensee shall conduct criminal background checks on all prospective tenants. The owner shall acknowledge and comply with the Kari Koskinen Manager Background Check Act in Minn. Stat. §§ 299C.66 to 299C.71. Proof of background checks shall be made available upon city request. The criminal background check must include the following:

- (1) A statewide criminal history check covering at least the last three years; the check must be done utilizing the most recent update of the state criminal history files.

(2) A criminal history check in any previous states of residence, unless not allowed, covering at least the last three years if they have not resided in the state for three years or longer.

(3) A criminal history check shall be conducted in accordance with the standards of federal fair housing regulations.

(d) *Disorderly behavior lease provisions.* All tenant leases shall contain crime-free, drug-free provisions as on file with the city or equivalent that prohibit disorderly behavior identified in section 510.02. These lease provisions shall be incorporated into every new or renewing lease for a tenancy and shall comply with Minn. Stat. § 504B.205.

(e) *Occupancy register.* Every owner of a licensed rental dwelling shall keep, or cause to be kept, a current register of occupancy for each dwelling unit. Such register shall be made available for review by the city upon request. The occupancy register must contain the following information:

- (1) Dwelling unit address.
- (2) Number of bedrooms in dwelling unit and size of each bedroom, including the maximum number of occupants allowed.
- (3) Legal names and dates of birth of adult occupants.
- (4) Number of adults and children (under 18 years of age) currently occupying each dwelling unit.
- (5) Dates renters occupied and vacated dwelling units
- (6) A list of complaints and requests for repair by dwelling unit occupants that relate to the provisions of this chapter.
- (7) A similar list of all corrections made in response to such requests and complaints.

(f) *Application submittal.* A license application shall be submitted to the fire department on forms furnished by the city and must contain the following information:

- (1) Name, address, telephone number, and e-mail address of the owner of the MRD. This is the address that all future correspondence from the city will be sent to. The owner shall indicate if the business entity is a corporation, partnership, sole proprietorship, or other.
- (2) Name, address, telephone number, and e-mail address of designated local agent responsible for the management of the MRD, if applicable.
- (3) Street address and unit numbers for the MRD.
- (4) Number of dwelling units, including: unit size (square footage), number of bedrooms, and number of bathrooms.
- (5) Owner shall certify compliance with the requirements found in subsection (c) of this section for conducting background checks.

(6) Owner shall certify compliance with the requirement in subsection (d) of this section to include disorderly behavior lease provisions.

(7) Owner shall certify compliance with the requirement of subsection (e) of this section occupancy register.

(g) *Changes in ownership.* A license is not assignable. Any changes occurring in the ownership of an MRD requires a new license. The new owner must submit an application for a new license within 30 calendar days of acquiring the property. The applicant shall be responsible for compliance with all sections listed herein under this division.

(h) *Amended licenses.* If changes occur to any information required on the application for a current license, the owner must submit an amended license application to the city within 30 calendar days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional units.

(i) *Complaint-based inspection.* The city may, upon receipt of a creditable third-party complaint or a complaint by residents with reasonable concerns, require an inspection. A complaint-based inspection may require additional units to be inspected. As a result of the additional inspection, the city may require a license category criteria inspection be performed using the same standards as the license renewal inspection.

(j) *Additional requirements.* The city may require additional educational training or participation in programs related to the license.

(k) *Responsibility for acts of manager, operator, or local agent.* Licensees are responsible for the acts or omissions of their managers, operators, local agent, or other authorized representative.

(Code 1995, § 908.03; Ord. No. 1546, 4-9-2018)

#### **Sec. 1201.46. Licensing term.**

Licenses will be issued for a period of one year. All licenses will be reviewed and renewed each year by the property owner or other authorized representative.

(1) *New licenses.* MRDs that have legally not been required to have a rental license due to new construction must submit a rental license application to the city within 30 calendar days from the issuance of a conditional or permanent certificate of occupancy. The applicant shall be responsible for compliance to all sections listed herein under this division.

(2) *Operating without valid license.* Properties found operating without a valid rental license from the city, properties failing to meet this title requirements, or properties that have been the subject of enforcement actions such as criminal prosecution or civil penalties for violation of this chapter, may be subjected to other enforcement measures as allowed under.

- (3) *License renewals.* All licensed rental properties shall be required to submit a renewal application.
- (4) *Chronic code violations.* For properties having chronic code violations that are not being resolved in a timely manner, the city council may pursue any and all remedies under Minn. Stat. §§ 504B.395 through 504B.471 in addition to any other legal or equitable relief.
- (5) *Property code and nuisance violations.* Standards for property maintenance will be based on compliance with city and other applicable codes or other nationally recognized standards, as adopted by the city council.
- (6) *License process and renewal.*
  - a. All owners or owner's representatives of MRDs in the city must submit a full application to the fire department.
  - b. The fire department will notify the applicant of the inspection date, approximately 30 calendar days prior to inspection.
  - c. After the inspection has been completed a notice of licensing approval/denial and inspection report will be sent to the applicant.
  - d. The licensing fee will be due and payable by the license renewal date.
  - e. After staff verifies all documentation, fees and all other requirements have been satisfied, a license may be issued for each MRD.
  - f. A renewal application packet will be sent to the owner of each licensed MRD. License renewal applications shall be submitted to the fire department by the owner/agent between 90 and 120 days prior to the license expiration date.
- (7) *Issuance of license.* The city shall issue a license once the city deems the property to not have any unsafe, unsanitary, or dilapidated conditions as defined in section 906.03(h) or elsewhere in this Code, or a memorandum of understanding (MOU) has been signed and submitted and all city fees and fines have been paid. Every owner of an MRD shall conspicuously post the current license within 14 calendar days of receipt in the main entryway or other conspicuous location within the MRD. For MRDs that do not have a shared common area or entrance, the owner must provide a copy of the license to each tenant by attaching a copy to the tenant's copy of the executed lease agreement. Notwithstanding section 301.02, the fire chief is authorized to issue a license under this division upon satisfaction, in the fire chief's sole discretion, of all requirements contained herein.

(Code 1995, § 908.04; Ord. No. 1547, 4-9-2018)

#### **Sec. 1201.47. Fees.**

There shall be a licensing fee as established by the city fee schedule. All fees and fines shall be charged to and payable by the property owner.

(Code 1995, § 908.05)

**Sec. 1201.48. Local agent required.**

No operating license shall be issued or renewed for a nonresident owner of an MRD (one who does not reside in any of the following state counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) unless such owner designates in writing to the city fire chief the name of the owner's local agent who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive notice of violations of the provisions of this Code, to receive and to effect such orders, and to accept all service or process pursuant to law. (Code 1995, § 908.06)

**Sec. 1201.49. Licensing suspensions, revocation, denial, and nonrenewal.**

(a) *Applicability.* Every license issued under the provisions of this division is subject to suspension, revocation or nonrenewal by the city council.

(b) *Unoccupied or vacated rental units.* In the event that a license is suspended, revoked, or not renewed by the city council, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid license may be restored by the city council.

(c) *Grounds for license action.* The city council may revoke, suspend, or decline to renew any license issued under this division upon any of the following grounds:

- (1) False statements, misrepresentations, or fraudulent statements on any application or other information or report required by this division to be given by the applicant or licensee.
- (2) Failure to pay any application fee, fine, penalty, reinspection fees, reinstatement fee, special assessments, real estate taxes, or other financial claims due to the city as required by this division and city council resolution.
- (3) Failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other this titles; or failure to correct deficiencies noted in an inspection report or other compliance notices within the time specified.
- (4) Failure to comply with the provisions of an approved memorandum of understanding (MOU) with the city that addresses noted deficiencies and violations of any property maintenance, zoning, health, building, nuisance, or other provision of this Code.
- (5) Failure to comply with the provisions of an approved memorandum of understanding (MOU) with the city that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.
- (6) Failure to actively pursue the termination of the tenancy of tenants who have violated the provision of this division or lease addendum on file with the city or have otherwise created a public nuisance in violation of city, state, or applicable laws.
- (7) Failure to eliminate imminent health and life safety hazards as determined by the city or its authorized representatives.

- (8) Failure to operate or maintain the licensed premises in conformity with all applicable state and local laws and ordinances.

(d) *License action sections.* Revocation, suspension, and non-renewal may be brought under either this section or any other section of this chapter.

(e) *Notification, hearing and decisions basis.*

- (1) *Written notice, hearing.* A decision to revoke, suspend, deny, or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds, and the applicant or licensee will be given an opportunity for a hearing before the city council before final action to revoke, suspend, deny, or not renew a license.
- (2) *Decision basis.* The city council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been remedied or avoided, and the good faith efforts to comply. The city council shall issue a decision to deny, not renew, suspend, or revoke a license only upon written findings.

(f) *Affected MRD.* The city council may suspend, revoke or not renew a license for part or all of an MRD.

(g) *License actions, reapplication.*

- (1) *Suspension.* Licenses may be suspended for up to 90 calendar days and may after the period of suspension be reinstated subject to compliance with this chapter and any conditions imposed by the city council at the time of suspension.
- (2) *Revocation, denial, nonrenewal.* Licenses that are revoked will not be reinstated until the owner has applied for and secured a new license and complied with all conditions imposed at the time of revocation. Upon a decision to revoke, deny, or not renew a license, no approval of any application for a new license for the same facility will be effective until after the period of time specified in the city council's written decision, which shall not exceed one year. The city council shall specify in its written decision the date when an application for a new license will be accepted for processing. A decision not to renew a license may take the form of a suspension or revocation. A decision to deny an application for a new facility will not take the form of a suspension or revocation unless false statements have been made by the applicant in connection with the application. A decision to deny an application shall state the conditions of reapplication.
- (3) *Reinstatement fees.* All new applications must be accompanied by a reinstatement fee, as specified by city council resolution, in addition to all other fees required by this chapter.
- (4) *Written decision, compliance.* Written decisions to revoke, suspend, deny, or not renew a license or application shall specify the part of the facility to which it applies. The city council may, in its sole discretion, include in its written decision any necessary conditions a licensee must satisfy prior to reinstatement or reissue of a license. Such conditions may include but are not limited to, requiring a licensee to

retain at its own expense a city-approved professional property maintenance or management contractor. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part of the facility may be re-let or occupied. Revocation, suspension, or non-renewal of a license shall not excuse the owner from compliance with all terms of state laws and codes and this Code for as long as any units in the facility are occupied. Failure to comply with all terms of this chapter during the term of revocation, suspension, or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation, or non-renewal specified in the city council's written decision or in subsection (g)(6) of this section.

- (5) *New license prohibited.* A property owner who has a rental license revoked may not receive a new rental license for another property within the city for a period of one year from the date of revocation. The property owner may continue to operate currently licensed MDRs if the properties are maintained in compliance with this title and other applicable regulations.
  - (6) *Council action.* The city council may postpone or discontinue an action to deny, not renew, revoke, suspend a license, or fine a licensee or applicant, if the licensee or applicant has taken appropriate measures to correct the violation.
- (Code 1995, § 908.07; Ord. No. 1603, 10-25-2021)

### **Sec. 1201.50. Appeals.**

(a) An appeal pertaining to any licensing decision addressed in this chapter may be filed by an MRD property owner.

- (1) The appeal shall be submitted to the community development director within 30 calendar days after the making of the order or decision being appealed.
- (2) The appeal shall state the specific grounds upon which the appeal is made.
- (3) The appeal shall be accompanied by the fee set forth in the city fee schedule.

(b) When an appeal is filed, a public meeting regarding the matter shall be held before the city council, acting as the board of adjustments and appeals, at a regular meeting held within 90 calendar days of the receipt of the appeal. The board of adjustments and appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicants may be considered by the board of adjustments and appeals at its sole discretion if that information serves to clarify information previously considered by the fire chief.

(Code 1995, § 908.08)



**Sec. 1201.51. Maintenance of records.**

All records, files, and documents pertaining to the licensing of MRDs shall be maintained in the city office and made available to the public as allowed or required by laws, rules, codes, statutes, or ordinances.

(Code 1995, § 908.09)

**Sec. 1201.52. Authority.**

Nothing in this division shall prevent the city from taking action under any applicable rule, standard, statute, or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this division shall prevent the city from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this chapter on licensing.

(Code 1995, § 908.10)

**Sec. 1201.53. Rules, policies, and procedures.**

By resolution the city council may adopt, from time to time, rules, policies, and procedures for the implementation of this division. Violation of any such rule, policy, or procedure by a property owner shall be considered a violation of this division.

(Code 1995, § 908.11)

**Sec. 1201.54. No warranty by the city.**

By enacting the ordinance from which this division is derived and undertaking to enforce this division, neither the city, the city council, its officers, agents, or employees warrant or guarantee the safety, fitness, or suitability of any MRD in the city. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety, and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental license.

(Code 1995, § 908.12)

**Secs. 1201.55—1201.105. Reserved.****DIVISION 4. SALE OF RENTAL PROPERTIES****Sec. 1201.106. Purpose.**

The purpose of this division is to provide housing stability, protection, and notification to tenants in rental housing during an ownership transition. This division requires notice to both tenants and the city when title to licensed rental property containing five or more rental housing units is conveyed or otherwise transferred. Under this division, an owner of a housing building is required to pay resident relocation benefits if the owner takes certain actions during a required three-month tenant notification period, and the resident of the

building needs to move as a result of the owner's actions. In addition, this division requires that when rental properties affordable to lower income households become available for sale, the city must receive notice of the potential sale so that it can make such information available to parties interested in purchasing the property with a goal of keeping rents affordable for lower income households.

(Code 1995, § 910.01)

#### **Sec. 1201.107. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Affordable housing building* means a multiple-family rental housing building having five or more dwelling units when at least 20 percent of the units rent for an amount that is affordable. Affordable shall mean no more than 30 percent of income to households at or below 80 percent of area median income, as most recently determined by the federal department of housing and urban development for low-income housing tax credit (LIHTC) purposes, as adjusted for household size and number of bedrooms.

*Available for sale* means the earliest implementation of any of the following actions: negotiating to enter into a purchase agreement that includes an affordable housing building, including like-kind property swaps such as a 1031 exchange, advertising the sale of an affordable housing building, entering into a listing agreement to sell an affordable housing building, or posting a sign that an affordable housing building is for sale.

*Cause* means the tenant or a member of the tenant's household materially violated a term of the lease or rental agreement, or violated an applicable federal, state, or local law or regulation.

*Housing building* means a building with five or more rental units.

*Housing unit* means a rental unit within a housing building.

*Material change* means a change in the terms of a lease that significantly limits or restricts the tenants' use and enjoyment of a housing unit or the housing building.

*Rent* means a fixed periodical payment made by the tenant to the landlord for occupancy of a housing unit but shall not include additional costs that may be incurred above occupancy of the housing unit such as utilities, garage, storage closets, and the like.

*Tenant notification period* means the period that commences on the date when a written notice of the transfer of ownership of a housing building is sent to each housing unit tenant pursuant to section 1201.109 and ends on the last day of the third full calendar month following the date on which the notice was sent. In no case shall the tenant notification period be less than 90 days.

*Transfer of ownership* means any conveyance of title to an affordable housing building, whether legal or equitable, voluntary or involuntary, resulting in a transfer of control of the building, effective as of the earlier of the date of delivery of the instrument of conveyance or the date the new owner takes possession.

(Code 1995, § 910.02)

**Sec. 1201.108. Notice to city and tenant of proposed sale of an affordable housing building.**

(a) *Notice to the city.*

- (1) Any owner or representative of the owner who intends to make available for sale any affordable housing building shall notify the community development director and fire chief of the proposed sale by providing the notice required in this section. The notice shall be on a form prescribed by the city stating the owner's intent to make available for sale the affordable housing building and which may include, at the city's sole discretion, some or all of the following information:
  - a. Owner's name, phone number, and mailing address;
  - b. Address of the affordable housing building that will be made available for sale;
  - c. Total number of dwelling units in the building; and
  - d. Number and type (e.g., efficiency, one bedroom, two bedrooms, etc.) of each of the affordable housing dwelling units in the building and the contract rent for every dwelling unit in the building.
- (2) The notice shall be mailed or hand delivered to the community development director no later than 90 days prior to the affordable housing building being made available for sale.

(b) *Notice to affected tenants.* The notice shall also be delivered directly to all affected tenants and include the following language requirement: "This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord." This advisory must be stated in the notice in the following languages: English, Spanish, Somali, Karen, and Hmong. This notice shall be delivered to all affected tenants no later than 90 days prior to the affordable housing building being made available for sale. Upon request by the tenant, the owner must provide a written translation of the notice into the tenant's preferred language if the language is not listed in this subsection.

(c) *Exclusions.* This notice of potential sale requirement shall not apply to the sale or transfer of title of an affordable housing building already subject to federal, state, or local rent or income restrictions that continue to remain in effect after the sale or transfer; or with respect to the sale or transfer of a residential rental building in which the buyer contracts with the city to maintain the property in compliance with the definition of an "affordable housing building" as defined in this division, for a period of no less than ten years. This

exclusion does not apply if local rent or income restrictions will increase yet remain in compliance with the definition of an "affordable housing building" as defined in this division. (Code 1995, § 910.03)

**Sec. 1201.109. Post sale notice.**

(a) *Notice to tenants.* When title to property containing any housing building is conveyed or otherwise transferred, as a condition of receipt of a rental license, the new owner must within 30 days after the real estate closing, deliver written notice to each housing unit tenant that the housing building is under new ownership. The notice must include, at a minimum, the following information:

- (1) The name, mailing address, and telephone number of the new owner.
- (2) The following statement: "Section 1201.108 of the Roseville Code of Ordinances provides for a three-month tenant notification period to housing unit tenants when new ownership takes control of a property. A tenant may be entitled to relocation assistance from the new owner if, during the three-month tenant notification period, the new owner:
  - a. Terminates or does not renew the tenant's rental agreement without cause;
  - b. Raises the rent and the tenant terminates the rental agreement due to the rent increase;
  - c. Requires existing tenants to be re-screened or comply with new screening criteria, and the owner or tenant terminates the tenant's lease based on that re-screening or failure to meet those new screening criteria;
  - d. Imposes a material change in the terms of the lease, and the owner or tenant terminates or does not renew the tenant's lease because of those material changes; or
  - e. Engages in construction activity at the property that would trigger federal, state, or local law regarding lead paint or asbestos safety unless the activities are conducted by a contractor obtaining the necessary lead and asbestos abatement certifications, the work is conducted in accordance with industry best management practices, and all necessary permits have been obtained from applicable government agencies."
- (3) Whether there will be any rent increase within the three-month tenant notification period and, if so, the amount of the rent increase and the date the rent increase will take effect.
- (4) Whether the new owner will require existing housing unit tenants to be re-screened or comply with new screening criteria during the three-month tenant notification period and, if so, a copy of the applicable screening criteria.

- (5) Whether the new owner will, without the tenant's consent, impose a material change in the terms of the lease during the three-month tenant notification period and, if so, the language of the material change and explanation of its effect.
- (6) Whether the new owner will terminate or not renew rental agreements without cause during the three-month tenant notification period and, if so, notice to the affected housing unit tenants whose rental agreements will terminate and the date the rental agreements will terminate.
- (7) Whether the new owner intends to increase rent, require existing tenants to be rescreened to determine compliance with existing or modified residency screening criteria, terminate or not renew housing unit rental agreements, or impose a material change in the terms of the lease without cause within 30 days immediately following the tenant notification period.
- (8) Whether the new owner intends to engage in construction activity at the property that would trigger federal, state, or local law regarding lead paint or asbestos safety.
- (9) The date that the tenant notification period will expire.

(b) *Language requirement.* Each notice required by this section shall contain an advisory that reads as follows: "This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord." This advisory must be stated in the notice in the following languages: English, Spanish, Somali, Karen, and Hmong. Upon written request by a tenant that identifies the tenant's native language, the owner must provide a written translation of the notice in that language.

(c) *Notice to the city.* The new owner must deliver a copy of the notice required by this section to the city community development department and city fire department at the same time that the notice is delivered to tenants.

(d) *Required tenant notification period.* The new owner of a housing building must not terminate or not renew a tenant's rental agreement without cause, raise rent, re-screen existing tenants, or impose a material change to the terms of the lease during the tenant notification period without providing the notices required by this section.

(Code 1995, § 910.04)

#### **Sec. 1201.110. Relocation assistance.**

(a) *When required.* A new owner of a housing building must pay relocation assistance to housing unit tenants if, during the three-month tenant notification period, the new owner:

- (1) Terminates or does not renew the tenant's rental agreement without cause;
- (2) Raises the rent and the tenant terminates the rental agreement due to the rent increase;
- (3) Requires existing tenants to be re-screened or comply with new screening criteria and the owner or tenant terminates the tenant's lease; or

- (4) Imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease.

(b) *Amount.* Relocation assistance shall be in an amount equal to three months of the monthly rent pursuant to the current lease.

(c) *When paid.* The new owner shall, when required, pay relocation assistance to the tenant of a housing unit within 30 days after receiving tenant's written notice of termination of the lease or within 30 days after the owner notifies the tenant that the lease will be terminated or not renewed.

(Code 1995, § 910.05)

**Sec. 1201.111. Tenant complaints.**

A tenant of a housing unit who believes the new owner has not provided the tenant the notifications required under this division may submit a notice of violation to the city. The purpose of the notice is to inform the city of an alleged violation of this division to assist the city in determining whether to impose an administrative penalty provided for in this division. The city is not required to take any particular action in response to a notice of violation, and any enforcement action it does take shall be on behalf of the city, not the tenant. Filing a notice of violation does not prohibit the tenant from pursuing any remedy available to the tenant under law.

(Code 1995, § 910.06)

**Sec. 1201.112. Penalty.**

(a) *Violations.* A violation of this division is subject to any penalties as provided for in chapter 102. Notwithstanding any provision of chapter 102, the penalty for a violation of section 1201.109 or 1201.110 shall be the sum of the applicable amount of relocation assistance plus \$500.00.

(b) *Number of offenses.* A violation of this division shall constitute a separate offense for each dwelling unit affected.

(c) *Transfer of funds.* Within 30 days after a person pays the penalty in subsection (a) of this section to the city, the city shall pay to the displaced tenant of the housing unit in which the violation occurred an amount equal to the relocation assistance amount specified in section 1201.110(b).

(d) *Additional redress.* In addition, any tenant aggrieved by a landlord's noncompliance with this division may seek redress in any court of competent jurisdiction to the extent permitted by law.

(Code 1995, § 910.07; Ord. No. 1619, 10-24-2022)

**CHAPTER 1202. MANUFACTURED HOME PARK CLOSINGS**

**Sec. 1202.01. Purpose.**

In view of the peculiar nature and problems presented by the closure or conversion of manufactured home parks, the city council finds that the public health, safety and general

welfare will be promoted by requiring compensation to displaced homeowners and renters in such parks. The purpose of this chapter is to require park owners to pay displaced residents reasonable relocation costs and purchasers of manufactured home parks to pay additional compensation, pursuant to the authority granted under Minn. Stat. § 327C.095. (Code 1995, § 313.01; Ord. No. 1235, 2-28-2000)

**Sec. 1202.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Closure statement* means a statement prepared by the park owner clearly stating the park is closing, addressing the availability, location and potential costs of adequate replacement housing within a 25-mile radius of the park that is closing and the probable relocation costs of the manufactured homes located in the park.

*Displaced owner* means a resident of an owner-occupied manufactured home who rents a lot in a manufactured home park, including the members of the resident's household, as of the date the park owner submits a closure statement to the city.

*Displaced renter* means a resident of a renter-occupied manufactured home who rents both the lot and the manufactured home in the manufactured home park, including the members of the resident's household, as of the date the park owner submits a closure statement to the city.

*Displaced resident* means displaced owner or displaced renter.

*Lot* means an area within a manufactured home park, designed and used for the accommodation of a manufactured home.

*Manufactured home* means a structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight feet or more in width or 40 feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system contained in it.

*Park owner* means the owner of a manufactured home park and any person acting on behalf of the owner in the operation or management of a park. (Code 1995, § 313.02; Ord. No. 1235, 2-28-2000)

**Sec. 1202.03. Notice of closing.**

If a manufactured home park is to be closed, converted in whole or part to another use or terminated as a use of the property, the park owner shall, at least 12 months prior to the closure, conversion to another use or termination of use, provide a copy of a closure



statement to a resident of each manufactured home and to the city's community development director. The closure statement shall conform to the requirements of Minn. Stat. § 327C.095(a). (Code 1995, § 313.03; Ord. No. 1235, 2-28-2000)

**Sec. 1202.04. Notice of public hearing.**

Upon receipt of the closure statement, the community development director shall schedule a hearing on the proposed park closing before the city's planning commission. The city shall mail a notice at least ten days prior to the public hearing to a resident of each manufactured home in the park stating the time, place and purpose of the hearing. The park owner shall provide the city with a list of the names and addresses of at least one resident of each manufactured home in the park at the time the closure statement is submitted to the city. The notice shall include the statement required in section 1202.05.

(Code 1995, § 313.04; Ord. No. 1235, 2-28-2000)

**Sec. 1202.05. Public hearing.**

(a) Within 90 days of receiving notice of closure, a public hearing shall be held before the city planning commission for the purpose of reviewing the closure statement and evaluating what impact the park closing may have on the displaced residents and the park owner.

(b) At the time of, and in the notice for, the public hearing, displaced residents must be informed that they may be eligible for payments from the state manufactured home relocation trust fund under Minn. Stat. § 462A.35 as compensation for reasonable relocation costs pursuant to Minn. Stat. § 327C.095, subd. 13(a) and (e).

(Code 1995, § 313.05; Ord. No. 1235, 2-28-2000)

**Sec. 1202.06. Payment of relocation costs to displaced owners.**

(a) After service of the closure statement by the park owner and upon submittal by the displaced owner of a contract or other verification of relocation expenses, the park owner shall pay to the displaced owner the reasonable cost of relocating the manufactured home to another manufactured home park located within a 25-mile radius of the park that is being closed, converted to another use, or ceasing operation. Reasonable relocation costs shall include:

- (1) The actual expenses incurred in moving the displaced owner's manufactured home and personal property, including the reasonable cost of disassembling, moving and reassembling sheds and any attached appurtenances, such as porches, decks, skirting and awnings, which were not acquired after notice of closure or conversion of the park, and utility "hook-up" charges.
- (2) The cost of insurance for the replacement value of the property being moved.
- (3) The cost of repairs or modifications that are required in order to take down, move and set up the manufactured home.

(b) If a displaced owner cannot relocate the manufactured home within a mile radius of the park which is being closed or some other agreed upon distance, and the displaced owner elects not to tender title to the manufactured home, the displaced owner is entitled to relocation costs based upon an average of relocation costs awarded to other residents in the park.

(c) A displaced owner compensated under this section shall retain title to the manufactured home and shall be responsible for its prompt removal from the manufactured home park.

(d) The park owner shall make the payments under this section directly to the person performing the relocation services after performance thereof, or, upon submission of written evidence of payment of relocation costs by a displaced resident, shall reimburse the displaced resident for such costs.

(e) The displaced owner must submit a contract or other verified cost estimate for relocating the manufactured home to the park owner as a condition to the park owner's liability to pay relocation expenses.

(Code 1995, § 313.06; Ord. No. 1235, 2-28-2000)

**Sec. 1202.07. Payment of additional compensation to displaced owners.**

(a) If a displaced owner either cannot or chooses not to relocate the manufactured home within a 25-mile radius of the park that is being closed or some other agreed upon distance and tenders title to the manufactured home, the displaced owner is entitled to additional compensation to be paid by the purchaser of the park in order to mitigate the adverse financial impact of the park closing. In such instance, the additional compensation shall be an amount equal to the estimated market value or the tax assessed value of the manufactured home, whichever is greater, as determined by an independent appraiser experienced in manufactured home appraisal approved by the city.

(b) The purchaser shall pay the cost of the appraisal or shall reimburse the city for any advances it makes to such appraiser for such cost. The purchaser shall pay the additional compensation into an escrow account, established by the park owner, for distribution upon transfer of title to the home.

(c) Such compensation shall be paid to the displaced owners no later than 90 days prior to closing of the park or its conversion to another use, whichever is earlier.

(Code 1995, § 313.07; Ord. No. 1235, 2-28-2000)

**Sec. 1202.08. Payment of relocation costs to displaced renters.**

After service of the closure statement by the park owner and upon submittal by the displaced renter of a contract or other verification of relocation expenses, the park owner shall pay to the displaced renter reasonable costs of relocating. Reasonable relocation costs shall include:

- (1) The actual expenses incurred in moving the displaced renter's personal property.

- (2) The cost of insurance for the replacement value of the property being moved.
- (3) The difference between new lot rent and closed lot rent for a period of two years, if the new lot rent is greater than the old lot rent.

(Code 1995, § 313.08; Ord. No. 1235, 2-28-2000)

**Sec. 1202.09. Penalty.**

- (a) Violation of any provision of this chapter shall be a misdemeanor.
  - (b) Any provisions of this chapter may be enforced by injunction or other appropriate civil remedy.
  - (c) The city shall not issue a building permit in conjunction with reuse of manufactured home park property unless the park owner has paid reasonable relocation costs and the purchaser of the park has provided additional compensation in accordance with the requirements of this chapter. Approval of any application for rezoning, platting, conditional use permit, planned unit development or variance in conjunction with a park closing or conversion shall be conditional on compliance with the requirements of this chapter.
- (Code 1995, § 313.09; Ord. No. 1235, 2-28-2000)

**CHAPTER 1203. AFFORDABLE HOUSING TRUST FUND**

**Sec. 1203.01. Establishment of trust fund.**

- (a) Pursuant to Minn. Stat. § 462C.16, the city is authorized to establish a local housing trust fund.
  - (b) The city has determined to create a local housing trust fund that is an affordable housing trust fund which will encourage the creation of affordable housing for rental housing and owner-occupied housing, promote the preservation of existing affordable housing and naturally occurring affordable housing, and provide rental assistance and homeownership assistance to persons of very low income, low income, and moderate income.
- (Ord. No. 1655, § 1(912.1), 2-12-2024)

**Sec. 1203.02. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Persons of low income* means families and individuals whose incomes do not exceed 80 percent of the area median income, as median income was most recently determined by the federal department of housing and urban development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for smaller and larger families.

*Persons of moderate income* means families and individuals whose incomes exceed 80 percent, but do not exceed 120 percent, of area median income, as median income was most recently determined by the federal Department of Housing and Urban Development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for smaller and larger families.

*Persons of very low income* means families and individuals whose incomes do not exceed 50 percent of area median income, as median income was most recently determined by the federal department of housing and urban development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for smaller and larger families.

(Ord. No. 1655, § 1(912.2), 2-12-2024)

**Sec. 1203.03. Eligible activities.**

(a) Pursuant to the authority granted to the city under Minn. Stat. § 462C.16, the funds collected for deposit in the affordable housing trust fund may be utilized for the following housing activities:

- (1) Grants, loans, and loan guarantees for the development, rehabilitation, or financing of housing.
- (2) Match other funds from federal, state, county or private resources for housing projects.
- (3) Rental assistance to persons of very low, low, and moderate income.
- (4) Downpayment assistance.
- (5) Homebuyer counseling services.
- (6) Affordability gap funds for community land trust.
- (7) Emergency rental assistance for persons of low income and persons of very low income.
- (8) Financial support to nonprofit affordable housing providers offering the activities listed in this section.
- (9) Payment of expenses to administer the affordable housing trust fund in the maximum amount of ten percent of the balance of the affordable housing trust fund.

(b) Affordability requirements.

- (1) Eligible projects will be designed for the purpose of construction, acquisition, rehabilitation, demolition or removal of structures, construction financing, permanent financing, interest rate reduction, refinancing, and gap financing of housing affordable to persons of moderate, low, or very low income.
- (2) Housing developed or rehabilitated with funds under this section must be affordable to persons of moderate, low income, or very low income.

(c) Project prioritization.

- (1) Projects will be prioritized that provide affordable housing to persons of low and very low income.
  - (2) Projects may be prioritized that:
    - a. Reduce disparities in home ownership.
    - b. Reduce housing cost burden, housing instability, or homelessness.
    - c. Improve the habitability of homes.
    - d. Create accessible housing.
    - e. Create more energy- or water-efficient homes.
- (Ord. No. 1655, § 1(912.3), 2-12-2024)

**Sec. 1203.04. Funding sources.**

The city council may pledge any of the following sources of funding, which may include, but are not limited to, funding of the Affordable Housing Trust Fund:

- (1) Private cash donations from individuals and corporations designated for the affordable housing trust fund.
  - (2) Grants or loans from a state, federal, county or local government or private sources.
  - (3) The sale of real and personal property.
  - (4) Local government appropriations, development fees and other funds as designated from time to time by the city council.
  - (5) Investment earnings from the affordable housing trust fund.
  - (6) Tax increment finance (TIF) pooled funds.
  - (7) Housing and redevelopment levy funds.
  - (8) Local housing aid funds.
  - (9) Other sources of funding approved by the city council.
- (Ord. No. 1655, § 1(912.4), 2-12-2024)

**Sec. 1203.05. Administration of affordable housing trust fund.**

The economic development authority in and for the city shall administer the affordable housing trust fund on behalf of the city. The authority shall report annually to the city on the use of the affordable housing trust fund, including the number of loans and grants made, the number and types of residential units assisted, and the number of households provided rental assistance and down payment assistance.

(Ord. No. 1655, § 1(912.5), 2-12-2024)

Appendix A

**CITY FEE SCHEDULE\***

- 314.01. Purpose and Findings.
- 314.02. Other Fee References.
- 314.03. Authority.
- 314.04. Penalty.
- 314.05. Fee Schedule.

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**\*Editor's note**—Printed herein are the fees, rates, and charges for various city services, as well as administrative fines for various Code violations. This schedule is reviewed and amended as necessary annually by the city council.





**314.01. Purpose and Findings.**

The city annually adopts a fee schedule which establishes the fees and charges for service for the city's regulatory functions. The presence of a city fee schedule allows regulatory-type fees to be easily identified in one document, as opposed to being scattered throughout this Code. In addition, a city fee schedule adopted on an annual basis provides the city council the opportunity to review fees for services in a comprehensive manner.

(Code 1995, § 314.01)

**314.02. Other Fee References.**

By enacting this chapter, all fee amounts previously established and contained herein are hereby amended as submitted.

(Code 1995, § 314.02)

**314.03. Authority.**

The authority to enact the fees identified herein is established by this Code.

(Code 1995, § 314.03)

**314.04. Penalty.**

Failure to pay the fees identified herein is subject to penalties and interest as established by this Code.

(Code 1995, § 314.04)

**314.05. Fee Schedule.***314.051. General Business Licenses and Fees.*

|    | <i>Fee Description</i>                                | <i>City Code</i> | <i>2025 Amount</i> | <i>Notes</i> |
|----|-------------------------------------------------------|------------------|--------------------|--------------|
| 1  | Assessment searches:                                  |                  |                    |              |
| 2  | Deferred or Pending                                   | n/a              |                    |              |
| 3  | Historical                                            | n/a              | \$100.00           |              |
| 4  | Burial Permit                                         | 408              | \$100.00           |              |
| 5  | Cannabis Registration                                 | 316              |                    |              |
| 6  | Cannabis Registration—<br>Retailer (Initial)          | 316              | \$500.00           |              |
| 7  | Cannabis Registration—<br>Retailer (Renewal)          | 316              | \$1,000.00         |              |
| 8  | Lower Potency Hemp<br>Retailer (Initial &<br>renewal) | 316              | \$125.00           |              |
| 9  | Medical Cannabis<br>Combination Business—<br>Initial  | 316              | \$500.00           |              |
| 10 | Medical Cannabis<br>Combination Business—<br>Renewal  | 316              | \$1,000.00         |              |

|    | <i>Fee Description</i>                         | <i>City Code</i> | <i>2025 Amount</i>                   | <i>Notes</i> |
|----|------------------------------------------------|------------------|--------------------------------------|--------------|
| 11 | Cannabis Mezzobusiness—<br>Initial             | 316              | \$500.00                             |              |
| 12 | Cannabis Mezzobusiness—<br>Renewal             | 316              | \$1,000.00                           |              |
| 13 | Cannabis Microbusiness—<br>Initial             | 316              | \$0.00                               |              |
| 14 | Cannabis Microbusiness—<br>Renewal             | 316              | \$1,000.00                           |              |
| 15 | Cannabis Temporary Event                       | 317              |                                      |              |
| 16 | Permit Fee                                     | 317.04(c)        | \$150.00                             |              |
| 17 | Special Services Fee                           | 317.06           | cost of staff time +<br>actual costs |              |
| 18 | Cigarette and tobacco<br>products, sale of     | 304              | \$200.00                             |              |
| 19 | Background investigation<br>fee                |                  | \$300.00                             |              |
| 20 | Compost/woodchip delivery<br>from Compost Site | n/a              | \$50.00                              |              |
| 21 | Construction Noise Variance                    | 404              | \$500.00                             |              |
| 22 | Conversation Parlors                           | 305              | \$10,000.00                          |              |
| 23 | Copy charges per page                          | n/a              | \$0.25                               |              |
| 24 | Courtesy Bench License                         | 703              | \$50/bench per year                  |              |
| 25 | CPR Training charge per<br>student             | n/a              | \$150.00                             |              |
| 26 | Data/USB Drive Copies                          | n/a              | \$10.00                              |              |
| 27 | Daycare facility inspection<br>fee             | 902.09           | \$100.00                             |              |
| 28 | Dog and cat licenses:                          | 501              |                                      |              |
| 29 | 2 Year: Sterilized                             | 501              | \$10.00                              |              |
| 30 | 2 Year: Sterilized with<br>microchip           | 501              | \$5.00                               |              |
| 31 | 2 Year: Non-sterilized                         | 501              | \$35.00                              |              |
| 32 | 2 Year: Non-sterilized with<br>microchip       | 501              | \$25.00                              |              |
| 33 | Lifetime: Sterilized                           | 501              | \$30.00                              |              |
| 34 | Lifetime: Sterilized with<br>microchip         | 501              | \$5.00                               |              |
| 35 | Lifetime: Non-Sterilized                       | 501              | \$150.00                             |              |
| 36 | Lifetime: Non-Sterilized<br>with microchip     | 501              | \$100.00                             |              |
| 37 | Duplicate or address<br>change                 | 501              | \$5.00                               |              |
| 38 | Special multiple: 2 Year                       | 501              | \$40.00                              |              |
| 39 | Dog kennels                                    | 501              | \$75.00                              |              |
| 40 | Easement or right-of-way<br>vacation           | n/a              | \$500.00                             |              |
| 41 | Encroachment agreement<br>application fee      | n/a              | \$500.00                             |              |
| 42 | Fertilizer                                     |                  |                                      |              |

## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

|    | <i>Fee Description</i>                              | <i>City Code</i> | <i>2025 Amount</i>               | <i>Notes</i>                                                     |
|----|-----------------------------------------------------|------------------|----------------------------------|------------------------------------------------------------------|
| 43 | Sale of                                             |                  | \$30.00                          |                                                                  |
| 44 | Applicator                                          |                  | \$100.00                         |                                                                  |
| 45 | Firearms                                            | 301.10           |                                  |                                                                  |
| 46 | Firearms, sale of                                   | 301.10           | \$30.00                          |                                                                  |
| 47 | Fire Inspection                                     |                  |                                  |                                                                  |
| 48 | Commercial vent hood                                | 902              | \$120.00                         |                                                                  |
| 49 | Natural gas-related emergencies                     | 902              | \$250/ hour (contractor-related) |                                                                  |
| 50 | Outside of normal business hours                    | 902              | \$150/hour (minimum 2 hours)     |                                                                  |
| 51 | Fire rescue and extrication fee                     | 902              | \$400.00                         |                                                                  |
| 52 | Fire & EMS Assistance fee                           | n/a              | \$400.00                         |                                                                  |
| 53 | Fire safety training (per hour)                     | n/a              | \$120.00                         |                                                                  |
| 54 | Fireworks, sale of consumer                         | 902              |                                  |                                                                  |
| 55 | Existing retail                                     | 902              | \$100.00                         |                                                                  |
| 56 | Stand-alone, temporary                              | 902              | \$450.00                         | Incl. structure & product storage                                |
| 57 | Fuel storage tank:                                  |                  |                                  |                                                                  |
| 58 | Removal inspection                                  | 902              | \$170.00                         | Above or underground tanks                                       |
| 59 | Installation of liquid fuel tank                    | 902              | \$170.00                         | Above or underground tanks                                       |
| 60 | Installation of liquefied fuel tank                 | 902              | \$170.00                         | Above or underground tanks                                       |
| 61 | Gasoline Station License                            | 301.10           | \$186.00                         |                                                                  |
| 62 | Gas pumps (private business)                        | 301.10           | \$186.00                         |                                                                  |
| 63 | Horse                                               | 314.01           | \$5.00                           |                                                                  |
| 64 | Hospitals—Veterinary                                | 301.10           | \$80.00                          |                                                                  |
| 65 | Hotel license                                       | 311              | \$150.00                         |                                                                  |
| 66 | Background investigation fee (per interested party) | 311              | \$30.00                          |                                                                  |
| 67 | Hotel/Motel Annual Inspection                       | 311              |                                  |                                                                  |
| 68 | Base Rate                                           | 311              | \$450.00                         | Inspection services transferred from State Fire Marshal's Office |
| 69 | Per unit fee                                        | 311              | \$5.00                           |                                                                  |
| 70 | Follow-up inspection                                | 311              | \$150.00                         |                                                                  |
| 71 | Verified complaint inspection                       | 311              | \$150.00                         |                                                                  |
| 72 | Hydrant Meter Rental                                |                  |                                  |                                                                  |
| 73 | Monthly Fee                                         |                  | \$100.00                         |                                                                  |
| 74 | 5/8—1" Meter Deposit                                |                  | \$800.00                         |                                                                  |
| 75 | 1.5" Meter Deposit                                  |                  | \$2,000.00                       |                                                                  |
| 76 | 3" Meter Deposit                                    |                  | \$6,000.00                       |                                                                  |

|     | <i>Fee Description</i>                    | <i>City Code</i> | <i>2025 Amount</i> | <i>Notes</i> |
|-----|-------------------------------------------|------------------|--------------------|--------------|
| 77  | Hydrant Wrench (if not returned)          |                  | \$180.00           |              |
| 78  | Lawful gambling                           |                  |                    |              |
| 79  | One-time event                            | 303              | \$25.00            |              |
| 80  | On-going premise permit:<br>Net sales %   | 303              | 1.0%               |              |
| 81  | On-going premise permit:<br>net profits % | 303              | 10.00%             |              |
| 82  | Liquor Licenses                           |                  |                    |              |
| 83  | On-sale intoxicating liquor license       | 302              | \$7,000.00         |              |
| 84  | Non-intoxicating malt liquor On-Sale      | 302              | \$100.00           |              |
| 85  | On-sale wine license (75 seats or less)   | 302              | \$750.00           |              |
| 86  | On-sale wine license (75+ seats)          | 302              | \$1,500.00         |              |
| 87  | Temporary: on-sale (3 days)               | 302              | \$50.00            |              |
| 88  | Temporary: on-sale in Central Park        | 302              | \$20.00            |              |
| 89  | Sunday on-sale                            | 302              | \$200.00           |              |
| 90  | Club: 51—200 members                      | 302              | \$300.00           |              |
| 91  | Club: 201—500 members                     | 302              | \$500.00           |              |
| 92  | Club: 501—1,000 members                   | 302              | \$650.00           |              |
| 93  | Club: 1,001—2,000 members                 | 302              | \$800.00           |              |
| 94  | Club: 2,001—4,000 members                 | 302              | \$1,000.00         |              |
| 95  | Club: 4,001—6,000 members                 | 302              | \$2,000.00         |              |
| 96  | Club: more than 6,000 members             | 302              | \$3,000.00         |              |
| 97  | On-sale brewery taproom                   | 302              | \$750.00           |              |
| 98  | Off-sale brewery taproom                  | 302              | \$300.00           |              |
| 99  | On-sale micro distillery cocktail room    | 302              | \$750.00           |              |
| 100 | Off-sale micro distillery cocktail room   | 302              | \$300.00           |              |
| 101 | Off-sale intoxicating liquor license      | 302              | \$300.00           |              |
| 102 | Off-sale intoxication liquor license      | 302              | \$200.00           |              |
| 103 | Non-intoxicating malt liquor Off-Sale     | 302              | \$30.00            |              |
| 104 | Sale outside of premises                  | 302              | \$25.00            |              |
| 105 | Background Investigation fee              | 302              | \$300.00           |              |
| 106 | Massage therapist license (individual)    | 306              | \$125.00           |              |

## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

|     | <i>Fee Description</i>                             | <i>City Code</i> | <i>2025 Amount</i>      | <i>Notes</i>                |
|-----|----------------------------------------------------|------------------|-------------------------|-----------------------------|
| 107 | Background investigation fee (initial application) |                  | \$50.00                 |                             |
| 108 | Massage therapy business establishment:            |                  |                         |                             |
| 109 | License                                            | 306              | \$350.00                |                             |
| 110 | Renewal Application-late fee                       | 306              | \$50.00                 |                             |
| 111 | Open burning permit                                | 902              | \$120.00                |                             |
| 112 | Park dedication fee:                               |                  |                         |                             |
| 113 | Residential (per unit)                             | 1103             | \$4,250/unit            |                             |
| 114 | Non-residential (fair-market value %)              | 1103             |                         | See comment B below         |
| 115 | Patching                                           |                  |                         |                             |
| 116 | Pathways—Concrete sidewalk (2 panels)              | n/a              | \$1,700.00              |                             |
| 117 | Pathways—Bituminous (12' x 8')                     | n/a              | \$1,300.00              |                             |
| 118 | Streets—Half width without curb                    | n/a              | \$2,200.00              |                             |
| 119 | Streets—Half width with curb                       | n/a              | \$3,200.00              |                             |
| 120 | Streets—Full width without curb                    | n/a              | \$3,100.00              |                             |
| 121 | Streets—Full width with curb                       | n/a              | \$4,900.00              |                             |
| 122 | Pawn shop license                                  | 307              | \$10,000.00             |                             |
| 123 | Pawn shop + precious metal dealer license          | 307              | \$13,000.00             |                             |
| 124 | Pawn shop transaction fee (per transaction)        | 307              | \$2.90                  |                             |
| 125 | Precious metal dealer                              | 307              | \$3,000.00              |                             |
| 126 | Private hydrant inspections:                       |                  |                         |                             |
| 127 | Per Hydrant                                        | 801              | \$75.00                 |                             |
| 128 | Processing Fees                                    | n/a              | 3% or \$3 minimum       | See comment C below         |
| 129 | Public Development contract application fee        | n/a              | \$550.00                | See comment D below         |
| 130 | Public Nuisance Deviation Fee                      | 405              | \$50.00                 |                             |
| 131 | Recycling contractor                               | 312              | \$125.00                |                             |
| 132 | Rental licensing:                                  |                  |                         |                             |
| 133 | Multi-family annual inspection fee: Building       | 1201             | \$150.00                |                             |
| 134 | Multi-family annual inspection fee: Per Unit       | 1201             | \$20.00                 |                             |
| 135 | Multi-family: reinstatement                        | 1201             | \$150.00                |                             |
| 136 | Reinspection fee                                   | 1201             | \$150/hour, min 2 hours |                             |
| 137 | Failure to renew within 30 days of exp.            | 1201             | \$500.00                | Fee doubles every two weeks |

|     | <i>Fee Description</i>                                    | <i>City Code</i> | <i>2025 Amount</i>                      | <i>Notes</i>                    |
|-----|-----------------------------------------------------------|------------------|-----------------------------------------|---------------------------------|
| 138 | Fee appeal to City Council                                | 1201             | \$50.00                                 |                                 |
| 139 | Rental registration:                                      |                  |                                         |                                 |
| 140 | Registration Fee                                          | 1201             | \$42.00                                 |                                 |
| 141 | Late renewal fee                                          | 1201             | \$42.00                                 |                                 |
| 142 | Administrative fee (per unit)                             | 1201             | \$105.00                                |                                 |
| 143 | Appeal                                                    | 1201             | \$50.00                                 |                                 |
| 144 | Requested Fire Inspection/ Consultation (per hour)        | n/a              | \$150.00                                |                                 |
| 145 | Returned Check/ACH                                        |                  | \$30.00                                 |                                 |
| 146 | Right-of-way permits:                                     |                  |                                         |                                 |
| 147 | Hole (per hole)                                           | 706              | \$425.00                                |                                 |
| 148 | Trench                                                    | 706              | \$0.50/lineal foot of trench            |                                 |
| 149 | Boring                                                    | 706              | \$0.40/lineal foot of boring            |                                 |
| 150 | Non-excavation (obstruction)                              | 706              | \$50 + \$0.10/lineal foot               |                                 |
| 151 | Roll-off container                                        | 706              | \$50 per week                           |                                 |
| 152 | Oversize/overweight vehicle                               | 706              | \$100.00                                |                                 |
| 153 | Curb cut                                                  | 706              | \$50.00                                 |                                 |
| 154 | Encroachment                                              | 706              | \$50.00                                 |                                 |
| 155 | New or revised wireless support structure                 | 706              | \$100.00                                |                                 |
| 156 | Other Agency review                                       | 706              | \$35.00                                 |                                 |
| 157 | Winter excavation surcharge                               | 706              | \$125 (Amount per hole, November-March) |                                 |
| 158 | Short-Term Rental License                                 |                  | \$540.00                                |                                 |
| 159 | Administrative fine                                       | 313              | \$105.00                                |                                 |
| 160 | Solid waste hauler license                                | 309              | \$125.00                                |                                 |
| 161 | Special Event License                                     |                  | \$80.00                                 |                                 |
| 162 | Sump pump waiver fee                                      | 802              | \$100.00                                |                                 |
| 163 | Sump pump surcharge fee (per month)                       | 802              | \$100.00                                |                                 |
| 164 | Temporary Overnight Shelter License                       | 310.11/Title 10  | \$250.00                                |                                 |
| 165 | THC Sales                                                 | 310              | \$300.00                                |                                 |
| 166 | Background Investigative Fee                              | 310              | \$300.00                                |                                 |
| 167 | Vehicle impound fee (per day)                             | 405              | \$20.00                                 |                                 |
| 168 | Vehicle related emergency response                        | n/a              | \$400.00                                | See comment E below             |
| 169 | Per vehicle involved                                      | n/a              | \$48.00                                 |                                 |
| 170 | Significant incident response larger/specialized response | n/a              | See comments                            | Bill based on time and supplies |

## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

|     | <i>Fee Description</i>                                                                   | <i>City Code</i> | <i>2025 Amount</i> | <i>Notes</i>                                                    |
|-----|------------------------------------------------------------------------------------------|------------------|--------------------|-----------------------------------------------------------------|
| 171 | Water meter fee                                                                          | 801              |                    |                                                                 |
| 172 | $\frac{5}{8} \times \frac{3}{4}$ Disc                                                    | 801              | \$340.00           |                                                                 |
| 173 | Full $\frac{3}{4}$ " Disc                                                                | 801              | \$410.00           |                                                                 |
| 174 | 1" Disc                                                                                  | 801              | \$520.00           |                                                                 |
| 175 | 1 $\frac{1}{2}$ " Disc                                                                   | 801              | \$960.00           |                                                                 |
| 176 | 1 $\frac{1}{2}$ " Mach 10                                                                | 801              | \$1,050.00         |                                                                 |
| 177 | 2" Disc                                                                                  | 801              | \$1,170.00         |                                                                 |
| 178 | 2" Mach 10                                                                               | 801              | \$1,230.00         |                                                                 |
| 179 | 2" Turbo                                                                                 | 801              | \$1,220.00         |                                                                 |
| 180 | 2" Compound                                                                              | 801              | \$2,320.00         |                                                                 |
| 181 | 3" Mach 10 (12")                                                                         | 801              | \$3,400.00         |                                                                 |
| 182 | 3" Mach 10 (17")                                                                         | 801              | \$3,480.00         |                                                                 |
| 183 | 3" Compound                                                                              | 801              | \$3,630.00         |                                                                 |
| 184 | 4" Compound                                                                              | 801              | \$4,750.00         |                                                                 |
| 185 | 4" Mach 10                                                                               | 801              | \$4,400.00         |                                                                 |
| 186 | 6" Compound                                                                              | 801              | \$7,890.00         |                                                                 |
| 187 | 6" Turbo                                                                                 | 801              | \$4,760.00         |                                                                 |
| 188 | 6" Mach 10                                                                               | 801              | \$7,030.00         |                                                                 |
| 189 | Water turn off/on                                                                        | 801              | \$100.00           | Cost applied to water bill. Only charged when Water turned off. |
| 190 | Wireless support structure—Administrative application fee, for new or modifying existing | n/a              | \$500.00           |                                                                 |
| 191 | Wireless equipment—Escrow Fee for Modifying Existing                                     | n/a              | \$8,500.00         |                                                                 |
| 192 | Wireless equipment—Escrow Fee for new equipment                                          | n/a              | \$11,000.00        |                                                                 |
| 193 | Wireless tower lease agreement                                                           |                  | Negotiated         |                                                                 |
| 194 | Annual Lease for 6 antenna + 200SF                                                       |                  | \$42,000.00        |                                                                 |
| 195 | Lease accelerator                                                                        |                  | 4%                 |                                                                 |
| 196 | Add'l Antennas (per each)                                                                |                  | \$2,500.00         |                                                                 |
| 197 | Add'l Ground Space (per SF)                                                              |                  | \$50.00            |                                                                 |
| 198 | Other equipment                                                                          |                  | Negotiated         |                                                                 |

## Comments:

- (A) If MN Statute 340A.408, subd 3(c) are met.
- (B) Calculation is based on 10% of the estimated fair market value of unimproved land, as determined by the Ramsey County Assessor's Office on the date of approval of the plat or subdivision.
- (C) For 2018 and beyond, the fee is \$3 minimum or 3% of the fine, registration, permit, or license when processed in Accela.



(D) In addition to the \$550 base fee, an escrow fee of 4% of the total improvement cost is also collected.

(E) 1. Vehicle Response Fee (accident, vehicle fire, clean-up, injury accident, Extrication, vehicle fire).

314.052. *Administrative Penalties.*

| <i>Line No.</i> | <i>Penalty Description</i>                                                     | <i>City Code</i> | <i>2025 Amount</i>                                  | <i>Additional penalties</i> |
|-----------------|--------------------------------------------------------------------------------|------------------|-----------------------------------------------------|-----------------------------|
| 1               | TITLE 1 (Administration)                                                       |                  |                                                     |                             |
| 2               | City Code Violation (General)                                                  | 102.01           | \$105.00                                            |                             |
| 3               | General Offense                                                                | 102.01(a)        | up to \$1,000 or up to 90 days imprisonment or both |                             |
| 4               | Petty Misdemeanor                                                              | 102.01(b)        | up to \$300.00                                      |                             |
| 5               | Missing plate/tab                                                              | 102.01(c)3       | \$35.00                                             |                             |
| 6               | Expired license plates                                                         | 102.01(c)3       | \$35.00                                             |                             |
| 7               | Seat belts                                                                     | 102.01(c)3       | \$25.00                                             |                             |
| 8               | TITLE 3 (Business Regulations)                                                 |                  |                                                     |                             |
| 9               | Renewal Application late fee                                                   | 301.03           | \$50.00                                             |                             |
| 10              | Licenses (not occurring elsewhere)                                             | Title 3          | \$50.00                                             |                             |
| 11              | ALCOHOL                                                                        |                  |                                                     |                             |
| 12              | Sale of an alcoholic beverage to a person under the age of 21 (License Holder) | 302.14           |                                                     |                             |
| 13              | Off-sale 1st Violation                                                         |                  | \$2,000.00                                          | no suspension               |
| 14              | Off-sale 2nd Violation (in 36 months)                                          |                  | \$2,000.00                                          | 3 day suspension            |
| 15              | Off-sale 3rd Violation (in 36 months)                                          |                  | \$2,000.00                                          | 7 day suspension            |
| 16              | Off-sale 4th Violation (in 36 months)                                          |                  | Revocation                                          |                             |
| 17              | On-sale 1st Violation                                                          |                  | \$2,000.00                                          | 1 day suspension            |
| 18              | On-sale 2nd Violation (in 36 months)                                           |                  | \$2,000.00                                          | 5 day suspension            |
| 19              | On-sale 3rd Violation (in 36 months)                                           |                  | \$2,000.00                                          | 15 day suspension           |
| 20              | On-sale 4th Violation (in 36 months)                                           |                  | Revocation                                          |                             |
| 21              | Sale of alcoholic beverage to an obviously intoxicated person (License Holder) | 302.14           |                                                     |                             |
| 22              | Off-sale 1st Violation                                                         |                  | \$1,000.00                                          | 1 day suspension            |
| 23              | Off-sale 2nd Violation (in 36 months)                                          |                  | \$2,000.00                                          | 3 day suspension            |
| 24              | Off-sale 3rd Violation (in 36 months)                                          |                  | \$2,000.00                                          | 7 day suspension            |
| 25              | Off-sale 4th Violation (in 36 months)                                          |                  | Revocation                                          |                             |

## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

| <i>Line No.</i> | <i>Penalty Description</i>                                                                      | <i>City Code</i> | <i>2025 Amount</i> | <i>Additional penalties</i> |
|-----------------|-------------------------------------------------------------------------------------------------|------------------|--------------------|-----------------------------|
| 26              | On-sale 1st Violation                                                                           |                  | \$1,000.00         | 1 day suspension            |
| 27              | On-sale 2nd Violation (in 36 months)                                                            |                  | \$2,000.00         | 5 day suspension            |
| 28              | On-sale 3rd Violation (in 36 months)                                                            |                  | \$2,000.00         | 15 day suspension           |
| 29              | On-sale 4th Violation (in 36 months)                                                            |                  | Revocation         |                             |
| 30              | Refusal to allow City inspectors or police admission to premises (License Holder)               | 302.14           |                    |                             |
| 31              | Off-sale 1st Violation                                                                          |                  | \$1,000.00         | 3 day suspension            |
| 32              | Off-sale 2nd Violation (in 36 months)                                                           |                  | \$2,000.00         | 7 day suspension            |
| 33              | Off-sale 3rd Violation (in 36 months)                                                           |                  | Revocation         |                             |
| 34              | On-Sale 1st Violation                                                                           |                  | \$1,000.00         | 7 day suspension            |
| 35              | On-sale 2nd Violation (in 36 months)                                                            |                  | \$2,000.00         | 14 day suspension           |
| 36              | On-sale 3rd Violation (in 36 months)                                                            |                  | Revocation         |                             |
| 37              | After hours sale, possession by a patron or consumption of alcoholic beverages (License Holder) | 302.14           |                    |                             |
| 38              | Off-sale 1st Violation                                                                          |                  | \$1,000.00         | 3 day suspension            |
| 39              | Off-sale 2nd Violation (in 36 months)                                                           |                  | \$2,000.00         | 7 day suspension            |
| 40              | Off-sale 3rd Violation (in 36 months)                                                           |                  | Revocation         |                             |
| 41              | On-sale 1st Violation                                                                           |                  | \$1,000.00         | 7 day suspension            |
| 42              | On-sale 2nd Violation (in 36 months)                                                            |                  | \$2,000.00         | 14 day suspension           |
| 43              | On-sale 3rd Violation (in 36 months)                                                            |                  | Revocation         |                             |
| 44              | Illegal gambling on premises (License Holder)                                                   | 302.14           |                    |                             |
| 45              | Off-sale 1st Violation                                                                          |                  | \$1,000.00         | 3 day suspension            |
| 46              | Off-sale 2nd Violation (in 36 months)                                                           |                  | \$2,000.00         | 7 day suspension            |
| 47              | Off-sale 3rd Violation (in 36 months)                                                           |                  | Revocation         |                             |
| 48              | On-sale 1st Violation                                                                           |                  | \$1,000.00         | 7 day suspension            |
| 49              | On-sale 2nd Violation (in 36 months)                                                            |                  | \$2,000.00         | 14 day suspension           |
| 50              | On-sale 3rd Violation (in 36 months)                                                            |                  | Revocation         |                             |
| 51              | Sale of Alcoholic beverages while license is under suspension (License Holder)                  | 302.14           |                    |                             |
| 52              | Off-sale 1st Violation                                                                          |                  | 30 day suspension  |                             |

| <i>Line No.</i> | <i>Penalty Description</i>                                                                                                                                                    | <i>City Code</i> | <i>2025 Amount</i> | <i>Additional penalties</i> |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|-----------------------------|
| 53              | Off-sale 2nd Violation (in 36 months)                                                                                                                                         |                  | Revocation         |                             |
| 54              | On-sale 1st Violation                                                                                                                                                         |                  | 60 day suspension  |                             |
| 55              | On-sale 2nd Violation (in 36 months)                                                                                                                                          |                  | Revocation         |                             |
| 56              | Commission of a felony related to licensed activity (License Holder)                                                                                                          | 302.14           |                    |                             |
| 57              | Off-sale 1st Violation                                                                                                                                                        |                  | Revocation         |                             |
| 58              | On-sale 1st Violation                                                                                                                                                         |                  | Revocation         |                             |
| 59              | Failure of an on-sale licensee to take reasonable steps to prevent a person from leaving the premises with an alcoholic beverage (on-sale allowing off-sale) (License Holder) | 302.14           |                    |                             |
| 60              | On-sale 1st Violation                                                                                                                                                         |                  | \$1,000.00         | 1 day suspension            |
| 61              | On-sale 2nd Violation (in 36 months)                                                                                                                                          |                  | \$2,000.00         | 5 day suspension            |
| 62              | On-sale 3rd Violation (in 36 months)                                                                                                                                          |                  | \$2,000.00         | 15 day suspension           |
| 63              | On-sale 4th Violation (in 36 months)                                                                                                                                          |                  | Revocation         |                             |
| 64              | Violation of a license condition (License Holder)                                                                                                                             | 302.14           |                    |                             |
| 65              | On-sale 1st Violation                                                                                                                                                         |                  | \$1,000.00         | 1 day suspension            |
| 66              | On-sale 2nd Violation (in 36 months)                                                                                                                                          |                  | \$2,000.00         | 5 day suspension            |
| 67              | On-sale 3rd Violation (in 36 months)                                                                                                                                          |                  | \$2,000.00         | 15 day suspension           |
| 68              | On-sale 4th Violation (in 36 months)                                                                                                                                          |                  | Revocation         |                             |
| 69              | Sale of intoxicating liquor with only 3.2 percent malt liquor license (License Holder)                                                                                        | 302.14           |                    |                             |
| 70              | On-sale 1st Violation                                                                                                                                                         |                  | Revocation         |                             |
| 71              | Alcohol Sales: (Individuals)                                                                                                                                                  | 302.14           |                    |                             |
| 72              | Purchase, possession: underage                                                                                                                                                |                  | \$150.00           |                             |
| 73              | Lending ID to underage person                                                                                                                                                 |                  | \$100.00           |                             |
| 74              | Selling alcohol: underage                                                                                                                                                     |                  | \$250.00           |                             |
| 75              | License holder                                                                                                                                                                |                  | \$300.00           |                             |
| 76              | Other violation                                                                                                                                                               |                  | \$100.00           |                             |
| 77              | Consuming Alcohol: Unauthorized places                                                                                                                                        |                  | \$250.00           |                             |
| 78              | LAWFUL GAMBLING                                                                                                                                                               | 303              |                    |                             |

## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

| <i>Line No.</i> | <i>Penalty Description</i>                                                           | <i>City Code</i> | <i>2025 Amount</i>                                                                                                         | <i>Additional penalties</i> |
|-----------------|--------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 79              | Violation of any state statute or rule or any provision of Code relating to gambling | 303.04           | Fine, Imposition of reasonable conditions on premises permit, suspension of premises permit, Revocation of premises permit |                             |
| 80              | Overdue taxes owed                                                                   | 303.06           | 8% interest charged                                                                                                        |                             |
| 81              | TOBACCO                                                                              | 304              |                                                                                                                            |                             |
| 82              | Violation of Chapter 304—Tobacco Products (License Holder)                           | 304.09(a)(5)     |                                                                                                                            |                             |
| 83              | 1st Violation                                                                        | 304.09(b)(1)     | \$1,000.00                                                                                                                 |                             |
| 84              | 2nd Violation (within 36 months)                                                     | 304.09(b)(1)     | \$2,000.00                                                                                                                 | 3 day suspension            |
| 85              | 3rd Violation (within 36 months)                                                     | 304.09(b)(1)     | \$2,000.00                                                                                                                 | 7 day suspension            |
| 86              | 4th Violation (within 36 months)                                                     | 304.09(b)(1)     | Revocation                                                                                                                 |                             |
| 87              | Violation of Chapter 304—Tobacco Products (Individual)                               | 304.09(b)(2)     | \$250.00                                                                                                                   |                             |
| 88              | Violation of Chapter 304—Tobacco Products (Other)                                    |                  | \$100.00                                                                                                                   |                             |
| 89              | Tobacco Sales—underage                                                               |                  | \$250.00                                                                                                                   |                             |
| 90              | MASSAGE THERAPY                                                                      | 306.00           |                                                                                                                            |                             |
| 91              | Violation of Chapter 306—Massage Therapy                                             |                  | Misdemeanor                                                                                                                |                             |
| 92              | LODGING TAXES                                                                        | 308.10           |                                                                                                                            |                             |
| 93              | Delinquent Local Lodging taxes owed                                                  | 308.10           | 10% of unpaid amount + interest                                                                                            |                             |
| 94              | THC PRODUCTS                                                                         | 310.00           |                                                                                                                            |                             |
| 95              | Violation of Chapter 310—THC Products (Individual)                                   | 310.09(a)        | \$250.00                                                                                                                   |                             |
| 96              | Violation of Chapter 310—THC Products (License Holder)                               | 310.09(b)        |                                                                                                                            |                             |
| 97              | 1st Violation                                                                        | 310.09(b)        | \$1,000.00                                                                                                                 |                             |
| 98              | 2nd Violation (within 36 months)                                                     | 310.09(b)        | \$2,000.00                                                                                                                 | 3 day suspension            |
| 99              | 3rd Violation (within 36 months)                                                     | 310.09(b)        | \$2,000.00                                                                                                                 | 7 day suspension            |
| 100             | 4th Violation (within 36 months)                                                     | 310.09(b)        | Revocation—minimum 1 year                                                                                                  |                             |
| 101             | HOTEL LICENSES                                                                       | 311              |                                                                                                                            |                             |
| 102             | Violation of Chapter 311—Hotel Licensing                                             | 311.05           | Fine, Imposition of reasonable conditions on premises permit, suspension of premises permit, Revocation of premises permit |                             |

| <i>Line No.</i> | <i>Penalty Description</i>                                          | <i>City Code</i> | <i>2025 Amount</i>                                                                                  | <i>Additional penalties</i> |
|-----------------|---------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------|-----------------------------|
| 103             | CANNABIS AND HEMP—<br>BUSINESS REGULATIONS                          | 316              |                                                                                                     |                             |
| 104             | Violation of Chapter 316—<br>Cannabis and Hemp Business Regulations | 316.13(a)        | Misdemeanor                                                                                         |                             |
| 105             | Administrative Fine                                                 | 316.13(b)        | \$105                                                                                               |                             |
| 106             | TEMPORARY CANNABIS<br>EVENT REGULATIONS                             | 317              |                                                                                                     |                             |
| 107             | Violation of Chapter 317                                            | 317.09(a)        | Misdemeanor                                                                                         |                             |
| 108             | Administrative Fine                                                 | 317.09(b)        | \$105                                                                                               |                             |
| 109             | TITLE 4 (Health and Sanitation)                                     |                  |                                                                                                     |                             |
| 110             | Violation of waste hauler<br>license provision                      | 309.04           | Revocation                                                                                          |                             |
| 111             | Violation of Recycling<br>Contractor provision                      | 312.04           | Revocation                                                                                          |                             |
| 112             | Recycling Fee—failure to<br>pay                                     | 402.07(b)        | 10% of amount past<br>due                                                                           |                             |
| 113             | No open burning                                                     | 403.02           | \$400.00                                                                                            |                             |
| 114             | Noise Complaint                                                     | 404              | \$250.00                                                                                            |                             |
| 115             | Signs                                                               | 405              | \$50.00                                                                                             |                             |
| 116             | Animal at large                                                     | 405.03           | \$50.00                                                                                             |                             |
| 117             | Peddling                                                            | 405.03(13)       | \$75.00                                                                                             |                             |
| 118             | Other violation                                                     |                  | \$50.00                                                                                             |                             |
| 119             | TITLE 5 (Police Regulations)                                        |                  |                                                                                                     |                             |
| 120             | Animals                                                             | 501              |                                                                                                     |                             |
| 121             | Barking Dog                                                         | 501.03           | \$50.00                                                                                             |                             |
| 122             | Dangerous animal                                                    | 501.15           | \$50.00                                                                                             |                             |
| 123             | Pet Store Requirements                                              | 501              |                                                                                                     |                             |
| 124             | 1st violation (within a<br>rolling 12 months)                       | 501.23(e)        | \$1,000.00                                                                                          |                             |
| 125             | 2nd Violation (within a<br>rolling 12 months)                       | 501.23(e)        | \$1,500.00                                                                                          |                             |
| 126             | 3rd Violation (within a<br>rolling 12 months)                       | 501.23(e)        | \$3,000.00                                                                                          |                             |
| 127             | General Offenses                                                    |                  |                                                                                                     |                             |
| 128             | Trespassing                                                         |                  | \$150.00                                                                                            |                             |
| 129             | Weapons                                                             | 503              |                                                                                                     |                             |
| 130             | Discharge, display of<br>weapon                                     | 503.01           | \$250.00                                                                                            |                             |
| 131             | False Alarm Fees                                                    | 505              |                                                                                                     |                             |
| 132             | Multiple False Alarms per<br>year                                   | 505.03(a)        | See schedule below                                                                                  |                             |
| 133             | Unpaid User Fees for false<br>alarms                                | 505.04(b)        | Unpaid user fees<br>and penalties shall<br>be certified as an<br>assessment against<br>the property |                             |
| 134             | Fire:                                                               | 505              |                                                                                                     |                             |

## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

| <i>Line No.</i> | <i>Penalty Description</i>                                                | <i>City Code</i> | <i>2025 Amount</i>     | <i>Additional penalties</i> |
|-----------------|---------------------------------------------------------------------------|------------------|------------------------|-----------------------------|
| 135             | Third False alarm                                                         | 505              | \$400.00               |                             |
| 136             | Fourth                                                                    | 505              | \$500.00               |                             |
| 137             | Fifth and all subsequent alarms                                           | 505              | \$600.00               |                             |
| 138             | Construction-related                                                      | 505              | \$150.00               |                             |
| 139             | Police:                                                                   | 505              |                        |                             |
| 140             | Third False alarm                                                         | 505              | \$100.00               |                             |
| 141             | Fourth                                                                    | 505              | \$200.00               |                             |
| 142             | Fifth                                                                     | 505              | \$300.00               |                             |
| 143             | Sixth                                                                     | 505              | \$400.00               |                             |
| 144             | Seventh and all subsequent alarms                                         | 505              | \$500.00               |                             |
| 145             | Repeat Nuisance                                                           | 508              | \$250.00               | See comment (a) below       |
| 146             | Public Nuisance—Private property                                          | 508.03(a)        | \$105.00               |                             |
| 147             | Commercial lodging establishment                                          | 508.03(b)        | \$250.00               | See comment (b) below       |
| 148             | Delinquent payment of repeat nuisance call fee                            | 508.05           | 10% penalty            |                             |
| 149             | Regulated business                                                        |                  | \$100.00               |                             |
| 150             | Trapping of Animals                                                       |                  |                        |                             |
| 151             | Trapping of Animals                                                       | 509.06           | \$150.00               |                             |
| 152             | TITLE 6 (Motor Vehicles and Traffic)                                      |                  |                        |                             |
| 153             | Parking: snowbird                                                         | 602.09           | \$25.00                |                             |
| 154             | Snowmobiles (use on public property)                                      | 604              | \$50.00                |                             |
| 155             | Golf Cart/ATV violation                                                   | 605              | \$50.00                |                             |
| 156             | TITLE 8 (Public Works)                                                    |                  |                        |                             |
| 157             | Utility Accounts                                                          | 801              |                        |                             |
| 158             | Delinquent Utility Account (90 days past due)- Admin Fee                  | 801.11(d)        | \$25.00                |                             |
| 159             | Delinquent Utility Account (90 days past due)- Certified to Ramsey County | 801.11(d)        | 8% of unpaid fee       |                             |
| 160             | Late payment for utility accounts                                         | 801.11(e)        | 10% of amount past due |                             |
| 161             | Fats, Oil, Grease (FOG) Fines                                             | 802.14           |                        |                             |
| 162             | FOG Discharge resulting in blockage                                       | 802.14           | \$1,000 per incident   |                             |
| 163             | Failure to maintain records                                               | 802.14           | \$250 per incident     |                             |
| 164             | Stormwater                                                                |                  |                        |                             |
| 165             | Stormwater non-compliance                                                 | 803              | \$100.00               |                             |
| 166             | TITLE 9 (Building Regulations)                                            |                  |                        |                             |

| <i>Line No.</i> | <i>Penalty Description</i>          | <i>City Code</i> | <i>2025 Amount</i> | <i>Additional penalties</i> |
|-----------------|-------------------------------------|------------------|--------------------|-----------------------------|
| 167             | Fire Code violation                 | 902              | \$400.00           |                             |
| 168             | TITLE 10 (Zoning)                   |                  |                    |                             |
| 169             | Wetland/Shoreland                   | 1012             | \$100.00           |                             |
| 170             | Land Use                            | Title 10         | \$100.00           |                             |
| 173             | MISCELLANEOUS PENALTIES             |                  |                    |                             |
| 174             | Fireworks: use, possession, sale    |                  | \$250.00           |                             |
| 175             | Park ordinance violation            |                  | \$25.00            |                             |
| 176             | Tampering with civil defense system |                  | \$250.00           |                             |
| 177             | Illegal dumping                     |                  | \$150.00           |                             |

## Comments:

- (a) Beginning with the 3rd call, the cost is \$250 plus the costs related to the call up to \$2,000.
- (b) More than 10 calls per calendar month.

314.053. *Permit and Plan/Project Review Fees.*

|    | <i>Fee Description</i>                                | <i>City Code</i> | <i>2025 Amount</i> | <i>Notes</i>                                                                                 |
|----|-------------------------------------------------------|------------------|--------------------|----------------------------------------------------------------------------------------------|
| 1  | Building Permit—Community Development:                |                  |                    |                                                                                              |
| 2  | \$1—\$2,000 valuation                                 |                  | \$83.50            |                                                                                              |
| 3  | \$2,001—\$25,000 valuation                            |                  | \$83.50            | For the first \$2,000 value plus \$16.55 for each add'l \$1,000 value or fraction thereof    |
| 4  | \$25,001—\$50,000 valuation                           |                  | \$464.15           | For the first \$25,000 value plus \$12.00 for each add'l \$1,000 value or fraction thereof   |
| 5  | \$50,001—\$100,000 valuation                          |                  | \$764.15           | For the first \$50,000 value plus \$8.45 for each add'l \$1,000 value or fraction thereof    |
| 6  | \$101,001—\$500,000 valuation                         |                  | \$1,186.65         | For the first \$100,000 value plus \$6.75 for each add'l \$1,000 value or fraction thereof   |
| 7  | \$500,001—\$1,000,000 valuation                       |                  | \$3,886.65         | For the first \$500,000 value plus \$5.50 for each add'l \$1,000 value or fraction thereof   |
| 8  | \$1,000,000 + valuation                               |                  | \$6,636.65         | For the first \$1,000,000 value plus \$4.50 for each add'l \$1,000 value or fraction thereof |
| 9  | Inspections outside of normal business hours (hourly) |                  | \$84.00            |                                                                                              |
| 10 | Re-inspection fees (hourly)                           |                  | \$84.00            |                                                                                              |



## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

|    | <i>Fee Description</i>                                                                         | <i>City Code</i> | <i>2025 Amount</i>        | <i>Notes</i>                                                                               |
|----|------------------------------------------------------------------------------------------------|------------------|---------------------------|--------------------------------------------------------------------------------------------|
| 11 | Misc. inspection/investigation fees (hourly)                                                   |                  | \$84.00                   |                                                                                            |
| 12 | Add'l plan review fee required by revisions (hourly)                                           |                  | \$84.00                   |                                                                                            |
| 13 | Building Permit—Engineering:                                                                   |                  |                           |                                                                                            |
| 14 | \$1—\$500 valuation                                                                            |                  | \$25.00                   |                                                                                            |
| 15 | \$501—\$2,000 valuation                                                                        |                  | \$25.00                   |                                                                                            |
| 16 | \$2,001—\$25,000 valuation                                                                     |                  | \$40.00                   |                                                                                            |
| 17 | \$25,001—\$50,000 valuation                                                                    |                  | \$75.00                   |                                                                                            |
| 18 | \$50,001—\$100,000 valuation                                                                   |                  | \$100.00                  |                                                                                            |
| 19 | \$100,001—\$500,000 valuation                                                                  |                  | \$135.00                  |                                                                                            |
| 20 | \$500,001—\$1,000,000 valuation                                                                |                  | \$250.00                  |                                                                                            |
| 21 | \$1,000,000+                                                                                   |                  | \$400.00                  |                                                                                            |
| 22 | Demolition Permit Fee—Community Development                                                    |                  |                           |                                                                                            |
| 23 | Tenant improvement/remodeling                                                                  |                  | \$84.00                   | Prior to building permit                                                                   |
| 24 | Structures not connected to utilities                                                          |                  | \$84.00                   |                                                                                            |
| 25 | Structures connected to city utilities: residential                                            |                  | \$152.00                  |                                                                                            |
| 26 | Structures connected to city utilities: commercial                                             |                  | \$456.00                  |                                                                                            |
| 27 | Fire Safety Inspection Fee                                                                     |                  | 8% of building permit fee |                                                                                            |
| 28 | Fire Plan Review Fee: New Construction (hourly)                                                |                  | \$150.00                  |                                                                                            |
| 29 | Fire Plan Review Fee: Existing<br><i>*Plan Review Fee will be 65% of the calculation below</i> |                  |                           |                                                                                            |
| 30 | \$1—\$2,000 valuation                                                                          |                  | \$150/hour                |                                                                                            |
| 31 | \$2,001—\$25,000 valuation                                                                     |                  | \$110.00                  | For the first \$2,000 value plus \$21.00 for each add'l \$1,000 value or fraction thereof  |
| 32 | \$25,001—\$50,000 valuation                                                                    |                  | \$576.00                  | For the first \$25,000 value plus \$15.40 for each add'l \$1,000 value or fraction thereof |
| 33 | \$50,001—\$100,000 valuation                                                                   |                  | \$961.00                  | For the first \$50,000 value plus \$10.70 for each add'l \$1,000 value or fraction thereof |
| 34 | \$101,001—\$500,000 valuation                                                                  |                  | \$1,496.00                | For the first \$100,000 value plus \$8.60 for each add'l \$1,000 value or fraction thereof |
| 35 | \$500,001—\$1,000,000 valuation                                                                |                  | \$4,936.00                | For the first \$500,000 value plus \$7.10 for each add'l \$1,000 value or fraction thereof |

|    | <i>Fee Description</i>                           | <i>City Code</i> | <i>2025 Amount</i>       | <i>Notes</i>                                                                                 |
|----|--------------------------------------------------|------------------|--------------------------|----------------------------------------------------------------------------------------------|
| 36 | \$1,000,000 + valuation                          |                  | \$8,486.00               | For the first \$1,000,000 value plus \$5.70 for each add'l \$1,000 value or fraction thereof |
| 37 | Erosion control inspection permit:               |                  |                          |                                                                                              |
| 38 | <5,000 SF (within 300' of water resource)        |                  | \$50.00                  |                                                                                              |
| 39 | <½ acre (residential remodel only)               |                  | \$300.00                 |                                                                                              |
| 40 | 5,000 SF to 1 acre (residential only, New Homes) |                  | \$1,250.00               |                                                                                              |
| 41 | 1—5 acres (Non Residential)                      |                  | \$1,750.00               |                                                                                              |
| 42 | >5 acres (Non Residential)                       |                  | \$2,500.00               |                                                                                              |
| 43 | Erosion control permit renewal:                  |                  |                          |                                                                                              |
| 44 | <½ acre (residential remodel only)               |                  | \$200.00                 |                                                                                              |
| 45 | 5,000 SF to 1 acre (residential only, New Homes) |                  | \$750.00                 |                                                                                              |
| 46 | 1—5 acres (Non Residential)                      |                  | \$1,000.00               |                                                                                              |
| 47 | >5 acres (Non Residential)                       |                  | \$1,250.00               |                                                                                              |
| 48 | Grading Permit Fee—Engineering:                  |                  |                          |                                                                                              |
| 49 | <5,000 SF (within 300 feet of water resource)    |                  | \$75.00                  |                                                                                              |
| 50 | <50 cubic yards                                  |                  | \$0.00                   |                                                                                              |
| 51 | 51—250 cubic yards                               |                  | \$150.00                 |                                                                                              |
| 52 | 251—1,000 cubic yards                            |                  | \$250.00                 |                                                                                              |
| 53 | 1,001—10,000 cubic yards                         |                  | \$400.00                 |                                                                                              |
| 54 | >10,000 cubic yards                              |                  | \$750.00                 |                                                                                              |
| 55 | Stormwater impact fee (per cubic foot)           | 803              | \$35.00                  |                                                                                              |
| 56 | Stormwater residential permit:                   |                  |                          |                                                                                              |
| 57 | Initial                                          |                  | \$300.00                 |                                                                                              |
| 58 | Stormwater Permit Review                         |                  |                          |                                                                                              |
| 59 | <1 acre                                          |                  | \$75.00                  |                                                                                              |
| 60 | 1—5 acres                                        |                  | \$150.00                 |                                                                                              |
| 61 | >5 acres                                         |                  | \$250.00                 |                                                                                              |
| 62 | House Moving Permit Fee:                         |                  |                          |                                                                                              |
| 63 | Over private property only                       |                  | \$95.00                  |                                                                                              |
| 64 | Over public streets                              |                  | \$137.00                 |                                                                                              |
| 65 | Investigation fee (hourly)                       |                  | \$76.00                  |                                                                                              |
| 66 | Manufactured Home Permit Fee (new installation)  |                  | \$275.00                 |                                                                                              |
| 67 | Mechanical Permit Fee—Residential:               |                  | \$84.00                  |                                                                                              |
| 68 | Additional for each fixture                      |                  | \$10.00                  |                                                                                              |
| 69 | New construction, misc. work & gas piping        |                  | 1.28% of job cost + \$84 |                                                                                              |

## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

|     | <i>Fee Description</i>                              | <i>City Code</i> | <i>2025 Amount</i>       | <i>Notes</i> |
|-----|-----------------------------------------------------|------------------|--------------------------|--------------|
| 70  | Minimum fee                                         |                  | \$84.00                  |              |
| 71  | In floor heat                                       |                  | \$84.00                  |              |
| 72  | Mechanical Permit Fee—Commercial (All)              |                  | 1.28% of job cost + \$84 |              |
| 73  | Plan Review Fee:                                    |                  | 65% of permit fee        |              |
| 74  | Plumbing Permit Fee: Residential                    |                  |                          |              |
| 75  | Minimum fee                                         |                  | \$84.00                  |              |
| 76  | Additional for each fixture                         |                  | \$10.00                  |              |
| 77  | Backflow prevention device                          |                  | \$10.00                  |              |
| 78  | New construction, misc. work & gas piping           |                  | 1.28% of job cost + \$84 |              |
| 79  | Plumbing Permit Fee: Commercial                     |                  | 1.28% of job cost + \$84 |              |
| 80  | Minimum fee                                         |                  | \$84.00                  |              |
| 81  | Sewer Connection Permit Fee—Community Develop:      |                  |                          |              |
| 82  | Residential                                         |                  | \$84.00                  |              |
| 83  | Commercial                                          |                  | \$304.00                 |              |
| 84  | Repair                                              |                  | \$84.00                  |              |
| 85  | Disconnect: residential                             |                  | \$84.00                  |              |
| 86  | Disconnect: commercial                              |                  | \$168.00                 |              |
| 87  | Sewer Connection/Inspection Permit Fee—Engineering: |                  |                          |              |
| 88  | Connection: residential                             |                  | \$35.00                  |              |
| 89  | Connection: commercial                              |                  | \$85.00                  |              |
| 90  | Connection: repair                                  |                  | \$35.00                  |              |
| 91  | Connection: inspection                              |                  | \$85.00                  |              |
| 92  | Disconnect: residential                             |                  | \$35.00                  |              |
| 93  | Disconnect: commercial                              |                  | \$85.00                  |              |
| 94  | Sign Permit Fee—Community Development:              |                  |                          |              |
| 95  | Permanent sign (minimum fee)                        |                  |                          |              |
| 96  | Annual sign                                         |                  | \$105.00                 |              |
| 97  | Temporary sign                                      |                  | \$30.00                  |              |
| 98  | Attention-getting device                            |                  | \$30.00                  |              |
| 99  | Swimming Pool Permit—Community Development:         |                  |                          |              |
| 100 | Residential: in-ground                              |                  | \$213.00                 |              |
| 101 | Commercial                                          |                  | Per valuation            |              |
| 102 | Swimming Pool Permit—Engineering                    |                  | \$35.00                  |              |
| 103 | Water Connection Permit Fee—Community Develop:      |                  |                          |              |
| 104 | Residential                                         |                  | \$84.00                  |              |
| 105 | Commercial                                          |                  | \$304.00                 |              |
| 106 | Repair                                              |                  | \$84.00                  |              |
| 107 | Disconnect: residential                             |                  | \$84.00                  |              |
| 108 | Disconnect: commercial                              |                  | \$168.00                 |              |
| 109 | Water Connection/Inspection Permit Fee—Engineering: |                  |                          |              |

|     | <i>Fee Description</i>                        | <i>City Code</i> | <i>2025 Amount</i>          | <i>Notes</i>       |
|-----|-----------------------------------------------|------------------|-----------------------------|--------------------|
| 110 | Connection: residential                       |                  | \$35.00                     |                    |
| 111 | Connection: commercial                        |                  | \$85.00                     |                    |
| 112 | Connection: repair                            |                  | \$35.00                     |                    |
| 113 | Connection: inspection                        |                  | \$85.00                     |                    |
| 114 | Disconnect: residential                       |                  | \$35.00                     |                    |
| 115 | Disconnect: commercial                        |                  | \$85.00                     |                    |
| 116 | Water Meter Program Fees—Engineering:         |                  |                             |                    |
| 117 | Manual meter read surcharge                   |                  | \$25/quarter                |                    |
| 118 | Non-standard water meter no-read fee          |                  | \$50/quarter                |                    |
| 119 | Denial of access to water meter               |                  | \$100/quarter               |                    |
| 120 | Utility Disconnect Fee                        |                  | \$6,000/utility service     |                    |
| 121 | Miscellaneous Permit Fees:                    |                  |                             |                    |
| 122 | Administrative fee for Accelerated abatement  |                  | \$125.00                    |                    |
| 123 | Administrative fee-Council Approved Abatement |                  | \$350.00                    |                    |
| 124 | Administrative fee: other zones               |                  | \$84.00                     |                    |
| 125 | Administrative fee: R1 or R2 zones            |                  | \$84.00                     |                    |
| 126 | Backflow prevention investigation fee         |                  | \$84.00                     |                    |
| 127 | Certificate of Occupancy: conditional         |                  | \$84.00                     | Special conditions |
| 128 | Certificate of Occupancy: copy                |                  | n/a                         |                    |
| 129 | Certificate of Occupancy: full                |                  | \$42.00                     |                    |
| 130 | City contractor license fee                   |                  | \$70.00                     |                    |
| 131 | Construction deposit: commercial              |                  | \$5,000.00                  |                    |
| 132 | Construction deposit: residential             |                  | \$1,000.00                  |                    |
| 133 | Drain tile                                    |                  | \$84.00                     |                    |
| 134 | Driveway permits: residential replacement     |                  | \$57.00                     |                    |
| 135 | Driveway permits: residential expansion       |                  | \$84 + \$25 Engineering Fee |                    |
| 136 | Fence permits: residential                    |                  | \$58.00                     |                    |
| 137 | Fence permits: commercial                     |                  | Per valuation               |                    |
| 138 | Footing/foundation permits: commercial        |                  | Per valuation               |                    |
| 139 | Footing/foundation permits: residential       |                  | Per valuation               |                    |
| 140 | Garage only (detached: roofing & siding)      |                  | \$57.00                     |                    |
| 141 | Other                                         |                  |                             |                    |

## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

|     | <i>Fee Description</i>                              | <i>City Code</i> | <i>2025 Amount</i>                | <i>Notes</i>    |
|-----|-----------------------------------------------------|------------------|-----------------------------------|-----------------|
| 142 | Outdoor sales/display permit: 1—5 occurrences       |                  | \$50.00                           |                 |
| 143 | Outdoor sales/display permit: 6—10 occurrences      |                  | \$75.00                           |                 |
| 144 | Outdoor sales/display permit: 11 or more            |                  | \$200.00                          |                 |
| 145 | Outdoor storage/display permit: 1—5 occurrences     |                  | \$50.00                           |                 |
| 146 | Outdoor storage/display permit: 6—10 occurrences    |                  | \$100.00                          |                 |
| 147 | Outdoor storage/display permit: 11 or more          |                  | \$200.00                          |                 |
| 148 | Outdoor temporary event: 1—5 occurrences            |                  | \$50 + \$125 Fire inspection fee  |                 |
| 149 | Outdoor temporary event: 6—10 occurrences           |                  | \$100 + \$125 Fire inspection fee |                 |
| 150 | Outdoor temporary event: 11 or more occurrences     |                  | \$200 + \$125 Fire inspection fee |                 |
| 151 | Parking lot repair                                  |                  | \$152.00                          | See comment (a) |
| 152 | Replacement inspection card                         |                  | \$21.00                           |                 |
| 153 | Residential siding replacement flat fee             |                  | \$154.00                          |                 |
| 154 | Residential window replacement flat fee             |                  | \$154.00                          |                 |
| 155 | Residential wood burning fireplace                  |                  | \$152.00                          |                 |
| 156 | Re-stamping job site plan sets                      |                  | \$31.00                           |                 |
| 157 | Roofing flat fee (residential)                      |                  | \$154.00                          |                 |
| 158 | SAC administration fee                              |                  | \$42.00                           |                 |
| 159 | SAC research fee: hourly Rate                       |                  | \$84.00                           |                 |
| 160 | Shed permits (residential <120 square feet)         |                  | \$57.00                           |                 |
| 161 | Shed permits (residential 121—200 square feet)      |                  | \$84 + \$25 Engineering Fee       |                 |
| 162 | Solar panel/renewable energy equipment install      |                  | 1.28% of job cost or \$160 min    |                 |
| 163 | Verification fee: electrician/plumber state license |                  | \$5.00                            |                 |
| 164 | Verification fee: lead abatement certificate        |                  | \$5.00                            |                 |
| 165 | Verification fee: sewer/water bond certificate      |                  | \$5.00                            |                 |
| 166 | Verification fee: state contracting license         |                  | \$5.00                            | See comment (c) |

## Comments:

- (a) Fee amount if <5% of total surface is replaced not exposing sub-base, otherwise add'l fees are imposed.
- (b) An additional \$125 fire inspection fee will be charged if using a tent or other membrane structure of 400 s.f. or larger.

(c) Verification fee required for all trades with State licenses or bonds.

314.054. *Electrical Permit Fees.*

| <i>Line No.</i> | <i>Fee Description</i>                                               | <i>2024 Amount</i>             | <i>2025 Amount</i>             | <i>Notes</i>         |
|-----------------|----------------------------------------------------------------------|--------------------------------|--------------------------------|----------------------|
| 1               | Residential Fees (Single Family Homes, Apartments, and Condominiums) |                                |                                |                      |
| 2               | Minimum fee                                                          | \$50.00                        | \$50.00                        | No refunds available |
| 3               | Services, changes for services:                                      |                                |                                |                      |
| 4               | 0 to 300 amp                                                         | \$55.00                        | \$55.00                        |                      |
| 5               | 400 amp                                                              | \$71.00                        | \$71.00                        |                      |
| 6               | 500 amp                                                              | \$87.00                        | \$87.00                        |                      |
| 7               | 600 amp                                                              | \$103.00                       | \$103.00                       |                      |
| 8               | 800 amp                                                              | \$135.00                       | \$135.00                       |                      |
| 9               | 1,000 amp                                                            | \$167.00                       | \$167.00                       |                      |
| 10              | 1,100 amp                                                            | \$183.00                       | \$183.00                       |                      |
| 11              | 1,200 amp                                                            | \$199.00                       | \$199.00                       |                      |
| 12              | Add \$16 for each additional 100 amps                                |                                |                                |                      |
| 13              | Circuits, changes for services:                                      |                                |                                |                      |
| 14              | 0 to 100 amp                                                         | \$9.00                         | \$9.00                         |                      |
| 15              | 101 to 200 amp                                                       | \$15.00                        | \$15.00                        |                      |
| 16              | 201 to 300 amp                                                       | \$21.00                        | \$21.00                        |                      |
| 17              | 301 to 400 amp                                                       | \$27.00                        | \$27.00                        |                      |
| 18              | 401 to 500 amp                                                       | \$33.00                        | \$33.00                        |                      |
| 19              | 501 to 600 amp                                                       | \$39.00                        | \$39.00                        |                      |
| 20              | 601 to 700 amp                                                       | \$45.00                        | \$45.00                        |                      |
| 21              | Add \$6 for each additional 100 amps                                 |                                |                                |                      |
| 22              | Solar Fees:                                                          |                                |                                |                      |
| 23              | 0 kw—5 kw                                                            | \$90.00                        | \$90.00                        |                      |
| 24              | 5.1 kw—10 kw                                                         | \$150.00                       | \$150.00                       |                      |
| 25              | 10.1 kw—20 kw                                                        | \$225.00                       | \$225.00                       |                      |
| 26              | 20.1 kw—30 kw                                                        | \$300.00                       | \$300.00                       |                      |
| 27              | 30.1 kw—49.9 kw                                                      | \$375.00                       | \$375.00                       |                      |
| 28              | 50 kw and larger                                                     | \$400.00                       | \$400.00                       |                      |
| 29              | Add \$25 for each additional 10 kw                                   |                                |                                |                      |
| 30              | Residential panel replacement                                        | \$110.00                       | \$110.00                       |                      |
| 31              | Residential sub panel                                                | \$45.00                        | \$45.00                        |                      |
| 32              | Minimum fee:                                                         |                                |                                |                      |
| 33              | Inspection only                                                      | \$50 Plus \$1 State surcharge  | \$50 Plus \$1 State surcharge  |                      |
| 34              | Rough-in & final                                                     | \$100 Plus \$1 State surcharge | \$100 Plus \$1 State surcharge |                      |

## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

| <i>Line No.</i> | <i>Fee Description</i>                                    | <i>2024 Amount</i>                                                                                                                        | <i>2025 Amount</i>                                                                                                                        | <i>Notes</i>                                       |
|-----------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 35              | Single-family dwelling/<br>townhouse <200 amps*           | \$200 Plus \$1<br>State surcharge                                                                                                         | \$200 Plus \$1<br>State surcharge                                                                                                         |                                                    |
| 36              | Apartment buildings<br>(per unit)                         | \$90.00                                                                                                                                   | \$90.00                                                                                                                                   | Excludes cover svc, unit feeders<br>& house panels |
| 37              | Swimming pool (up to two<br>inspections)                  | \$100.00                                                                                                                                  | \$100.00                                                                                                                                  |                                                    |
| 38              | Additions, remodels, base-<br>ment additions              | \$100.00                                                                                                                                  | \$100.00                                                                                                                                  | Up to 10 circuits & 2 inspec-<br>tions             |
| 39              | Accessory structure:                                      |                                                                                                                                           |                                                                                                                                           |                                                    |
| 40              | Panel                                                     | \$55.00                                                                                                                                   | \$55.00                                                                                                                                   |                                                    |
| 41              | Per circuit                                               | \$9.00                                                                                                                                    | \$9.00                                                                                                                                    |                                                    |
| 42              | Inspection                                                | \$100.00                                                                                                                                  | \$100.00                                                                                                                                  |                                                    |
| 44              | Parking lot lights (per<br>standard)                      | \$5.00                                                                                                                                    |                                                                                                                                           |                                                    |
| 45              | Transformers & Generators:                                |                                                                                                                                           |                                                                                                                                           |                                                    |
| 46              | Up to 10 KVA                                              | \$5.00                                                                                                                                    | \$5.00                                                                                                                                    |                                                    |
| 47              | 11—74 KVA                                                 | \$40.00                                                                                                                                   | \$40.00                                                                                                                                   |                                                    |
| 48              | 75—299 KVA                                                | \$60.00                                                                                                                                   | \$60.00                                                                                                                                   |                                                    |
| 49              | 300+ KVA                                                  | \$165.00                                                                                                                                  | \$165.00                                                                                                                                  |                                                    |
| 50              | Retro-fit lighting (per<br>fixture)                       | \$0.85                                                                                                                                    | \$0.85                                                                                                                                    |                                                    |
| 51              | Sign transformer (each)                                   | \$9.00                                                                                                                                    | \$9.00                                                                                                                                    |                                                    |
| 52              | Low voltage fire alarm, low<br>voltage heating and air co | \$0.85                                                                                                                                    | \$0.85                                                                                                                                    |                                                    |
| 53              | Re-inspection fee (in addi-<br>tion to others)            | \$50.00                                                                                                                                   | \$50.00                                                                                                                                   |                                                    |
| 54              | Hourly rate for carnivals                                 | \$90.00                                                                                                                                   | \$90.00                                                                                                                                   |                                                    |
| 55              | Commercial Fees                                           |                                                                                                                                           |                                                                                                                                           |                                                    |
| 56              | \$50 per trip or the fees below, whichever is greater     |                                                                                                                                           |                                                                                                                                           |                                                    |
| 57              | \$1—\$1,000 valuation                                     | \$50 per trip                                                                                                                             | \$50 per trip                                                                                                                             |                                                    |
| 58              | \$1,001—\$2,000 valuation                                 | \$50 for the<br>First \$1,000<br>plus \$3.32 for<br>each additional<br>\$100 or fraction<br>thereof, to and<br>including<br>\$2,000       | \$50 for the<br>First \$1,000<br>plus \$3.32 for<br>each additional<br>\$100 or fraction<br>thereof, to and<br>including<br>\$2,000       |                                                    |
| 59              | \$2,001—\$25,000 valua-<br>tion                           | \$82 for the first<br>\$2,000 plus<br>\$14.85 for each<br>additional<br>\$1,000 or frac-<br>tion thereof, to<br>and including<br>\$25,000 | \$82 for the first<br>\$2,000 plus<br>\$14.85 for each<br>additional<br>\$1,000 or frac-<br>tion thereof, to<br>and including<br>\$25,000 |                                                    |



| <i>Line No.</i> | <i>Fee Description</i>                           | <i>2024 Amount</i>                                                                                                           | <i>2025 Amount</i>                                                                                                           | <i>Notes</i> |
|-----------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--------------|
| 60              | \$25,001—\$50,000 valuation                      | \$423.55 for the first \$25,000 plus \$10.70 for each additional \$1,000 or fraction thereof, to and including \$50,000      | \$423.55 for the first \$25,000 plus \$10.70 for each additional \$1,000 or fraction thereof, to and including \$50,000      |              |
| 61              | \$50,001—\$100,000 valuation                     | \$691.05 for the first \$50,000 plus \$7.45 for each additional \$1,000 or fraction thereof, to and including \$100,000      | \$691.05 for the first \$50,000 plus \$7.45 for each additional \$1,000 or fraction thereof, to and including \$100,000      |              |
| 62              | \$100,001—\$500,000 valuation                    | \$1,063.55 for the first \$100,000 plus \$6 for each additional \$1,000 or fraction thereof, to and including \$500,000      | \$1,063.55 for the first \$100,000 plus \$6 for each additional \$1,000 or fraction thereof, to and including \$500,000      |              |
| 63              | \$500,001—\$1,000,000 valuation                  | \$3,463.55 for the first \$500,000 plus \$5.10 for each additional \$1,000 or fraction thereof, to and including \$1,000,000 | \$3,463.55 for the first \$500,000 plus \$5.10 for each additional \$1,000 or fraction thereof, to and including \$1,000,000 |              |
| 64              | 1,000,001 and up                                 | \$6,013.55 for the first \$1,000,000 plus \$4 for each additional \$1,000,000 or fraction thereof                            | \$6,013.55 for the first \$1,000,000 plus \$4 for each additional \$1,000,000 or fraction thereof                            |              |
| 65              | Reinspection fee (in addition to all other fees) | \$50.00                                                                                                                      | \$50.00                                                                                                                      |              |
| 66              | Comments:                                        |                                                                                                                              |                                                                                                                              |              |
| 67              | Investigative fee (working without a Permit)     | The fee is doubled                                                                                                           | The fee is doubled                                                                                                           |              |

314.155. *Community Development Miscellaneous Fees.*

| <i>Line No.</i> | <i>Fee Description</i>            | <i>City Code</i> | <i>2025 Amount</i> | <i>Notes</i> |
|-----------------|-----------------------------------|------------------|--------------------|--------------|
| 1               | Accessory Dwelling Unit permit    | 1011.12(b)       | \$105.00           |              |
| 2               | Administrative deviation          | 1009.01          | \$115.00           |              |
| 3               | Appeal of Administrative Decision | 1009.08          | \$105.00           |              |

## APPENDIX A—CITY FEE SCHEDULE

App. A, § 314.05

| <i>Line No.</i> | <i>Fee Description</i>                      | <i>City Code</i> | <i>2025 Amount</i> | <i>Notes</i>                                     |
|-----------------|---------------------------------------------|------------------|--------------------|--------------------------------------------------|
| 4               | Attorney, consultant review & analysis      |                  |                    |                                                  |
| 5               | City Address Book (11×17)—existing PDF maps |                  | \$100.00           | See comment (a)                                  |
| 6               | Comprehensive Plan—amendment                | 1009.06          | \$1,810.00         |                                                  |
| 7               | Comprehensive Plan on USB                   |                  | \$45.00            | See comment (a)                                  |
| 8               | Conditional Use:                            |                  |                    |                                                  |
| 9               | Residential                                 | 1009.02          | \$535.00           |                                                  |
| 10              | Commercial                                  | 1009.02          | \$815.00           |                                                  |
| 11              | Copying (per sheet)                         |                  | \$0.25             |                                                  |
| 12              | EAW Review Escrow                           |                  | up to \$15,000     | Depending on project complexity, see comment (b) |
| 13              | Interim Use                                 | 1009.03          | \$1,550.00         |                                                  |
| 14              | Interim Use extension                       | 1009.03          | \$1,075.00         |                                                  |
| 15              | Landscape Plan:                             |                  |                    |                                                  |
| 16              | Application fee                             | 1011.03          | \$200.00           |                                                  |
| 17              | Escrow                                      |                  | \$500.00           |                                                  |
| 18              | Land Division Variation Fee                 | 1102.01          | \$395.00           |                                                  |
| 19              | Maps—8 ½ × 11 (b&w)—existing PDF maps       |                  |                    |                                                  |
| 20              | Maps—8 ½ × 11 (color)—existing PDF maps     |                  | \$1.00             | See comment (a)                                  |
| 21              | Maps—11 × 17 (color) —existing PDF maps     |                  | \$2.00             | See comment (a)                                  |
| 22              | Maps—17 × 22 (color) —existing PDF maps     |                  | \$10.00            | See comment (a)                                  |
| 23              | Maps—22 × 34 (color) —existing PDF maps     |                  | \$20.00            | See comment (a)                                  |
| 24              | Maps—34 × 44 (color) —existing PDF maps     |                  | \$40.00            | See comment (a)                                  |
| 25              | Master Sign Plan:                           |                  |                    |                                                  |
| 26              | Residential/institutional                   | 1010.11          | \$260.00           |                                                  |
| 27              | Commercial                                  | 1010.11          | \$370.00           |                                                  |
| 28              | Open House fee                              |                  |                    |                                                  |
| 29              | Application fee                             | 1009.07          | \$1,100.00         |                                                  |
| 30              | Escrow                                      |                  | \$500.00           |                                                  |
| 31              | Planned Unit Development:                   | 1016             |                    |                                                  |
| 32              | Amendment                                   |                  | \$1,210.00         |                                                  |
| 33              | Sketch plan PUD open house application fee  |                  | \$800.00           |                                                  |
| 34              | Sketch plan PUD application fee             |                  | \$350.00           |                                                  |
| 35              | PUD Concept Plan: open house application    |                  | \$800.00           |                                                  |

| <i>Line No.</i> | <i>Fee Description</i>                                        | <i>City Code</i> | <i>2025 Amount</i> | <i>Notes</i>    |
|-----------------|---------------------------------------------------------------|------------------|--------------------|-----------------|
| 36              | PUD Concept Plan: application fee                             |                  | \$2,500.00         |                 |
| 37              | PUD Concept Plan: escrow                                      |                  | \$4,200.00         |                 |
| 38              | PUD Final Plan: application fee                               |                  | \$1,200.00         |                 |
| 39              | PUD Final Plan: escrow fee                                    |                  | \$1,800.00         |                 |
| 40              | PUD Cancellation: application fee                             |                  | \$265.00           |                 |
| 41              | PUD Cancellation: escrow fee                                  |                  | \$500.00           |                 |
| 42              | Planning Commission agendas/year (mailed)                     |                  | \$10.00            | See comment (a) |
| 43              | Planning Commission minutes/year (mailed)                     |                  | \$15.00            | See comment (a) |
| 44              | Public Financing & Business Subsidy:                          |                  |                    |                 |
| 45              | Application fee                                               |                  | \$1,500.00         | Nonrefundable   |
| 46              | Escrow                                                        |                  | \$15,000.00        |                 |
| 47              | Reasonable Accommodation request                              | 111.01           | \$150.00           |                 |
| 48              | Rezoning of project site or parcel                            | 1009.06          | \$1,550.00         |                 |
| 49              | Staff research time (per hour)                                |                  | \$105.00           |                 |
| 50              | Subdivision:                                                  | 1101             |                    |                 |
| 51              | Escrow (minimum)                                              |                  | \$2,500.00         | See comment (b) |
| 52              | Minor Subdivision                                             |                  | \$710.00           |                 |
| 53              | Escrow data collection, analysis (per hour)                   |                  | \$69.50            |                 |
| 54              | Preliminary Plat                                              |                  | \$1,445.00         |                 |
| 55              | Final Plat                                                    |                  | \$535.00           |                 |
| 56              | Tree Preservation                                             |                  |                    |                 |
| 57              | Restoration & Landscape Plan Application                      |                  | \$300.00           |                 |
| 58              | Restoration & Landscape Plan Escrow                           |                  | \$500.00           |                 |
| 60              | Variance                                                      | 1009.04          |                    |                 |
| 61              | Residential                                                   |                  | \$380.00           |                 |
| 62              | Non Residential                                               |                  | \$500.00           |                 |
| 63              | Variance Appeal Fee                                           | 1009.08          |                    |                 |
| 64              | Residential                                                   |                  | \$160.00           |                 |
| 65              | Commercial                                                    |                  | \$315.00           |                 |
| 66              | Zoning Code Text Amendment                                    | 1009.06          | \$1,500.00         |                 |
| 67              | Zoning Compliance letter: data collection & analysis (hourly) |                  | \$90.00            | 1 hour minimum  |

## Comments:

- (a) Item is free on City website, and available for review at City Hall and Roseville Library.
- (b) Amount listed under the PUD and Subdivision Escrow is the minimum amount required for the application. A higher amount, as determined by the City, may be required for projects that will take a significant amount of time. Costs shall be paid as part of this escrow.



## CODE COMPARATIVE TABLE

### 1995 CODE

The following table gives the location within the Code of sections of the 1995 Code, as supplemented through April 24, 2023.

| <b>1995 Code<br/>Section</b> | <b>Code<br/>Section</b> | <b>1995 Code<br/>Section</b> | <b>Code<br/>Section</b> |
|------------------------------|-------------------------|------------------------------|-------------------------|
| 101.01                       | 101.01                  | 201.03                       | 201.02                  |
| 101.02                       | 101.02                  | 201.04                       | 201.02                  |
| 101.03                       | 101.03                  | 201.05                       | 201.02                  |
| 101.04                       | 101.04                  | 201.06                       | 201.03                  |
| 101.06                       | 101.07                  | 201.07                       | 201.04                  |
| 101.07                       | 101.05                  | 204.01                       | 204.01                  |
| 102.01                       | 102.01                  | —                            | 204.02                  |
| 102.02                       | 102.02                  | 204.02                       | 204.03                  |
| 103.01                       | 103.01                  | 206.01                       | 206.01                  |
| 103.015                      | 103.02                  | —                            | 206.02                  |
| 103.02                       | 103.03                  | 206.02                       | 206.03                  |
| 103.03                       | 103.04                  | 207.01                       | 207.01                  |
| 103.04                       | 103.05                  | —                            | 207.02                  |
| 103.05                       | 103.06                  | 207.02                       | 207.03                  |
| 103.06                       | 103.07                  | 208.01                       | 208.01                  |
| 104.01                       | 104.01                  | —                            | 208.02                  |
| 105.01                       | 105.01                  | 208.02                       | 208.03                  |
| 105.02                       | 105.02                  | 301.01                       | 301.01                  |
| 105.03                       | 105.03                  | 301.02                       | 301.02                  |
| 105.04                       | 105.04                  | 301.03                       | 301.03                  |
| 105.05                       | 105.05                  | 301.04                       | 301.04                  |
| 105.06                       | 105.06                  | 301.05                       | 301.05                  |
| 105.07                       | 105.07                  | 301.06                       | 301.06                  |
| 105.08                       | 105.08                  | 301.07                       | 301.07                  |
| 106.01                       | 106.01                  | 301.08                       | 301.08                  |
| 106.02                       | 106.02                  | 301.09                       | 301.09                  |
| 106.03                       | 106.03                  | 302.01                       | 302.01                  |
| 106.04                       | 106.04                  | 302.02                       | 302.02                  |
| 106.05                       | 106.06                  | 302.03                       | 302.03                  |
| 106.06                       | 106.07                  | 302.04                       | 302.04                  |
| 106.07                       | 106.08                  | 302.05                       | 302.05                  |
| 106.08                       | 106.09                  | 302.06                       | 302.06                  |
| 106.09                       | 106.10                  | 302.07                       | 302.07                  |
| 107.01                       | 106.05                  | 302.08                       | 302.08                  |
| 107.02                       | 106.05                  | 302.09                       | 302.09                  |
| 107.03                       | 106.05                  | 302.10                       | 302.10                  |
| 107.04                       | 106.05                  | 302.11                       | 302.11                  |
| 107.05                       | 106.05                  | 302.13                       | 302.12                  |
| 108.01                       | 107.01                  | 302.14                       | 302.13                  |
| 109.01                       | 108.10                  | 302.15                       | 302.14                  |
| 201.01                       | 201.01                  | 304.01                       | 303.01                  |
| 201.02                       | 201.01                  | 304.02                       | 303.02                  |

# ROSEVILLE CITY CODE

| 1995 Code<br>Section | Code<br>Section | 1995 Code<br>Section | Code<br>Section  |
|----------------------|-----------------|----------------------|------------------|
| 304.03               | 303.03          | 311.076              | 307.09           |
| 304.04               | 303.05          | 311.08               | 307.10           |
| 304.05               | 303.06          | 311.09               | 307.11           |
| 306.01               | 304.01          | 311.10               | 307.12           |
| 306.02               | 304.02          | 311.11               | 307.13           |
| 306.03               | 304.03          | 311.12               | 307.14           |
| 306.04               | 304.04          | 311.13               | 307.15           |
| 306.05               | 304.05          | 312.01               | 308.01           |
| 306.06               | 304.06          | 312.02               | 308.02           |
| 306.07               | 304.07          | 312.03               | 308.03           |
| 306.08               | 304.08          | 312.04               | 308.04           |
| 306.09               | 304.09          | 312.05               | 308.05           |
| 307.01               | 907.01          | 312.06               | 308.06           |
| 307.02               | 907.02          | 312.07               | 308.07           |
| 307.03               | 907.03          | 312.08               | 308.08           |
| 307.04               | 907.04          | 312.09               | 308.09           |
| 307.05               | 907.05          | 312.10               | 308.10           |
| 307.06               | 907.06          | 312.11               | 308.11           |
| 307.07               | 907.07          | 312.12               | 308.12           |
| 307.08               | 907.08          | 312.13               | 308.13           |
| 308.01               | 305.01          | 312.14               | 308.14           |
| 308.02               | 305.02          | 312.15               | 308.15           |
| 308.03               | 305.03          | 313.01               | 1202.01          |
| 308.04               | 305.04          | 313.02               | 1202.02          |
| 308.05               | 305.05          | 313.03               | 1202.03          |
| 308.06               | 305.06          | 313.04               | 1202.04          |
| 308.07               | 305.07          | 313.05               | 1202.05          |
| 308.08               | 305.08          | 313.06               | 1202.06          |
| 308.09               | 305.09          | 313.07               | 1202.07          |
| 308.10               | 305.10          | 313.08               | 1202.08          |
| 309.01               | 306.01          | 313.09               | 1202.09          |
| 309.02               | 306.02          | 314.01               | App. A, § 314.01 |
| 309.03               | 306.03          | 314.02               | App. A, § 314.02 |
| 309.04               | 306.04          | 314.03               | App. A, § 314.03 |
| 309.05               | 306.05          | 314.04               | App. A, § 314.04 |
| 309.06               | 306.06          | 316.01               | 310.01           |
| 309.07               | 306.07          | 316.02               | 310.02           |
| 310.01(A)            | 301.10          | 316.03               | 310.03           |
| 310.01(B)            | 301.10          | 316.04               | 310.04           |
| 310.01(C)            | 301.10          | 316.05               | 310.05           |
| 310.01(D)            | 301.10          | 316.06               | 310.06           |
| 310.01(E)            | 301.11          | 316.07               | 310.07           |
| 311.01               | 307.01          | 316.08               | 310.08           |
| 311.02               | 307.02          | 316.09               | 310.09           |
| 311.03               | 307.03          | 316.10               | 310.10           |
| 311.04               | 307.04          | 401.01               | 408.02           |
| 311.05               | 307.05          | 401.02               | 408.03           |
| 311.06               | 307.06          | 401.04               | 408.01           |
| 311.07               | 307.07          | 402.01               | 401.01           |
| 311.075              | 307.08          | 402.02               | 401.02           |



# CODE COMPARATIVE TABLE

| 1995 Code<br>Section | Code<br>Section | 1995 Code<br>Section | Code<br>Section |
|----------------------|-----------------|----------------------|-----------------|
| 402.03               | 309.01          | 411.02               | 407.02          |
| 402.04               | 309.02          | 411.03               | 407.03          |
| 402.05               | 309.03          | 411.04               | 407.04          |
| 402.06               | 309.04          | 501.01               | 501.01          |
| 402.07               | 309.05          | 501.02               | 501.02          |
| 402.08               | 309.06          | 501.03               | 501.03          |
| 402.09               | 401.03          | 501.04               | 501.04          |
| 402.10               | 401.04          | 501.06               | 501.05          |
| 402.11               | 401.05          | 501.07               | 501.06          |
| 402.12               | 401.06          | 501.08               | 501.07          |
| 402.13               | 401.07          | 501.09               | 501.08          |
| 403.01               | 402.01          | 501.10               | 501.09          |
| 403.02               | 402.02          | 501.11               | 501.10          |
| 403.03               | 402.03          | 501.12               | 501.11          |
| 403.04               | 312.01          | 501.13               | 501.12          |
| 403.05               | 312.02          | 501.14               | 501.13          |
| 403.06               | 312.03          | 501.15               | 501.14          |
| 403.07               | 312.04          | 501.16               | 501.15          |
| 403.08               | 312.05          | 501.17               | 501.16          |
| 403.10               | 402.04          | 501.18               | 501.17          |
| 403.11               | 402.05          | 501.19               | 501.18          |
| 403.12               | 402.06          | 501.21               | 314.01          |
| 403.13               | 402.07          | —                    | 501.19          |
| 404.01               | 403.01          | 501.22               | 501.20          |
| 404.02               | 403.02          | 501.23               | 501.21          |
| 405.01               | 404.01          | 501.24               | 501.22          |
| 405.02               | 404.02          | 501.25               | 501.23          |
| 405.03               | 404.03          | 501.26               | 501.24          |
| 405.035              | 404.04          | 502.02               | 502.01          |
| 405.04               | 404.05          | 502.03               | 502.02          |
| 405.05               | 404.06          | 502.04               | 502.03          |
| 407.01               | 405.01          | 503.01               | 503.01          |
| 407.02               | 405.02          | 503.02               | 503.02          |
| 407.03               | 405.03          | 503.03               | 503.03          |
| 407.04               | 405.04          | 503.09               | 503.04          |
| 407.05               | 405.05          | 503.10               | 503.05          |
| 407.06               | 405.06          | 505.01               | 504.01          |
| 407.07               | 405.07          | 505.02               | 504.02          |
| 407.08               | 405.08          | 505.03               | 504.03          |
| 407.09               | 405.09          | 505.04               | 504.04          |
| 407.10               | 405.10          | 506.01               | 505.01          |
| 407.11               | 405.11          | 506.02               | 505.02          |
| 409.01               | 406.01          | 506.03               | 505.03          |
| 409.02               | 406.02          | 506.04               | 505.04          |
| 409.03               | 406.03          | 507.01               | 506.01          |
| 409.04               | 406.04          | 508.01               | 109.01          |
| 409.05               | 406.05          | 508.02               | 109.02          |
| 409.06               | 406.06          | 509.01               | 507.01          |
| 409.07               | 406.07          | 509.02               | 507.02          |
| 411.01               | 407.01          | 509.03               | 507.03          |

# ROSEVILLE CITY CODE

| <b>1995 Code<br/>Section</b> | <b>Code<br/>Section</b> | <b>1995 Code<br/>Section</b> | <b>Code<br/>Section</b> |
|------------------------------|-------------------------|------------------------------|-------------------------|
| 509.04                       | 507.04                  | 701.01                       | 701.01                  |
| 509.05                       | 507.05                  | 701.02                       | 701.02                  |
| 509.06                       | 507.06                  | 701.03                       | 701.03                  |
| 509.08                       | 507.07                  | 702.01                       | 702.01                  |
| 510.01                       | 110.01                  | 702.02                       | 702.02                  |
| 510.02                       | 110.02                  | 702.03                       | 702.03                  |
| 511.01                       | 508.01                  | 702.04                       | 702.04                  |
| 511.02                       | 508.02                  | 702.05                       | 702.05                  |
| 511.03                       | 508.03                  | 702.06                       | 702.06                  |
| 511.04                       | 508.04                  | 703.01                       | 703.01                  |
| 511.05                       | 508.05                  | 703.02                       | 703.02                  |
| 511.06                       | 508.06                  | 703.03                       | 703.03                  |
| 511.07                       | 508.07                  | 703.04                       | 703.04                  |
| 511.08                       | 508.08                  | 703.05                       | 703.05                  |
| 512.01                       | 509.01                  | 703.06                       | 703.06                  |
| 512.02                       | 509.02                  | 703.07                       | 703.07                  |
| 512.03                       | 509.03                  | 703.08                       | 703.08                  |
| 512.04                       | 509.04                  | 703.09                       | 703.09                  |
| 512.05                       | 509.05                  | 703.10                       | 703.10                  |
| 512.06                       | 509.06                  | 704.01                       | 704.01                  |
| 601.01                       | 601.01                  | 704.02                       | 704.02                  |
| 601.03                       | 601.02                  | 704.03                       | 704.03                  |
| 601.05                       | 601.03                  | 704.04                       | 704.04                  |
| 602.01                       | 602.01                  | 704.05                       | 704.05                  |
| 602.02                       | 602.02                  | 704.06                       | 704.06                  |
| 602.03                       | 602.03                  | 706.01                       | 705.01                  |
| 602.04                       | 602.04                  | 706.02                       | 705.02                  |
| 602.07                       | 602.05                  | 706.03                       | 705.03                  |
| 602.08                       | 602.06                  | 706.04                       | 705.04                  |
| 602.09                       | 602.07                  | 706.05                       | 705.05                  |
| 602.10                       | 602.08                  | 706.06                       | 705.06                  |
| 603.01                       | 603.01                  | 706.07                       | 705.07                  |
| 603.02                       | 603.02                  | 706.08                       | 705.08                  |
| 603.03                       | 603.03                  | 706.09                       | 705.09                  |
| 604.01                       | 604.01                  | 706.10                       | 705.10                  |
| 604.02                       | 604.02                  | 706.11                       | 705.11                  |
| 604.03                       | 604.03                  | 706.12                       | 705.12                  |
| 604.04                       | 604.04                  | 706.13                       | 705.13                  |
| 604.05                       | 604.05                  | 706.14                       | 705.14                  |
| 604.06                       | 604.06                  | 706.15                       | 705.15                  |
| 604.07                       | 604.07                  | 706.16                       | 705.16                  |
| 605.01                       | 605.01                  | 706.17                       | 705.17                  |
| 605.02                       | 605.02                  | 706.18                       | 705.18                  |
| 605.03                       | 605.03                  | 706.19                       | 705.19                  |
| 605.04                       | 605.04                  | 707.01                       | 706.01                  |
| 605.05                       | 605.05                  | 707.02                       | 706.02                  |
| 605.06                       | 605.06                  | 707.03                       | 706.03                  |
| 605.07                       | 605.07                  | 707.04                       | 706.04                  |
| 605.08                       | 605.08                  | 707.05                       | 706.05                  |
| 605.09                       | 605.09                  | 707.06                       | 706.06                  |

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| <b>1995 Code<br/>Section</b> | <b>Code<br/>Section</b> | <b>1995 Code<br/>Section</b> | <b>Code<br/>Section</b> |
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| 707.07                       | 706.07                  | 802.01                       | 802.01                  |
| 707.08                       | 706.08                  | 802.02                       | 802.02                  |
| 707.09                       | 706.09                  | 802.03                       | 802.03                  |
| 707.10                       | 706.10                  | 802.04                       | 802.04                  |
| 707.11                       | 706.11                  | 802.06                       | 802.05                  |
| 707.12                       | 706.12                  | 802.07                       | 802.06                  |
| 707.13                       | 706.13                  | 802.08                       | 802.07                  |
| 707.14                       | 706.14                  | 802.09                       | 802.08                  |
| 707.15                       | 706.15                  | 802.10                       | 802.09                  |
| 707.16                       | 706.16                  | 802.11                       | 802.10                  |
| 707.17                       | 706.17                  | 802.12                       | 802.11                  |
| 707.18                       | 706.18                  | 802.13                       | 802.12                  |
| 707.19                       | 706.19                  | 802.14                       | 802.13                  |
| 707.20                       | 706.20                  | 802.15                       | 802.14                  |
| 707.21                       | 706.21                  | 802.16                       | 802.15                  |
| 707.22                       | 706.22                  | 802.17                       | 802.16                  |
| 707.23                       | 706.23                  | 803.01                       | 803.01                  |
| 707.24                       | 706.24                  | 803.02                       | 803.02                  |
| 707.25                       | 706.25                  | 803.03                       | 803.03                  |
| 707.26                       | 706.26                  | 803.04                       | 803.04                  |
| 707.27                       | 706.27                  | 803.05                       | 803.06                  |
| 707.28                       | 706.28                  | 901.01                       | 901.01                  |
| 707.29                       | 706.29                  | 901.02                       | 901.02                  |
| 707.30                       | 706.30                  | 901.03                       | 901.03                  |
| 707.31                       | 706.31                  | 901.04                       | 901.04                  |
| 707.32                       | 706.32                  | 901.06                       | 901.05                  |
| 707.33                       | 706.33                  | 901.08                       | 901.06                  |
| 801.01                       | 801.01                  | 901.09                       | 901.07                  |
| 801.02                       | 801.02                  | 901.10                       | 901.08                  |
| 801.03                       | 801.03                  | 901.11                       | 901.09                  |
| 801.04                       | 801.04                  | 901.12                       | 901.10                  |
| 801.05                       | 801.05                  | 901.14                       | 901.11                  |
| 801.06                       | 801.06                  | 901.15                       | 901.12                  |
| 801.07                       | 801.07                  | 901.16                       | 901.13                  |
| 801.08                       | 801.08                  | 902.01                       | 902.01                  |
| 801.09                       | 801.09                  | 902.02                       | 902.02                  |
| 801.10                       | 801.10                  | 902.03                       | 902.03                  |
| 801.11                       | 801.11                  | 902.04                       | 902.04                  |
| 801.12                       | 801.12                  | 902.06                       | 902.05                  |
| 801.13                       | 801.13                  | 902.08                       | 902.06                  |
| 801.14                       | 801.14                  | 902.09                       | 902.07                  |
| 801.15                       | 801.15                  | 902.11                       | 902.08                  |
| 801.16                       | 801.16                  | 902.12                       | 902.09                  |
| 801.17                       | 801.17                  | 902.13                       | 902.10                  |
| 801.18                       | 801.18                  | 903.01                       | 903.01                  |
| 801.19                       | 801.19                  | 904.01                       | 904.01                  |
| 801.20                       | 801.20                  | 904.02                       | 904.02                  |
| 801.21                       | 801.21                  | 905.01                       | 905.01                  |
| 801.22                       | 801.22                  | 905.02                       | 905.02                  |
| 801.23                       | 801.23                  | 905.03                       | 905.03                  |

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| 1995 Code<br>Section | Code<br>Section | 1995 Code<br>Section | Code<br>Section |
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| 905.04               | 905.04          | 909.14               | 313.14          |
| 906.01               | 906.01          | 909.15               | 313.15          |
| 906.02               | 906.02          | 909.16               | 313.16          |
| 906.03               | 906.03          | 910.01               | 1201.106        |
| 906.04               | 906.04          | 910.02               | 1201.107        |
| 906.05               | 906.05          | 910.03               | 1201.108        |
| 906.06               | 906.06          | 910.04               | 1201.109        |
| 906.07               | 906.07          | 910.05               | 1201.110        |
| 906.09               | 906.09          | 910.06               | 1201.111        |
| 907.01               | 1201.13         | 910.07               | 1201.112        |
| 907.02               | 1201.14         | 1101.01              | 1101.01         |
| 907.03               | 1201.15         | 1101.02              | 1101.02         |
| 907.04               | 1201.16         | 1102.01              | 1102.01         |
| 907.05               | 1201.17         | 1102.02              | 1102.02         |
| 907.06               | 1201.18         | 1102.03              | 1102.03         |
| 907.07               | 1201.19         | 1102.04              | 1102.04         |
| 907.08               | 1201.20         | 1102.05              | 1102.05         |
| 907.09               | 1201.21         | 1103.01              | 1103.01         |
| 907.10               | 1201.22         | 1103.02              | 1103.02         |
| 907.11               | 1201.23         | 1103.03              | 1103.03         |
| 907.12               | 1201.24         | 1103.04              | 1103.04         |
| 907.13               | 1201.25         | 1103.05              | 1103.05         |
| 907.14               | 1201.26         | 1103.06              | 1103.06         |
| 907.15               | 1201.27         |                      |                 |
| 907.16               | 1201.28         |                      |                 |
| 908.01               | 1201.43         |                      |                 |
| 908.02               | 1201.44         |                      |                 |
| 908.03               | 1201.45         |                      |                 |
| 908.04               | 1201.46         |                      |                 |
| 908.05               | 1201.47         |                      |                 |
| 908.06               | 1201.48         |                      |                 |
| 908.07               | 1201.49         |                      |                 |
| 908.08               | 1201.50         |                      |                 |
| 908.09               | 1201.51         |                      |                 |
| 908.10               | 1201.52         |                      |                 |
| 908.11               | 1201.53         |                      |                 |
| 908.12               | 1201.54         |                      |                 |
| 909.01               | 313.01          |                      |                 |
| 909.02               | 313.02          |                      |                 |
| 909.03               | 313.03          |                      |                 |
| 909.04               | 313.04          |                      |                 |
| 909.05               | 313.05          |                      |                 |
| 909.06               | 313.06          |                      |                 |
| 909.07               | 313.07          |                      |                 |
| 909.08               | 313.08          |                      |                 |
| 909.09               | 313.09          |                      |                 |
| 909.10               | 313.10          |                      |                 |
| 909.11               | 313.11          |                      |                 |
| 909.12               | 313.12          |                      |                 |
| 909.13               | 313.13          |                      |                 |

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| Ord. No. 168       | 9-15-1953   | —              | 802.13                  |
| Ord. No. 190       | 7-20-1954   | —              | 907.02, 907.03          |
| Ord. No. 207       | 11-9-1955   | —              | 405.02                  |
| Ord. No. 217       | 6-12-1956   | —              | 704.01, 704.02          |
| Ord. No. 218       | 9-4-1956    | —              | 802.01                  |
|                    |             | —              | 802.08, 802.09          |
|                    |             | —              | 802.10                  |
| Ord. No. 219       | 9-4-1956    | —              | 802.02                  |
|                    |             | —              | 802.05                  |
| Ord. No. 234       | 8-6-1957    | —              | 802.04                  |
| Ord. No. 270       | 1-27-1958   | —              | 602.01—602.04           |
| Ord. No. 244       | 5-10-1958   | —              | 502.01—502.03           |
| Ord. No. 286       | 11-24-1959  | —              | 703.01                  |
|                    |             | —              | 703.09                  |
| Ord. No. 320       | 6-9-1961    | —              | 405.05                  |
| Ord. No. 337       | 9-8-1961    | —              | 703.08                  |
| Ord. No. 349       | 12-1-1961   | —              | 314.01                  |
|                    |             | —              | 501.19                  |
| Ord. No. 361       | 2-26-1962   | —              | 602.07                  |
| Ord. No. 668       | 6-12-1962   | —              | 603.01—603.03           |
| Ord. No. 377       | 9-10-1962   | —              | 803.02                  |
| Ord. No. 394       | 3-27-1963   | —              | 801.18                  |
| Ord. No. 288       | 4-22-1963   | —              | 801.04                  |
| Ord. No. 388       | 4-22-1963   | —              | 801.01, 801.02          |
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|                    |             | —              | 801.13—801.17           |
|                    |             | —              | 801.21, 801.22          |
| Ord. No. 394       | 5-27-1963   | —              | 801.19                  |
| Ord. No. 401       | 8-26-1963   | —              | 602.08                  |
| Ord. No. 403       | 9-9-1963    | —              | 502.01                  |
|                    |             | —              | 502.03                  |
| Ord. No. 409       | 12-23-1963  | —              | 801.19                  |
| Ord. No. 412       | 3-9-1964    | —              | 408.03                  |
| Ord. No. 414       | 4-6-1964    | —              | 802.06                  |
| Ord. No. 419       | 4-20-1964   | —              | 801.23                  |
| Ord. No. 448       | 12-7-1964   | —              | 704.03—704.06           |
| Ord. No. 487       | 4-11-1966   | —              | 907.01                  |
| Ord. No. 499       | 8-8-1966    | —              | 405.02                  |
| Ord. No. 523       | 1-9-1967    | —              | 801.19                  |
| Ord. No. 528       | 3-13-1967   | —              | 901.07                  |

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| Legislation  | Date       | Section | Code<br>Section |
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| Ord. No. 531 | 3-20-1967  | —       | 802.04          |
| Ord. No. 532 | 3-20-1967  | —       | 802.05          |
| Ord. No. 534 | 4-24-1967  | —       | 701.01—701.03   |
| Ord. No. 556 | 8-14-1967  | —       | 502.03          |
| Ord. No. 552 | 8-28-1967  | —       | 601.02          |
| Ord. No. 597 | 4-28-1969  | —       | 301.10          |
| Ord. No. 620 | 4-27-1970  | —       | 801.11          |
| Ord. No. 625 | 7-20-1970  | —       | 403.01          |
| Ord. No. 636 | 11-9-1970  | —       | 905.01—905.04   |
| Ord. No. 637 | 11-9-1970  | —       | 901.11          |
| Ord. No. 685 | 11-21-1972 | —       | 502.03          |
| Ord. No. 687 | 12-18-1972 | —       | 602.07          |
| Ord. No. 688 | 12-18-1972 | —       | 802.04          |
| Ord. No. 690 | 1-15-1973  | —       | 502.03          |
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| Ord. No. 729 | 4-29-1974  | —       | 506.01          |
| Ord. No. 733 | 8-12-1974  | —       | 801.10          |
|              |            | —       | 801.19          |
| Ord. No. 734 | 9-9-1974   | —       | 314.01          |
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| Ord. No. 793 | 9-20-1976  | —       | 305.01—305.09   |
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| Ord. No. 867 | 9-22-1980  | —       | 902.05          |
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| Ord. No. 873 | 12-22-1980 | —       | 801.22          |
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| Ord. No. 906 | 5-10-1982  | —       | 907.01          |
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|                |            | —       | 802.04         |
| Ord. No. 1016  | 6-8-1987   | —       | 405.07, 405.08 |
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| Ord. No. 1054  | 1-23-1989  | —       | 502.01         |
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| Ord. No. 1638 | 8-21-2023  | 1         | 310.02          |
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| Ord. No. 1640 | 9-11-2023  | 1         | 302.14          |
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1  
2  
3                   **City of Roseville**  
4                   **ORDINANCE NO. \_\_\_\_\_**

5                   **AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE**  
6                   **CITY OF ROSEVILLE, MINNESOTA; PROVIDING FOR THE REPEAL**  
7                   **OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING**  
8                   **A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE**  
9                   **MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN**  
10                  **SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**

11  
12                  THE CITY OF ROSEVILLE DOES ORDAIN:

13  
14                  Section 1. Minnesota Statutes, sections 415.02, 415.021, and 599.13 (collectively the  
15                  “Act”) authorize the City of Roseville (the “City”) to adopt and codify ordinances. The Act also  
16                  provides that any ordinance included in a new city code, but not previously published, is  
17                  sufficiently published if a substantial quantity of the code is printed for general distribution to the  
18                  public.

19                  Section 2. City staff and consultants undertook an extensive process to review and update  
20                  the Roseville City Code with the understanding that once all the amendments were finalized, they  
21                  would be incorporated into a new code book, which would be reformatted and readopted as a single  
22                  unified Roseville City Code. The purpose of the recodification is not to implement substantive  
23                  revisions to local laws and policies, but rather to remove outdated and unnecessary code language,  
24                  reformat the code, update staff titles, and modernize the code to conform to current City practices  
25                  and state law, as necessary. The updated code has been prepared and it is the intent of this  
26                  Ordinance to adopt the recodification. A complete copy of the Code was presented to the City  
27                  Council and the public together with this Ordinance and is further on file with the City Clerk.

28                  Section 3. The Code entitled "Code of Ordinances of the City of Roseville, Minnesota,"  
29                  published by CivicPlus, LLC, consisting of titles 1 through 12, each inclusive, is adopted.

30       Section 4. The City Clerk is authorized and directed to prepare sufficient copies of the  
31 Code for use by the City Council and City staff and for general distribution to the public in  
32 accordance with City policies regarding the distribution and availability of City documents. The  
33 City Clerk shall also keep an official copy of the Code in the office of the City Clerk and ensure  
34 that, following the effective date, a copy is available through the City's website.

35       Section 5. The Code shall be controlling and shall supersede and replace ordinances  
36 adopted on or before June 2, 2025 pertaining to the same subjects contained within the Code, which  
37 are hereby repealed as of the effective date of this Ordinance. Such repeal shall not affect: (i) any  
38 offense committed or penalty incurred under the previous code; (ii) any rights vested prior to the  
39 effective date of this Ordinance; or (iii) the provisions of ordinances levying taxes, appropriating  
40 money, annexing or detaching territory, establishing franchises, granting special rights to certain  
41 persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of  
42 money, authorizing the purchase or sale of real or personal property, granting or accepting  
43 easements, plat or dedication of land to public use; or vacating or setting the boundaries of streets  
44 or other public places. Furthermore, nothing in this Ordinance or the Code is to be construed to  
45 modify, abrogate or abridge: (i) the rights, duties, liabilities, privileges or immunities of the City;  
46 (ii) the qualifications or terms of office of City officers as they existed prior to adoption; or (iii)  
47 any special ordinance or franchise not embodied in the Code. The Code is declared to be prima  
48 facie evidence of the law of the City and shall be received in evidence as provided by Minnesota  
49 Statutes by the courts of the State of Minnesota.

50       Section 6. Unless another penalty is expressly provided, every person convicted of a  
51 violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in

pursuance thereof shall be punished by a fine up to the maximum permitted or required by state law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city council may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 7. Additions or amendments to the Code when passed in such form as to indicate the intention of the city council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 8. Ordinances adopted after June 2, 2025, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 9. This ordinance shall become effective November 1, 2025.

Passed by the City Council of the City of Roseville this \_\_\_\_ day of \_\_\_\_\_, 2025.

Ordinance – Title of Ordinance: AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF ROSEVILLE, MINNESOTA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

(SEAL)

CITY OF ROSEVILLE

BY: \_\_\_\_\_  
Daniel J. Roe, Mayor

ATTEST:

\_\_\_\_\_  
Patrick Trudgeon, City Manager

\* \* \* \* \*

ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF ROSEVILLE, MINNESOTA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE”.

On October 20, 2025, the City Council of the City of Roseville adopted Ordinance No. \_\_\_\_ which adopted a recodification of the City’s ordinances. City staff and consultants undertook an extensive process to review and update the Code of Ordinances of the City of Roseville, Minnesota so that the City’s ordinances could be incorporated into a new code book, which was reformatted as a single unified Code of Ordinances of the City of Roseville, Minnesota. The purpose of the recodification was not to implement substantive revisions to local laws and policies, but rather to remove outdated and unnecessary code language, reformat the code, update staff titles, and modernize the code to conform to current City practices and state law, as necessary. Prior to adoption, a complete copy of the new Code of Ordinances of the City of Roseville, Minnesota was presented to the City Council and the public and was further on file with the City Clerk and made available for viewing on the City’s website.

BE IT FURTHER RESOLVED by the Roseville City Council that the City Clerk keep a copy of the ordinance at City Hall, 2660 Civic Center Drive, Roseville, MN for public inspection during regular office hours. A copy of the ordinance and summary shall also be posted on the City’s website. ([www.cityofroseville.com](http://www.cityofroseville.com))

The motion for the adoption of the foregoing resolution was duly seconded by member \_\_\_\_ and upon a vote being taken thereon, the following voted in favor thereof: \_\_\_\_; and the following voted against the same: \_\_\_\_.

WHEREUPON, said resolution was declared duly passed and adopted.



State of Minnesota)  
 ) SS  
County of Ramsey)

I, undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 20<sup>th</sup> day of October 2025, with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 20<sup>th</sup> day of October, 2025.

\_\_\_\_\_  
Patrick Trudgeon, City Manager

Seal

**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 10/20/2025

Item No.: 7.d.

Department Approval



City Manager Approval



**Item Description:** Approve updates to the City Council and Advisory Commission Rules of Procedure for Remote Participation

**Background**

Rule 7 of the City Council and Advisory Commission Rules of Procedure governs remote participation at city meetings. It reads as follows:

**Rule 7 Remote Participation**

*Members of Council and Commissions will attend all meetings in person and may only attend remotely when permitted to do so by the Open Meeting Law and must follow all notice and other requirements of the Open Meeting Law.*

*All staff reports, consultant reports, and citizen testimony will be in person, unless remote participation is required due to unforeseen circumstances or situations outside of the control of the individual. Remote participation should be coordinated with the City Manager at least one business day in advance of the meeting.*

During the 2025 Legislative Session, the Minnesota Legislature modified the state Open Meeting Law as it pertains to remote participation at public meetings. Previous state law regarding participating remotely at public meetings required, among other things, that a public official participating remotely disclose the location where they are participating in the meeting from and make sure that the location is accessible and open to the public. However, state law allowed public officials to participate remotely without having to publically notice their location if they were performing duties as part of active military service or if they were advised by a medical professional to not be in a public setting for medical or personal reasons. This exception was limited to three times per year. A city still needed to give notice of the location of the in-person meeting and state that some members may participate remotely.

With the change in state law, cities are no longer required to list the remote attendance locations in meeting notices, and the three-meeting exception for military service and health-related conditions has been removed. Therefore, there is no limit on the number of times a public official may participate in a meeting and their location does not need to be disclosed.

As a reminder, meetings can be held with public officials virtually if all the following other requirements are met:

- All members must be able to hear and see each other, as well as any discussion and testimony presented at any location where at least one member is present.
- All members of the public at the regular meeting location must be able to hear and see all discussion, testimony, and votes.
- All votes must be conducted by roll call, so each member's vote can be identified and recorded.
- Meeting minutes must include the names of members attending via interactive television technology and state the reason for their remote participation.

At the August 11 meeting, Council discussed and provided guidance on changes to the policy. These changes would allow remote participation by Councilmembers and Commission members up to three (3) times in a calendar year with no limitations specific to medical reasons. The requirement to coordinate remote participation at least one business day in advance of the meeting remains the same.

## **Policy Objectives**

Ensuring clear and defined procedures for conducting City Council and Commission meetings is important in providing transparency and building trust with the public that City business will be conducted in a fair and consistent manner.

## **Equity Impact Summary**

The implementation of the Rules of Procedure for city council meetings is intended to create a structured, inclusive, and transparent framework. There are various components that promote equity and inclusivity. For example, the rules mandate live-streaming and recording of meetings, which enhance access for those unable to attend in person. Additionally, on the city's YouTube channel, videos have closed captioning, which increases accessibility for individuals. The city has also recently updated its equipment for those needing assisted listening devices.

## **Budget Implications**

There is no expected budget impact. The City currently has the hardware and software to conduct virtual meetings.

## **Staff Recommendations**

Staff recommends the City Council approve the change to the City Council and Advisory Commission Rules of Procedure allowing Councilmembers and Commission members to participate remotely up to three (3) times annually.

## **Requested Council Action**

Motion to approve the change to the City Council and Advisory Commission Rules of Procedure allowing Councilmembers and Commission members to participate remotely up to three (3) times annually.

**Prepared by:** Rebecca Olson, Assistant City Manager

**Attachments:**

1. LMC Information about Remote Participation Law Change
2. 2025 Revised Rules of Procedure Adopted\_redlined
3. 10.13.2025\_Revised Rules of Procedure Adopted\_clean





# Focus on New Laws: Remote Attendance Open and Accessible Location Disclosure Requirement Repealed

July 14, 2025

**A 2025 law makes changes to the Open Meeting Law, eliminating the “open and accessible” location rule for remote meeting attendees. Cities no longer need to disclose remote attendance locations in meeting notices.**

The Minnesota Open Meeting Law previously required members of public bodies who participated in meetings via interactive technology to do so from a location “open and accessible” to the public. As a result, meeting notices had to include the remote location of each participating member. Members attending remotely due to military service or health conditions were exempt from the open and accessible requirement for up to three meetings a year.

Effective May 24, 2025, that requirement has been repealed. Cities are no longer required to list the remote attendance locations in meeting notices, and the three-meeting exception for military service and health-related conditions has also been removed.

When holding meetings using interactive technology, cities must still give notice of the regular meeting location and state that some members may participate remotely. However, they are no longer required to disclose the remote locations of those members. Notice requirements for the regular meeting location remain the same as for in-person council meetings and depend on whether the interactive technology meeting is a regular, special, or an emergency meeting.

## New remote meeting requirements

Meetings may be held via interactive technology if the following requirements are met:

At least one member is physically present at the regular meeting location, and notice of that location is provided.

- All members must be able to hear and see each other, as well as any discussion and testimony presented at any location where at least one member is present.
- All members of the public at the regular meeting location must be able to hear and see all discussion, testimony, and votes.
- All votes must be conducted by roll call so each member’s vote can be identified and recorded.
- Meeting minutes must include the names of members attending via interactive television technology and state the reason for their remote participation.

## Additional resources

Read more about options for remote meeting attendance in the League of Minnesota Cities information memo [City Options for Meeting Remotely](#).

[Read more news articles.](#)

---

Your LMC Resource

Tori Kee

IGR Representative/Attorney

(651) 281-1292

[tkee@lmc.org](mailto:tkee@lmc.org)

Revised January 6, January 27, October 13, 2025

## **Roseville City Council and Advisory Commission Rules of Procedure**

### **Rules Pertaining to Both the City Council and Commissions:**

#### **Rule 1 Rosenberg's Rules of Order**

The City adopts Rosenberg's Rules of Order for all meetings.

#### **Rule 2 Electronic and/or Paper Agenda Packets**

In an effort to reduce the amount of paper generated, documents will be made available electronically, when feasible.

#### **Rule 3 Public Comment**

The City will receive public comment at meetings in accordance with the following guidelines:

- a. Public Comment at the beginning of a meeting and not pertaining to an agenda item is for the purpose of allowing the public the opportunity to express their viewpoints about policy issues facing their City government. Comments will be limited to 3 minutes per speaker or a different amount of time at the discretion of the chair.
- b. Public Comment pertaining to agenda items is for the purpose of allowing any member of the public an opportunity to provide input on that item. These public comments will generally be received after the staff presentation on that agenda item and before discussion and deliberation. These public comments are also limited to 3 minutes per speaker or a different amount of time at the discretion of the chair.
- c. Members of the public are always free, and encouraged, to reduce to writing their comments about city business and to submit written comments before, during, or after a meeting.
- d. Signs may be held and displayed during meetings but only at the back of the Council Chambers so that the view of the seated audience is not obstructed.
- e. Public comment, like staff and Council or commission member comments, will pertain to the merits of an issue; personal attacks will be ruled out of order.
- f. The Mayor or presiding officer may make special time-length arrangements for speakers representing a group.
- g. The public speaking time limits above do not apply to pre-arranged presenters or to the subjects of or applicants for council action, or appellants or petitioners to the council. Such speakers are encouraged to limit their remarks to 10 minutes or less.

**Rule 4 Issue and Meeting Curfew**

The City recognizes that meetings are for the benefit of the citizens of Roseville, so meetings should end by 9:00 p.m. At 10 p.m., meetings may be extended upon the majority vote of the City Council or commission members present, but at no time will a meeting run past 11:00 p.m. If business remains on the agenda, the Council or commission may continue the meeting to a future date or table such items until the next meeting, if needed.

**Rule 5 Recording of Meetings**

Except for closed executive sessions authorized under state law, all meetings of the City Council and commissions shall be shown live when technically possible and recorded in their entirety for replaying on the municipal cable channel and for web streaming except when the City Council directs by motion otherwise.

**Rule 6 Agenda**

The following shall be the order of business of the City Council. Items marked with an asterisk apply to Commissions (with item numbers adjusted accordingly):

- 1) Roll Call\*
- 2) Pledge of Allegiance
- 3) Approve Agenda\*
- 4) Public Comment\*
- 5) Recognitions and Donations
- 6) Items Removed from Consent Agenda
- 7) Business Items\*
- 8) Council (or Commission) Direction on Member Initiated Agenda Items\*
- 9) Approval of Minutes\*
- 10) Consent Agenda
- 11) Future Agenda Review, Reports, and Announcements - Council and City Manager
- 12) Adjourn\*

Business Items may include Presentations, Discussions, Public Hearings, Work Session Items, and/or other Actions, as appropriate.

The Council or Commission will schedule a 10-minute break approximately two hours after the start of the meeting.

Councilmembers and Commissioners are encouraged to introduce new items including background



information and supporting materials for discussion and possible action. Councilmembers and Commissioners have the right to place items on the agenda as follows:

1. A Councilmember or Commissioner may, at a meeting, request that an item be placed on a future agenda, or;
2. A Councilmember or Commissioner may make a request for an agenda item outside of a meeting by submitting an email request to the city manager or staff liaison, no later than noon of the Wednesday preceding the meeting.

An agenda item submitted per 1 or 2 above will be included on the agenda for the next meeting under the heading "Council (or Commission) Direction on Councilmember (or Commissioner) Initiated Agenda Items" at which time the Council, (or Commission) on consideration of any preliminary material provided by the initiating Councilmember (or Commissioner) for inclusion in the meeting packet, will by motion provide direction as to whether, how, and when the agenda item will be taken up at a subsequent meeting, or;

Additionally, a Councilmember (or Commissioner) may request the addition of an agenda item at the same meeting at which the item is proposed to be addressed. However, the addition of such an agenda item shall require the approval of a majority of the Councilmembers (or Commissioners) present.

#### **Rule 7 Remote Participation**

Members of Council and Commissions are expected to attend all meetings in person. ~~Consistent with Minnesota's Open Meeting Law, members may participate remotely up to three times per calendar year, when permitted to do so by the Open Meeting Law and must follow provided~~ all notice and other requirements of the Open Meeting Law are met.

All staff reports, consultant reports, and citizen testimony will be in person, unless remote participation is required due to unforeseen circumstances or situations outside of the control of the individual.

Remote participation should be coordinated with the City Manager at least one business day in advance of the meeting.

#### **Rule 8 Presiding Officer in Absence of Both Mayor & Acting Mayor (or Chair & Vice Chair)**

In the absence of both the presiding officer and the designated alternate, a meeting will be presided over by the most senior member (or in the event of a tie in seniority the most senior member whose last name comes first alphabetically) until the body by affirmative vote on a motion designates any other presiding officer.

#### **Rule 9 Suspension of Rules**

Pursuant to Rosenberg's Rules of Order, these Rules may be suspended in specific situations upon a 2/3s vote of the members present.

#### **Rule 10 Effective Date**

These Rules shall become effective upon adoption by a majority of the City Council and shall remain

in effect until amended or repealed by subsequent vote of the Council.

### **Rules Pertaining to the City Council Only**

#### **Rule 11 Timing of Council Packet Formation and Delivery**

Every effort will be made to send draft agendas and supporting documents to Councilmembers four days in advance of an item appearing on a Council agenda. This time will give Councilmembers adequate time to study an issue and seek answers to questions.

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The Council may, as issues arise, establish a two-member task force to study the issue. The membership will be agreed upon by the City Council majority. The task force will have a specific topic or issue to address, and the task force will report its findings or recommendations by a specific deadline established by the Council.

Revised January 6, January 27, October 13, 2025

## Roseville City Council and Advisory Commission Rules of Procedure

### Rules Pertaining to Both the City Council and Commissions:

#### Rule 1 Rosenberg's Rules of Order

The City adopts Rosenberg's Rules of Order for all meetings.

#### Rule 2 Electronic and/or Paper Agenda Packets

In an effort to reduce the amount of paper generated, documents will be made available electronically, when feasible.

#### Rule 3 Public Comment

The City will receive public comment at meetings in accordance with the following guidelines:

- a. Public Comment at the beginning of a meeting and not pertaining to an agenda item is for the purpose of allowing the public the opportunity to express their viewpoints about policy issues facing their City government. Comments will be limited to 3 minutes per speaker or a different amount of time at the discretion of the chair.
- b. Public Comment pertaining to agenda items is for the purpose of allowing any member of the public an opportunity to provide input on that item. These public comments will generally be received after the staff presentation on that agenda item and before discussion and deliberation. These public comments are also limited to 3 minutes per speaker or a different amount of time at the discretion of the chair.
- c. Members of the public are always free, and encouraged, to reduce to writing their comments about city business and to submit written comments before, during, or after a meeting.
- d. Signs may be held and displayed during meetings but only at the back of the Council Chambers so that the view of the seated audience is not obstructed.
- e. Public comment, like staff and Council or commission member comments, will pertain to the merits of an issue; personal attacks will be ruled out of order.
- f. The Mayor or presiding officer may make special time-length arrangements for speakers representing a group.
- g. The public speaking time limits above do not apply to pre-arranged presenters or to the subjects of or applicants for council action, or appellants or petitioners to the council. Such speakers are encouraged to limit their remarks to 10 minutes or less.

**Rule 4 Issue and Meeting Curfew**

The City recognizes that meetings are for the benefit of the citizens of Roseville, so meetings should end by 9:00 p.m. At 10 p.m., meetings may be extended upon the majority vote of the City Council or commission members present, but at no time will a meeting run past 11:00 p.m. If business remains on the agenda, the Council or commission may continue the meeting to a future date or table such items until the next meeting, if needed.

**Rule 5 Recording of Meetings**

Except for closed executive sessions authorized under state law, all meetings of the City Council and commissions shall be shown live when technically possible and recorded in their entirety for replaying on the municipal cable channel and for web streaming except when the City Council directs by motion otherwise.

**Rule 6 Agenda**

The following shall be the order of business of the City Council. Items marked with an asterisk apply to Commissions (with item numbers adjusted accordingly):

- 1) Roll Call\*
- 2) Pledge of Allegiance
- 3) Approve Agenda\*
- 4) Public Comment\*
- 5) Recognitions and Donations
- 6) Items Removed from Consent Agenda
- 7) Business Items\*
- 8) Council (or Commission) Direction on Member Initiated Agenda Items\*
- 9) Approval of Minutes\*
- 10) Consent Agenda
- 11) Future Agenda Review, Reports, and Announcements - Council and City Manager
- 12) Adjourn\*

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**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 10/20/2025

Item No.: 10.a.

Department Approval



City Manager Approval



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**Item Description:** Approval of Payments

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**Background**

State Statute requires the City Council to approve all payment of claims. The following summary of claims has been submitted to the City for payment.

| Check Series #  | Amount         |
|-----------------|----------------|
| ACH Payments    | \$473,955.25   |
| 113893 – 113949 | \$812,160.74   |
| Total           | \$1,286,155.99 |

A detailed report of the claims is attached. The City Staff has reviewed the claims and considers them to be appropriate for the goods and services received.

**Policy Objectives**

Under MN State Statute, all claims are required to be paid within 35 days of receipt.

**Equity Impact Summary**

Local governments play an important role in building racially equitable and inclusive regional economies. Payments to vendors contribute to the local economy by supporting businesses within the community, including those owned by people of color. Ensuring equitable distribution of contracts and payments among vendors, particularly minority-owned businesses, can help promote economic equity. This supports the broader goals of reducing racial economic disparities as well as Roseville's aspiration to have a community that is economically prosperous with a stable and broad tax base and vibrant small businesses.

**Budget Implications**

All expenditures listed above have been funded by the current budget, from donated monies, or from cash reserves.

**Staff Recommendations**

Staff recommends approval of all payment of claims.

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**Requested Council Action**

Motion to approve the payment of claims as submitted.

**Prepared by:** Phil Weix - Assistant Finance Director

**Attachments:** 1. Checks for Approval

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## INVOICE DISTRIBUTION REPORT FOR CITY OF ROSEVILLE

ATTACHMENT 1: CHECKS FOR APPROVAL

| GL Number                                            | GL #<br>Line Desc          | Vendor Name                | Invoice<br>Description                             | Amount    | Check<br>Number |
|------------------------------------------------------|----------------------------|----------------------------|----------------------------------------------------|-----------|-----------------|
| <b>Fund: 100 General Fund</b>                        |                            |                            |                                                    |           |                 |
| <b>Department: 01-00 CITY COUNCIL</b>                |                            |                            |                                                    |           |                 |
| 100-01-00-448000                                     | Miscellaneous              | Metro-INET                 | PWET YOUTH COMMISSIONER EMAIL                      | 338.00    | 5307            |
|                                                      |                            |                            | Total Department 01-00 CITY COUNCIL                | 338.00    |                 |
| <b>Department: 02-00 ADMINISTRATION</b>              |                            |                            |                                                    |           |                 |
| 100-02-00-420000                                     | Office Supplies            | Innovative Office Solution | SEPTEMBER OFFICE SUPPLIES                          | 194.24    | 5296            |
| 100-02-00-430000                                     | Professional Services      | Metro-INET                 | SEPTEMBER IT SERVICES                              | 78,179.00 | 5307            |
| 100-02-00-430000                                     | Professional Services      | Shred-N-Go, Inc.           | ADMIN DEPT SHREDDING THRU SEPT                     | 85.30     | 113924          |
| 100-02-00-442000                                     | Memberships & Subscription | Roseville Rotary           | CITY MANAGER QUARTERLY ROTARY CLUB DU              | 365.00    | 113898          |
| 100-02-00-448000                                     | Miscellaneous              | KELLY & LEMMONS, P.A.      | VETERANS PREFERENCE TRAINING                       | 900.00    | 113936          |
|                                                      |                            |                            | Total Department 02-00 ADMINISTRATION              | 79,723.54 |                 |
| <b>Department: 08-00 CENTRAL SERVICES</b>            |                            |                            |                                                    |           |                 |
| 100-08-00-424000                                     | Operating Supplies         | Innovative Office Solution | SEPTEMBER OFFICE SUPPLIES                          | 679.60    | 5296            |
|                                                      |                            |                            | Total Department 08-00 CENTRAL SERVICES            | 679.60    |                 |
| <b>Department: 10-00 POLICE DEPARTMENT</b>           |                            |                            |                                                    |           |                 |
| 100-10-00-420000                                     | Office Supplies            | Innovative Office Solution | SEPTEMBER OFFICE SUPPLIES                          | 245.27    | 5296            |
| 100-10-00-423000                                     | Vehicle Supplies & Mainten | STREICHER'S                | LOCK OUT KITS FOR SQUADS (4)                       | 309.96    | 5295            |
| 100-10-00-424000                                     | Operating Supplies         | Code 4 Laser Works - CC    | NEW DEPARTMENT PATCHES (LOBBY AND TRA              | 3,400.00  | 113926          |
| 100-10-00-430000                                     | Professional Services      | Martin McAllister, Inc.    | PUBLIC SAFETY ASSESSMENT - HENRY THOM              | 650.00    | 113901          |
| 100-10-00-430000                                     | Professional Services      | Masa Consulting, Inc.      | MENTAL HEALTH CONSULTING SERVICES - S              | 3,400.00  | 5301            |
| 100-10-00-430000-PD0006                              | Professional Services      | AXTELL GROUP LLC           | ACCREDITATION PROJECT - QUARTER THREE              | 27,500.00 | 113934          |
| 100-10-00-441000                                     | Training                   | Forest Lake Sportsmen's Cl | RANGE RENTAL - JUNE- SEPT (11 SESSION              | 3,960.00  | 113921          |
|                                                      |                            |                            | Total Department 10-00 POLICE DEPARTMENT           | 39,465.23 |                 |
| <b>Department: 13-00 FIRE DEPARTMENT</b>             |                            |                            |                                                    |           |                 |
| 100-13-00-430000                                     | Professional Services      | Masa Consulting, Inc.      | SEP                                                | 2,100.00  | 5301            |
| 100-13-00-437000                                     | Contract Maint. - Vehicles | Circle K Stores Inc.       | CAR WASHES SEP                                     | 136.50    | 113927          |
| 100-13-00-437000                                     | Contract Maint. - Vehicles | Ramsey County              | CAD INFO ON PHONES SUBSCRIPTION                    | 10.00     | 113914          |
| 100-13-00-439000                                     | CONTRACT MAINTENANCE       | Barnum Companies, Inc.     | BAY DOORS AND GATE PM CHECKS                       | 2,010.92  | 113923          |
|                                                      |                            |                            | Total Department 13-00 FIRE DEPARTMENT             | 4,257.42  |                 |
| <b>Department: 13-23 FIRE RELIEF</b>                 |                            |                            |                                                    |           |                 |
| 100-13-23-414000                                     | Employer Pension           | Roseville Firefighter's Re | 2025 FIRE SUPPLEMENTAL                             | 46,042.92 | 5290            |
|                                                      |                            |                            | Total Department 13-23 FIRE RELIEF                 | 46,042.92 |                 |
| <b>Department: 20-20 PUBLIC WORKS ADMINISTRATION</b> |                            |                            |                                                    |           |                 |
| 100-20-20-420000                                     | Office Supplies            | CES Imaging                | MONTHLY FEE                                        | 75.00     | 113917          |
| 100-20-20-420000                                     | Office Supplies            | Innovative Office Solution | SEPTEMBER OFFICE SUPPLIES                          | 78.34     | 5296            |
| 100-20-20-420000                                     | Office Supplies            | Premium Waters Inc         | MONTHLY FEE                                        | 10.68     | 5289            |
| 100-20-20-442000                                     | Memberships & Subscription | Metro-INET                 | 0365 LICENSE-DES MUELLER                           | 179.00    | 5307            |
|                                                      |                            |                            | Total Department 20-20 PUBLIC WORKS ADMINISTRATION | 343.02    |                 |
| <b>Department: 20-21 STREET DEPARTMENT</b>           |                            |                            |                                                    |           |                 |
| 100-20-21-424000                                     | Operating Supplies         | Fra-Dor Inc.               | BLACK DIRT AND ASPHALT DISPOSAL                    | 972.60    | 113899          |
| 100-20-21-424000                                     | Operating Supplies         | MARTIN MARIETTA MATERIALS, | ASPHALT PATCHING MATERIAL                          | 718.60    | 113895          |
| 100-20-21-424000                                     | Operating Supplies         | Winter Equipment, Inc.     | CARBIDE BLADE AND BOLTS                            | 2,254.62  | 113902          |
|                                                      |                            |                            | Total Department 20-21 STREET DEPARTMENT           | 3,945.82  |                 |
| <b>Department: 20-30 VEHICLE MAINTENANCE</b>         |                            |                            |                                                    |           |                 |
| 100-20-30-422000                                     | Clothing                   | Cintas Corporation         | UNIFORM                                            | 46.23     | 113913          |
| 100-20-30-422000                                     | Clothing                   | Cintas Corporation         | UNIFORM                                            | 46.23     | 113913          |
| 100-20-30-423000                                     | Vehicle Supplies & Mainten | FACTORY MOTOR PARTS CO.    | SERPENTINE BELT                                    | 49.79     | 5282            |
| 100-20-30-423000                                     | Vehicle Supplies & Mainten | FACTORY MOTOR PARTS CO.    | ALTERNATOR                                         | 453.47    | 5282            |

INVOICE DISTRIBUTION REPORT FOR CITY OF ROSEVILLE

| GL Number                                            | GL #<br>Line Desc          | Vendor Name                | Invoice<br>Description                | Amount     | Check<br>Number |
|------------------------------------------------------|----------------------------|----------------------------|---------------------------------------|------------|-----------------|
| <b>Fund: 100 General Fund</b>                        |                            |                            |                                       |            |                 |
| <b>Department: 20-30 VEHICLE MAINTENANCE</b>         |                            |                            |                                       |            |                 |
| 100-20-30-423000                                     | Vehicle Supplies & Mainten | MacQueen Equipment         | WELDMENT PIN                          | 68.82      | 5286            |
| 100-20-30-423000                                     | Vehicle Supplies & Mainten | MacQueen Equipment         | SIDEBROOM LINKAGE                     | 2,491.83   | 5286            |
| 100-20-30-423000                                     | Vehicle Supplies & Mainten | Napa Auto Parts            | BATTERY ISOLATOR                      | 106.99     | 5283            |
| 100-20-30-423000                                     | Vehicle Supplies & Mainten | Napa Genuine Parts, Co     | ANTENNA                               | 13.53      | 113910          |
| 100-20-30-423000                                     | Vehicle Supplies & Mainten | Suburban Tire Wholesale, I | TIRES                                 | 210.00     | 113915          |
| 100-20-30-423000                                     | Vehicle Supplies & Mainten | Suburban Tire Wholesale, I | VEHICLE TIRES                         | 1,620.00   | 113915          |
| 100-20-30-437000                                     | Contract Maint. - Vehicles | Goodyear Tire & Rubber Com | REPLACE TIRES ON FIRE TRUCK           | 2,289.65   | 113919          |
| Total Department 20-30 VEHICLE MAINTENANCE           |                            |                            |                                       | 7,396.54   |                 |
| <b>Department: 23-00 BUILDING MAINTENANCE</b>        |                            |                            |                                       |            |                 |
| 100-23-00-430000                                     | Professional Services      | McGough Property Managemen | MANAGEMENT FEE                        | 3,963.00   | 5298            |
| 100-23-00-439003                                     | Contract Maint.- City Gara | Cintas Corporation         | MAT/RUGS PW                           | 51.03      | 113912          |
| 100-23-00-439011                                     | Fiber Maint. & Locates     | Zayo Group LLC             | CITY FIBER SERVICES                   | 5,249.16   | 113918          |
| Total Department 23-00 BUILDING MAINTENANCE          |                            |                            |                                       | 9,263.19   |                 |
| Total Fund 100 General Fund                          |                            |                            |                                       | 191,455.28 |                 |
| <b>Fund: 103 Contracted Engineering Svcs</b>         |                            |                            |                                       |            |                 |
| <b>Department: 00-00 GENERAL</b>                     |                            |                            |                                       |            |                 |
| 103-00-00-230000                                     | Deposits                   | BUILDERS BY DESIGN, INC.   | ESCROW REFUND                         | 1,000.00   | 113937          |
| 103-00-00-230000                                     | Deposits                   | ELIZABETH DIEDRICH         | ESCROW REFUND                         | 3,000.00   | 113939          |
| Total Department 00-00 GENERAL                       |                            |                            |                                       | 4,000.00   |                 |
| Total Fund 103 Contracted Engineering Svcs           |                            |                            |                                       | 4,000.00   |                 |
| <b>Fund: 200 Recreation Fund</b>                     |                            |                            |                                       |            |                 |
| <b>Department: 40-41 RECREATION FEE PROGRAMS</b>     |                            |                            |                                       |            |                 |
| 200-40-41-430000-PR0210                              | Professional Services      | AARP Driver Safety Program | SEPTEMBER 23 CLASS PAYMENT            | 250.00     | 113929          |
| 200-40-41-430000-PR0212                              | Professional Services      | Willie McCray              | ADULT SOFTBALL LEAGUE UMPIRE PAYMENT  | 1,768.00   | 5303            |
| 200-40-41-430000-PR0227                              | Professional Services      | Austin Beatty              | ADULT SAND VOLLEYBALL REFEREE PAYMENT | 210.00     | 5308            |
| 200-40-41-430000-PR0227                              | Professional Services      | Breanna Burmester          | ADULT SAND VOLLEYBALL REFEREE PAYMENT | 528.00     | 5305            |
| 200-40-41-430000-PR0227                              | Professional Services      | ERIN DUFFY                 | ADULT SAND VOLLEYBALL REFEREE PAYMENT | 392.00     | 113935          |
| 200-40-41-430000-PR0227                              | Professional Services      | JENNA ESTHER POWERS        | ADULT SAND VOLLEYBALL REFEREE PAYMENT | 224.00     | 5310            |
| 200-40-41-430000-PR0227                              | Professional Services      | Kathie Urbaniak            | ADULT SAND VOLLEYBALL REFEREE PAYMENT | 224.00     | 5297            |
| 200-40-41-430000-PR0227                              | Professional Services      | KRISTIN JOHNSON            | ADULT SAND VOLLEYBALL REFEREE PAYMENT | 532.00     | 5309            |
| 200-40-41-430000-PR0227                              | Professional Services      | Patrick Hubbard            | ADULT SAND VOLLEYBALL REFEREE PAYMENT | 150.00     | 113907          |
| Total Department 40-41 RECREATION FEE PROGRAMS       |                            |                            |                                       | 4,278.00   |                 |
| <b>Department: 40-42 RECREATION NON FEE PROGRAMS</b> |                            |                            |                                       |            |                 |
| 200-40-42-438000                                     | Rental                     | On Site Companies-OSSTC    | OCTOBER PORTABLES                     | 1,517.00   | 113897          |
| Total Department 40-42 RECREATION NON FEE PROGRAMS   |                            |                            |                                       | 1,517.00   |                 |
| <b>Department: 40-53 SKATING CENTER</b>              |                            |                            |                                       |            |                 |
| 200-40-53-424000                                     | Operating Supplies         | Certified Laboratories, In | CLEANING AND SAFTEY SUPPLIES          | 263.48     | 5294            |
| 200-40-53-430000                                     | Professional Services      | MR Cutting Edge            | ZAM BLADE SHARPENING                  | 175.00     | 113920          |
| 200-40-53-439000                                     | CONTRACT MAINTENANCE       | GRAINGER                   | MULTIMETER                            | 192.89     | 113894          |
| 200-40-53-439000                                     | CONTRACT MAINTENANCE       | Total Mechanical Services, | WORK ON SNOW MELT PIT                 | 1,934.00   | 113925          |
| 200-40-53-439000                                     | CONTRACT MAINTENANCE       | Total Mechanical Services, | PREVENTATIVE MAINTENANCE CONTRACT     | 4,360.00   | 113925          |
| Total Department 40-53 SKATING CENTER                |                            |                            |                                       | 6,925.37   |                 |
| Total Fund 200 Recreation Fund                       |                            |                            |                                       | 12,720.37  |                 |
| <b>Fund: 204 PARK MAINTENANCE</b>                    |                            |                            |                                       |            |                 |
| <b>Department: 40-43 RECREATION MAINTENANCE</b>      |                            |                            |                                       |            |                 |

## INVOICE DISTRIBUTION REPORT FOR CITY OF ROSEVILLE

| GL Number                                                   | GL #<br>Line Desc         | Vendor Name                         | Invoice<br>Description                | Amount     | Check<br>Number |
|-------------------------------------------------------------|---------------------------|-------------------------------------|---------------------------------------|------------|-----------------|
| <b>Fund: 204 PARK MAINTENANCE</b>                           |                           |                                     |                                       |            |                 |
| <b>Department: 40-43 RECREATION MAINTENANCE</b>             |                           |                                     |                                       |            |                 |
| 204-40-43-436000                                            | Utilities                 | Xcel Energy                         | 51-5185471-4                          | 5,059.41   | 5291            |
| Total Department 40-43 RECREATION MAINTENANCE               |                           |                                     |                                       | 5,059.41   |                 |
| Total Fund 204 PARK MAINTENANCE                             |                           |                                     |                                       | 5,059.41   |                 |
| <b>Fund: 260 Community Development</b>                      |                           |                                     |                                       |            |                 |
| <b>Department: 56-17 BUILDING PERMITS &amp; INSPECTIONS</b> |                           |                                     |                                       |            |                 |
| 260-56-17-420000                                            | Office Supplies           | Innovative Office Solution          | SEPTEMBER OFFICE SUPPLIES             | 38.49      | 5296            |
| 260-56-17-430007                                            | Electrical Inspections    | Stephen Tokle Inspections, SEP 2025 | TOKLE PAYMENTS                        | 14,266.68  | 113930          |
| Total Department 56-17 BUILDING PERMITS & INSPECTIONS       |                           |                                     |                                       | 14,305.17  |                 |
| Total Fund 260 Community Development                        |                           |                                     |                                       | 14,305.17  |                 |
| <b>Fund: 265 License Center</b>                             |                           |                                     |                                       |            |                 |
| <b>Department: 05-00 DEPUTY REGISTER</b>                    |                           |                                     |                                       |            |                 |
| 265-05-00-420000                                            | Office Supplies           | Innovative Office Solution          | SEPTEMBER OFFICE SUPPLIES             | 127.93     | 5296            |
| 265-05-00-424000                                            | Operating Supplies        | Innovative Office Solution          | SEPTEMBER OFFICE SUPPLIES             | 494.80     | 5296            |
| 265-05-00-430000                                            | Professional Services     | Cintas Corporation                  | MAT/RUGS ROSEVILLE-LIC. & PASS.       | 99.09      | 113912          |
| 265-05-00-430000                                            | Professional Services     | McGough Property Managemen          | TENANT BILLBACK                       | 95.00      | 113909          |
| 265-05-00-432000                                            | Transportation            | Mary Dracy                          | MILEAGE REIMBURSEMENT                 | 316.40     | 5293            |
| 265-05-00-432000                                            | Transportation            | Steven Bickel                       | MILEAGE REIMBURSEMENT                 | 447.65     | 5306            |
| 265-05-00-448000                                            | Miscellaneous             | Shred-N-Go, Inc.                    | LICENSE CENTER SHREDDING THRU SEPT    | 314.60     | 113924          |
| Total Department 05-00 DEPUTY REGISTER                      |                           |                                     |                                       | 1,895.47   |                 |
| Total Fund 265 License Center                               |                           |                                     |                                       | 1,895.47   |                 |
| <b>Fund: 600 Sanitary Sewer</b>                             |                           |                                     |                                       |            |                 |
| <b>Department: 00-00 GENERAL</b>                            |                           |                                     |                                       |            |                 |
| 600-00-00-202000                                            | Accounts Payable          | AN LIU & LEE ENG HAN                | UB refund for account: 026086-000     | 32.40      | 113944          |
| 600-00-00-202000                                            | Accounts Payable          | JOSEPH HUSBY                        | UB refund for account: 017732-000     | 0.88       | 113946          |
| 600-00-00-202000                                            | Accounts Payable          | JOSEPH HUSBY                        | UB refund for account: 017732-000     | 3.42       | 113946          |
| 600-00-00-202000                                            | Accounts Payable          | JUDITH LUNDEEN                      | UB refund for account: 007360-000     | 2.62       | 113948          |
| 600-00-00-202000                                            | Accounts Payable          | JUDITH LUNDEEN                      | UB refund for account: 007360-000     | 13.27      | 113948          |
| 600-00-00-202000                                            | Accounts Payable          | MARY JOHNSON                        | UB refund for account: 004894-000     | 10.41      | 113949          |
| 600-00-00-202000                                            | Accounts Payable          | MARY JOHNSON                        | UB refund for account: 004894-000     | 54.90      | 113949          |
| 600-00-00-202000                                            | Accounts Payable          | MIKE MEZZENGA                       | UB refund for account: 026136-000     | 10.72      | 113940          |
| 600-00-00-202000                                            | Accounts Payable          | Patricia Laedtke                    | UB refund for account: 001121-000     | 7.50       | 113945          |
| 600-00-00-202000                                            | Accounts Payable          | Patricia Laedtke                    | UB refund for account: 001121-000     | 19.57      | 113945          |
| 600-00-00-202000                                            | Accounts Payable          | RICK WILMAR                         | UB refund for account: 018759-000     | 56.00      | 113942          |
| 600-00-00-202000                                            | Accounts Payable          | RICK WILMAR                         | UB refund for account: 018759-000     | 4.89       | 113942          |
| 600-00-00-202000                                            | Accounts Payable          | ROBERT V HANSEN                     | UB refund for account: 003825-000     | 19.24      | 113943          |
| 600-00-00-202000                                            | Accounts Payable          | ROGER NELSON                        | UB refund for account: 017583-000     | 15.79      | 113941          |
| 600-00-00-202000                                            | Accounts Payable          | ROGER NELSON                        | UB refund for account: 017583-000     | 69.36      | 113941          |
| 600-00-00-202000                                            | Accounts Payable          | Sara Boyer                          | UB refund for account: 012559-000     | 4.00       | 113947          |
| 600-00-00-202000                                            | Accounts Payable          | Sara Boyer                          | UB refund for account: 012559-000     | 17.57      | 113947          |
| Total Department 00-00 GENERAL                              |                           |                                     |                                       | 342.54     |                 |
| <b>Department: 50-00 SANITARY SEWER</b>                     |                           |                                     |                                       |            |                 |
| 600-50-00-424000                                            | Operating Supplies        | GENERAL INDUSTRIAL SUPPLY           | UTILITY GLOVES ORIGINAL XL            | 79.96      | 5302            |
| 600-50-00-424000                                            | Operating Supplies        | GENERAL INDUSTRIAL SUPPLY           | BLUE WB CONST. MARKING PAINT/GREEN WB | 204.00     | 5302            |
| 600-50-00-424000                                            | Operating Supplies        | GENERAL INDUSTRIAL SUPPLY           | EVER-LITE GREY ANTI FOG               | 46.80      | 5302            |
| 600-50-00-436000                                            | Utilities                 | Xcel Energy                         | 51-0011038709-9                       | 171.32     | 5292            |
| 600-50-00-445000                                            | Metro Waste Control Board | Metropolitan Council                | WASTE WATER SERVICES                  | 307,853.32 | 5287            |
| Total Department 50-00 SANITARY SEWER                       |                           |                                     |                                       | 308,355.40 |                 |

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| GL Number                                      | GL #<br>Line Desc          | Vendor Name                | Invoice<br>Description                | Amount                            | Check<br>Number |
|------------------------------------------------|----------------------------|----------------------------|---------------------------------------|-----------------------------------|-----------------|
| <b>Fund: 600 Sanitary Sewer</b>                |                            |                            |                                       |                                   |                 |
|                                                |                            |                            |                                       | Total Fund 600 Sanitary Sewer     | 308,697.94      |
| <b>Fund: 610 Water Fund</b>                    |                            |                            |                                       |                                   |                 |
| <b>Department: 00-00 GENERAL</b>               |                            |                            |                                       |                                   |                 |
| 610-00-00-202000                               | Accounts Payable           | AN LIU & LEE ENG HAN       | UB refund for account: 026086-000     | 1.78                              | 113944          |
| 610-00-00-202000                               | Accounts Payable           | AN LIU & LEE ENG HAN       | UB refund for account: 026086-000     | 32.90                             | 113944          |
| 610-00-00-202000                               | Accounts Payable           | JOSEPH HUSBY               | UB refund for account: 017732-000     | 0.19                              | 113946          |
| 610-00-00-202000                               | Accounts Payable           | JOSEPH HUSBY               | UB refund for account: 017732-000     | 3.48                              | 113946          |
| 610-00-00-202000                               | Accounts Payable           | JUDITH LUNDEEN             | UB refund for account: 007360-000     | 0.73                              | 113948          |
| 610-00-00-202000                               | Accounts Payable           | JUDITH LUNDEEN             | UB refund for account: 007360-000     | 13.48                             | 113948          |
| 610-00-00-202000                               | Accounts Payable           | MARY JOHNSON               | UB refund for account: 004894-000     | 3.03                              | 113949          |
| 610-00-00-202000                               | Accounts Payable           | MARY JOHNSON               | UB refund for account: 004894-000     | 55.78                             | 113949          |
| 610-00-00-202000                               | Accounts Payable           | MIKE MEZZENGA              | UB refund for account: 026136-000     | 10.90                             | 113940          |
| 610-00-00-202000                               | Accounts Payable           | MIKE MEZZENGA              | UB refund for account: 026136-000     | 0.59                              | 113940          |
| 610-00-00-202000                               | Accounts Payable           | Patricia Laedtke           | UB refund for account: 001121-000     | 1.08                              | 113945          |
| 610-00-00-202000                               | Accounts Payable           | Patricia Laedtke           | UB refund for account: 001121-000     | 19.87                             | 113945          |
| 610-00-00-202000                               | Accounts Payable           | RICK WILMAR                | UB refund for account: 018759-000     | 0.31                              | 113942          |
| 610-00-00-202000                               | Accounts Payable           | RICK WILMAR                | UB refund for account: 018759-000     | 4.98                              | 113942          |
| 610-00-00-202000                               | Accounts Payable           | ROBERT V HANSEN            | UB refund for account: 003825-000     | 27.32                             | 113943          |
| 610-00-00-202000                               | Accounts Payable           | ROGER NELSON               | UB refund for account: 017583-000     | 3.85                              | 113941          |
| 610-00-00-202000                               | Accounts Payable           | ROGER NELSON               | UB refund for account: 017583-000     | 70.45                             | 113941          |
| 610-00-00-202000                               | Accounts Payable           | Sara Boyer                 | UB refund for account: 012559-000     | 0.97                              | 113947          |
| 610-00-00-202000                               | Accounts Payable           | Sara Boyer                 | UB refund for account: 012559-000     | 17.85                             | 113947          |
|                                                |                            |                            |                                       | Total Department 00-00 GENERAL    | 269.54          |
| <b>Department: 51-00 WATER FUND</b>            |                            |                            |                                       |                                   |                 |
| 610-51-00-424000                               | Operating Supplies         | GENERAL INDUSTRIAL SUPPLY  | BLUE WB CONST. MARKING PAINT/GREEN WB | 204.00                            | 5302            |
| 610-51-00-424000                               | Operating Supplies         | MARTIN MARIETTA MATERIALS, | ASPHALT PATCHING MATERIAL             | 2,318.04                          | 113895          |
| 610-51-00-424000                               | Operating Supplies         | MARTIN MARIETTA MATERIALS, | ASPHALT PATCHING MATERIAL             | 327.70                            | 113895          |
| 610-51-00-424000                               | Operating Supplies         | SUPERIOR SAND AND GRAVEL I | SPOILS DISPOSAL AND WASHED ROCK       | 1,329.60                          | 113933          |
| 610-51-00-431000                               | Telephone                  | T Mobile                   | ACCOUNT #967323231, MOBILE # 651-417- | 35.98                             | 113922          |
| 610-51-00-439000                               | CONTRACT MAINTENANCE       | Q3 Contracting, Inc.       | TRAFFIC CONTROL                       | 630.00                            | 113911          |
| 610-51-00-439000                               | CONTRACT MAINTENANCE       | Q3 Contracting, Inc.       | TRAFFIC CONTROL                       | 696.60                            | 113911          |
| 610-51-00-439000                               | CONTRACT MAINTENANCE       | Q3 Contracting, Inc.       | TRAFFIC CONTROL                       | 602.50                            | 113911          |
| 610-51-00-439000                               | CONTRACT MAINTENANCE       | Valley Rich Co., Inc.      | 16" VALVE CR B2 AND FAIRVIEW/ROSEVILL | 15,250.00                         | 113906          |
| 610-51-00-443600                               | Software Operating Charges | Comcast                    | 706 SHRYER ETHERNET                   | 520.61                            | 113904          |
| 610-51-00-444000                               | St.Paul Water              | St. Paul Regional Water Se | MONTHLY WATER BILL                    | 693,537.42                        | 113908          |
|                                                |                            |                            |                                       | Total Department 51-00 WATER FUND | 715,452.45      |
|                                                |                            |                            |                                       | Total Fund 610 Water Fund         | 715,721.99      |
| <b>Fund: 620 Golf Course</b>                   |                            |                            |                                       |                                   |                 |
| <b>Department: 52-51 CEDARHOLM GOLF COURSE</b> |                            |                            |                                       |                                   |                 |
| 620-52-51-382100                               | Building Rental            | BARB HUSTAD                | CEDARHOLM DAMAGE DEPOSIT REFUND       | 200.00                            | 113938          |
| 620-52-51-423000                               | Vehicle Supplies & Mainten | MTI Distributing, Inc.     | HYD MOTOR ASM                         | 733.49                            | 5288            |
| 620-52-51-424000                               | Operating Supplies         | Fikes, Inc.                | RESTROOM SUPPLIES                     | 269.36                            | 5300            |
| 620-52-51-424000                               | Operating Supplies         | Goodin Corp.               | DE062025A CAM BRASS AND DE061325A CAP | 79.50                             | 113893          |
| 620-52-51-424000                               | Operating Supplies         | Goodin Corp.               | DE061325A CAP AND SOLENOID ASSEMBLY   | 338.29                            | 5284            |
| 620-52-51-424000                               | Operating Supplies         | Hornungs Pro Golf Sales, I | DIVOT TOOLS                           | 52.95                             | 5285            |
| 620-52-51-424000                               | Operating Supplies         | Shamrock Group, Inc.       | CLEANING SUPPLIES                     | 303.67                            | 113916          |
| 620-52-51-424000                               | Operating Supplies         | Viking Electric Supply, In | IRRIGATION CLOCKS REPLACEMENT         | 199.75                            | 113900          |
| 620-52-51-430000                               | Professional Services      | Yale Mechanical            | FLUSH VALVE REPAIR, MATERIAL          | 432.00                            | 5299            |
| 620-52-51-430000                               | Professional Services      | Yale Mechanical            | VALVE REPLACEMENT MEN'S TOILET        | 267.00                            | 5299            |
| 620-52-51-439000                               | CONTRACT MAINTENANCE       | CENTRAL MCGOWAN, INC.      | BULK FILLING CO2                      | 99.36                             | 113931          |

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| GL Number                                      | GL #<br>Line Desc     | Vendor Name                                | Invoice<br>Description                | Amount   | Check<br>Number |
|------------------------------------------------|-----------------------|--------------------------------------------|---------------------------------------|----------|-----------------|
| <b>Fund: 620 Golf Course</b>                   |                       |                                            |                                       |          |                 |
| <b>Department: 52-51 CEDARHOLM GOLF COURSE</b> |                       |                                            |                                       |          |                 |
| 620-52-51-439000                               | CONTRACT MAINTENANCE  | CENTRAL MCGOWAN, INC.                      | CO2 TANK RENTAL                       | 51.00    | 113931          |
| 620-52-51-439000                               | CONTRACT MAINTENANCE  | CENTRAL MCGOWAN, INC.                      | CO2 TANK RENTAL                       | 53.00    | 113931          |
| 620-52-51-439000                               | CONTRACT MAINTENANCE  | CENTRAL MCGOWAN, INC.                      | RENTAL OF CO2 TANK                    | 53.00    | 113931          |
| 620-52-51-440000                               | Conferences           | MRPA                                       | STATE CONFERENCE REGISTRATION - SCOTT | 305.00   | 113896          |
| Total Department 52-51 CEDARHOLM GOLF COURSE   |                       |                                            |                                       | 3,437.37 |                 |
| Total Fund 620 Golf Course                     |                       |                                            |                                       | 3,437.37 |                 |
| <b>Fund: 640 Storm Drainage</b>                |                       |                                            |                                       |          |                 |
| <b>Department: 00-00 GENERAL</b>               |                       |                                            |                                       |          |                 |
| 640-00-00-202000                               | Accounts Payable      | AN LIU & LEE ENG HAN                       | UB refund for account: 026086-000     | 19.32    | 113944          |
| 640-00-00-202000                               | Accounts Payable      | JOSEPH HUSBY                               | UB refund for account: 017732-000     | 2.04     | 113946          |
| 640-00-00-202000                               | Accounts Payable      | JUDITH LUNDEEN                             | UB refund for account: 007360-000     | 7.92     | 113948          |
| 640-00-00-202000                               | Accounts Payable      | MARY JOHNSON                               | UB refund for account: 004894-000     | 32.71    | 113949          |
| 640-00-00-202000                               | Accounts Payable      | MIKE MEZZENGA                              | UB refund for account: 026136-000     | 6.39     | 113940          |
| 640-00-00-202000                               | Accounts Payable      | Patricia Laedtke                           | UB refund for account: 001121-000     | 11.67    | 113945          |
| 640-00-00-202000                               | Accounts Payable      | RICK WILMAR                                | UB refund for account: 018759-000     | 2.95     | 113942          |
| 640-00-00-202000                               | Accounts Payable      | ROGER NELSON                               | UB refund for account: 017583-000     | 41.34    | 113941          |
| 640-00-00-202000                               | Accounts Payable      | Sara Boyer                                 | UB refund for account: 012559-000     | 10.47    | 113947          |
| Total Department 00-00 GENERAL                 |                       |                                            |                                       | 134.81   |                 |
| <b>Department: 54-00 STORM WATER</b>           |                       |                                            |                                       |          |                 |
| 640-54-00-439000-PW2509                        | CONTRACT MAINTENANCE  | SANDSTROM LAND MANAGEMENT, BMP MAINTENANCE |                                       | 7,340.73 | 5304            |
| Total Department 54-00 STORM WATER             |                       |                                            |                                       | 7,340.73 |                 |
| Total Fund 640 Storm Drainage                  |                       |                                            |                                       | 7,475.54 |                 |
| <b>Fund: 650 ENVIRONMENTAL</b>                 |                       |                                            |                                       |          |                 |
| <b>Department: 00-00 GENERAL</b>               |                       |                                            |                                       |          |                 |
| 650-00-00-202000                               | Accounts Payable      | AN LIU & LEE ENG HAN                       | UB refund for account: 026086-000     | 11.00    | 113944          |
| 650-00-00-202000                               | Accounts Payable      | JOSEPH HUSBY                               | UB refund for account: 017732-000     | 1.16     | 113946          |
| 650-00-00-202000                               | Accounts Payable      | JUDITH LUNDEEN                             | UB refund for account: 007360-000     | 4.51     | 113948          |
| 650-00-00-202000                               | Accounts Payable      | MARY JOHNSON                               | UB refund for account: 004894-000     | 18.67    | 113949          |
| 650-00-00-202000                               | Accounts Payable      | Patricia Laedtke                           | UB refund for account: 001121-000     | 6.64     | 113945          |
| 650-00-00-202000                               | Accounts Payable      | RICK WILMAR                                | UB refund for account: 018759-000     | 1.63     | 113942          |
| 650-00-00-202000                               | Accounts Payable      | ROGER NELSON                               | UB refund for account: 017583-000     | 23.54    | 113941          |
| 650-00-00-202000                               | Accounts Payable      | Sara Boyer                                 | UB refund for account: 012559-000     | 5.96     | 113947          |
| Total Department 00-00 GENERAL                 |                       |                                            |                                       | 73.11    |                 |
| <b>Department: 65-00 SOLID WASTE RECYCLE</b>   |                       |                                            |                                       |          |                 |
| 650-65-00-424000                               | Operating Supplies    | Northstar Maintenance Mana                 | COMPOSTABLE PRODUCTS                  | 381.45   | 113928          |
| Total Department 65-00 SOLID WASTE RECYCLE     |                       |                                            |                                       | 381.45   |                 |
| Total Fund 650 ENVIRONMENTAL                   |                       |                                            |                                       | 454.56   |                 |
| <b>Fund: 710 Risk Management</b>               |                       |                                            |                                       |          |                 |
| <b>Department: 00-00 GENERAL</b>               |                       |                                            |                                       |          |                 |
| 710-00-00-210503                               | DENTAL                | Delta Dental Plan of Minne                 | DENTAL CLAIMS SEP 25                  | 5,721.31 | 5281            |
| 710-00-00-210503                               | DENTAL                | Delta Dental Plan of Minne                 | DENTAL ADMIN FEE SEP 25               | 1,115.65 | 5281            |
| Total Department 00-00 GENERAL                 |                       |                                            |                                       | 6,836.96 |                 |
| <b>Department: 61-00 RISK MANAGEMENT</b>       |                       |                                            |                                       |          |                 |
| 710-61-00-430000                               | Professional Services | Stericycle, Inc.                           | STERI-SAFE BUDGET SUBSCRIPTION        | 341.68   | 113903          |
| 710-61-00-430010                               | Police Admin. Claims  | MCDONALD HOPKINS LLC                       | LEGAL SERVICES - DATA BREACH          | 1,739.25 | 113932          |

INVOICE DISTRIBUTION REPORT FOR CITY OF ROSEVILLE

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| <b>Fund: 710 Risk Management</b>         |                           |                                                 |                        |           |                 |
| <b>Department: 61-00 RISK MANAGEMENT</b> |                           |                                                 |                        |           |                 |
| 710-61-00-430043                         | Parks & Recreation Claims | LEAGUE OF MN CITIES INS TR CLAIM # 458106 - LEE |                        | 11,975.00 | 113905          |
|                                          |                           | Total Department 61-00 RISK MANAGEMENT          |                        | 14,055.93 |                 |
|                                          |                           | Total Fund 710 Risk Management                  |                        | 20,892.89 |                 |

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| --- TOTALS BY GL DISTRIBUTION --- |                   |                         |                                |            |                 |
|                                   |                   | 100-01-00-448000        | Miscellaneous                  | 338.00     |                 |
|                                   |                   | 100-02-00-420000        | Office Supplies                | 194.24     |                 |
|                                   |                   | 100-02-00-430000        | Professional Services          | 78,264.30  |                 |
|                                   |                   | 100-02-00-442000        | Memberships & Subscriptions    | 365.00     |                 |
|                                   |                   | 100-02-00-448000        | Miscellaneous                  | 900.00     |                 |
|                                   |                   | 100-08-00-424000        | Operating Supplies             | 679.60     |                 |
|                                   |                   | 100-10-00-420000        | Office Supplies                | 245.27     |                 |
|                                   |                   | 100-10-00-423000        | Vehicle Supplies & Maintenance | 309.96     |                 |
|                                   |                   | 100-10-00-424000        | Operating Supplies             | 3,400.00   |                 |
|                                   |                   | 100-10-00-430000        | Professional Services          | 4,050.00   |                 |
|                                   |                   | 100-10-00-430000-PD0006 | Professional Services          | 27,500.00  |                 |
|                                   |                   | 100-10-00-441000        | Training                       | 3,960.00   |                 |
|                                   |                   | 100-13-00-430000        | Professional Services          | 2,100.00   |                 |
|                                   |                   | 100-13-00-437000        | Contract Maint. - Vehicles     | 146.50     |                 |
|                                   |                   | 100-13-00-439000        | CONTRACT MAINTENANCE           | 2,010.92   |                 |
|                                   |                   | 100-13-23-414000        | Employer Pension               | 46,042.92  |                 |
|                                   |                   | 100-20-20-420000        | Office Supplies                | 164.02     |                 |
|                                   |                   | 100-20-20-442000        | Memberships & Subscriptions    | 179.00     |                 |
|                                   |                   | 100-20-21-424000        | Operating Supplies             | 3,945.82   |                 |
|                                   |                   | 100-20-30-422000        | Clothing                       | 92.46      |                 |
|                                   |                   | 100-20-30-423000        | Vehicle Supplies & Maintenance | 5,014.43   |                 |
|                                   |                   | 100-20-30-437000        | Contract Maint. - Vehicles     | 2,289.65   |                 |
|                                   |                   | 100-23-00-430000        | Professional Services          | 3,963.00   |                 |
|                                   |                   | 100-23-00-439003        | Contract Maint.- City Garage   | 51.03      |                 |
|                                   |                   | 100-23-00-439011        | Fiber Maint. & Locates         | 5,249.16   |                 |
|                                   |                   | 103-00-00-230000        | Deposits                       | 4,000.00   |                 |
|                                   |                   | 200-40-41-430000-PR0210 | Professional Services          | 250.00     |                 |
|                                   |                   | 200-40-41-430000-PR0212 | Professional Services          | 1,768.00   |                 |
|                                   |                   | 200-40-41-430000-PR0227 | Professional Services          | 2,260.00   |                 |
|                                   |                   | 200-40-42-438000        | Rental                         | 1,517.00   |                 |
|                                   |                   | 200-40-53-424000        | Operating Supplies             | 263.48     |                 |
|                                   |                   | 200-40-53-430000        | Professional Services          | 175.00     |                 |
|                                   |                   | 200-40-53-439000        | CONTRACT MAINTENANCE           | 6,486.89   |                 |
|                                   |                   | 204-40-43-436000        | Utilities                      | 5,059.41   |                 |
|                                   |                   | 260-56-17-420000        | Office Supplies                | 38.49      |                 |
|                                   |                   | 260-56-17-430007        | Electrical Inspections         | 14,266.68  |                 |
|                                   |                   | 265-05-00-420000        | Office Supplies                | 127.93     |                 |
|                                   |                   | 265-05-00-424000        | Operating Supplies             | 494.80     |                 |
|                                   |                   | 265-05-00-430000        | Professional Services          | 194.09     |                 |
|                                   |                   | 265-05-00-432000        | Transportation                 | 764.05     |                 |
|                                   |                   | 265-05-00-448000        | Miscellaneous                  | 314.60     |                 |
|                                   |                   | 600-00-00-202000        | Accounts Payable               | 342.54     |                 |
|                                   |                   | 600-50-00-424000        | Operating Supplies             | 330.76     |                 |
|                                   |                   | 600-50-00-436000        | Utilities                      | 171.32     |                 |
|                                   |                   | 600-50-00-445000        | Metro Waste Control Board      | 307,853.32 |                 |
|                                   |                   | 610-00-00-202000        | Accounts Payable               | 269.54     |                 |
|                                   |                   | 610-51-00-424000        | Operating Supplies             | 4,179.34   |                 |
|                                   |                   | 610-51-00-431000        | Telephone                      | 35.98      |                 |
|                                   |                   | 610-51-00-439000        | CONTRACT MAINTENANCE           | 17,179.10  |                 |
|                                   |                   | 610-51-00-443600        | Software Operating Charges     | 520.61     |                 |
|                                   |                   | 610-51-00-444000        | St.Paul Water                  | 693,537.42 |                 |
|                                   |                   | 620-52-51-382100        | Building Rental                | 200.00     |                 |

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|           |                    | 620-52-51-423000        | Vehicle Supplies & Maintenance | 733.49              |                 |
|           |                    | 620-52-51-424000        | Operating Supplies             | 1,243.52            |                 |
|           |                    | 620-52-51-430000        | Professional Services          | 699.00              |                 |
|           |                    | 620-52-51-439000        | CONTRACT MAINTENANCE           | 256.36              |                 |
|           |                    | 620-52-51-440000        | Conferences                    | 305.00              |                 |
|           |                    | 640-00-00-202000        | Accounts Payable               | 134.81              |                 |
|           |                    | 640-54-00-439000-PW2509 | CONTRACT MAINTENANCE           | 7,340.73            |                 |
|           |                    | 650-00-00-202000        | Accounts Payable               | 73.11               |                 |
|           |                    | 650-65-00-424000        | Operating Supplies             | 381.45              |                 |
|           |                    | 710-00-00-210503        | DENTAL                         | 6,836.96            |                 |
|           |                    | 710-61-00-430000        | Professional Services          | 341.68              |                 |
|           |                    | 710-61-00-430010        | Police Admin. Claims           | 1,739.25            |                 |
|           |                    | 710-61-00-430043        | Parks & Recreation Claims      | 11,975.00           |                 |
| ---       | TOTALS BY FUND --- |                         |                                |                     |                 |
|           |                    | 100                     | General Fund                   | 191,455.28          |                 |
|           |                    | 103                     | Contracted Engineering Svcs    | 4,000.00            |                 |
|           |                    | 200                     | Recreation Fund                | 12,720.37           |                 |
|           |                    | 204                     | PARK MAINTENANCE               | 5,059.41            |                 |
|           |                    | 260                     | Community Development          | 14,305.17           |                 |
|           |                    | 265                     | License Center                 | 1,895.47            |                 |
|           |                    | 600                     | Sanitary Sewer                 | 308,697.94          |                 |
|           |                    | 610                     | Water Fund                     | 715,721.99          |                 |
|           |                    | 620                     | Golf Course                    | 3,437.37            |                 |
|           |                    | 640                     | Storm Drainage                 | 7,475.54            |                 |
|           |                    | 650                     | ENVIRONMENTAL                  | 454.56              |                 |
|           |                    | 710                     | Risk Management                | 20,892.89           |                 |
|           |                    | Total For All Funds:    |                                | <u>1,286,115.99</u> |                 |



**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 10/20/2025

Item No.: 10.b.

Department Approval



City Manager Approval



**Item Description:** Approve General Purchases Exceeding \$10,000 or Sale of Surplus Items

## Background

City Code section 103.05 establishes the requirement that all general purchases or contracts in excess of \$10,000 be separately approved by the City Council, independent of the budget process or other statutory purchasing requirements. In addition, State Statutes generally require the Council to authorize the sale of surplus vehicles and equipment. *Attachment 1* includes a list of items submitted for Council review and approval.

Staff will note that, unless noted otherwise, all items contained in this report were previously identified and included in the adopted budget or Capital Improvement Plan (CIP) submitted for Council review during the most recent budget cycle. This information package included a CIP Project/Initiative summary which identified the type of purchase, estimated cost, funding source, and other supporting narrative. Where applicable, these project/initiative summaries are included with *Attachment 2*.

## Policy Objectives

Required under City Code 103.05.

## Equity Impact Summary

Payments to vendors contribute to the local economy by supporting businesses within the community, including those owned by people of color. Ensuring equitable distribution of contracts and payments among vendors, particularly minority-owned businesses, can help promote economic equity. This supports broader goals of reducing racial economic disparities as well as Roseville's aspiration to be a community that is economically prosperous with a stable and broad tax base and vibrant small businesses.

## Budget Implications

Funding for all items is provided for in the current budget or through pre-funded capital replacement funds.

## Staff Recommendations

Staff recommends the City Council approve the submitted purchases or contracts for service and, where applicable, authorize the sale/trade-in of surplus items.

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**Requested Council Action**

Motion to approve the submitted purchases or contracts for services and, where applicable; the sale/trade-in of surplus items.

**Prepared by:** Phil Weix - Assistant Finance Director

**Attachments:** 1. Over \$10,000 Items for Purchase or Sale/Trade-In

45

General Purchases or Contracts

| Division                           | Vendor                    | Description                             | Key | Budget<br>Amount | P.O.<br>Amount | Budget /<br>CIP |
|------------------------------------|---------------------------|-----------------------------------------|-----|------------------|----------------|-----------------|
| Parks and Recreation - Maintenance | Grant D Koch              | Polyurethane Foam Fill                  | (a) | \$ 33,607        | \$ 11,500      | 2025 Operating  |
| Parks and Recreation - Maintenance | API HVAC Services         | Plumbing Fix at the Oasis Park Building | (b) | \$ 22,107        | \$ 23,200      | 2025 Operating  |
| Police Department                  | Dodge of Burnsville, Inc. | 5 - 2026 Dodge Durango Pursuit          | (c) | \$ 230,000       | \$ 213,020     | 2026 CIP        |
|                                    |                           |                                         | (g) |                  |                |                 |

Key

- In spring of 2025, staff identified repeated sewer backups at the Oasis Park Building. After a geotechnical investigation, it was found to have significant subgrade voids and soft soils creating structural and plumbing instability within the building. At the recommendation of Braun Intertec Corporation and contractor input, a polyurethane spray foam injection would be a suitable repair for the voids and soft soils. This project was not an expected 2025 expense but will be paid out of the 2025 Operating Budget.
- (a)
- After the Polyurethane Spray Foam injection is completed, API HVAC Services will remove the toilets and expose the flooring to repair the damaged pipes as necessary to ensure proper function and code compliance. A bid was conducted and API HVAC Services produced the lowest responsible bid. This will bring the building back into a useful status. This project was not an expected 2025 expense but will be paid out of the 2025 Operating Budget.
- (b)
- Each year the Police Department is budgeted to replace five marked vehicles. The purchase of the five 2026 Dodge Durango Pursuit vehicles are intended to replace five of their existing vehicles. Due to the elongated build time of police vehicles (ranging anywhere between 20-40 weeks), it is being requested by the Police Department to approved the purchase of the 2026 Dodge Durango Pursuit vehicles now to be able to receive it within 2026 and would therefore be covered by their 2026 CIP budget.
- (c)

Sale of Surplus Vehicles or Equipment

| Division          | Description        | Est. Sale /<br>Trade-In<br>Amount |
|-------------------|--------------------|-----------------------------------|
| Police Department | 2022 Dodge Durango | \$ 10,000                         |

  
**REQUEST FOR COUNCIL ACTION**

Date: 10/20/2025  
Item No.: 10.c.

Department Approval



City Manager Approval



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**Item Description:** Approve Acceptance of Grant Funding through the Department of Justice COPS Hiring Grant

---

**Background**

The Roseville Police Department is requesting acceptance of federal grant funding awarded to the Roseville Police Department through the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office).

On June 16, 2025, the Roseville City Council approved the Police Department's request to apply for federal funding under the 2025 COPS Hiring Program (CHP). The COPS Hiring Program is a highly competitive grant designed to help law enforcement agencies hire additional officers to increase community policing capacity and strengthen crime prevention efforts.

On October 10, 2025, the City of Roseville was notified by the Department of Justice that its grant application had been approved. The award provides \$500,000 in federal funding over a three-year period to support the hiring of four additional police officers. The federal share is capped at \$125,000 per officer, with a minimum 25% local match requirement.

The grant award directly supports recommendations outlined in The Axtell Group's *Evaluation of Police Resources and Operational Efficiency Report* and the five-year implementation plan presented to the City Council on July 7, 2025. Both identified the need to increase sworn staffing levels to meet current service demands, improve workload balance, and allow officers more time to engage in proactive community policing initiatives.

In the Roseville Police Department's 2026 budget requests, four additional frontline police officers were proposed based on the Axtell Group's recommendations and the five-year Resource Allocation Plan. In addition, two sergeants and a record supervisor were requested. Acceptance of the COPS Hiring Program grant will help offset a portion of the personnel costs associated with the four patrol officer positions. The department's plan is to assign one additional officer to each of the four patrol teams, thereby increasing frontline response capabilities and improving service coverage across all shifts.

**Policy Objectives**

Acceptance of the 2025 COPS Hiring Program grant aligns with the City's mission to provide ethical, efficient, and responsive local government in support of community safety and well-being. The funding will enable RPD to implement key recommendations from the Axtell report, expand community policing efforts, and address critical staffing challenges while responsibly managing local budget impacts.

This award also supports RPD's commitment to public safety by investing in personnel who can focus on prevention, outreach, and proactive engagement—core principles of community-oriented policing.

## Equity Impact Summary

The grant advances the City of Roseville's commitment to equity, inclusion, and community-centered policing. Additional officers will allow RPD to expand its presence at community events, schools, businesses, and neighborhood meetings—opportunities that are often constrained due to current call volume and staffing limitations.

Community input played a vital role in shaping the Axtell Group's findings, including feedback gathered from the Roseville Police Department's Multicultural Advisory Committee (MAC) and community stakeholders, including both residents and businesses. Participants consistently emphasized the importance of adequate staffing levels to allow officers to build trust, strengthen relationships, and proactively address community concerns.

## Budget Implications

The total federal award is \$500,000, which will cover up to 75% of the salary and benefits for four officers over a three-year reimbursement period, not to exceed \$125,000 per officer. A minimum 25% local match is required. Given current salary and benefit costs, the grant funding will cover only a portion of the total cost for each officer, but it will provide significant financial relief in implementing staffing increases approved through the 2026 budget process.

If acceptance of the grant funds is approved, the Roseville Police Department intends to begin immediate recruitment for the four officer positions. However, given the length of the police officer hiring and background process—typically three to four months—RPD does not intend for any new officers being hired and onboarded until the start of the 2026 budget year.

## Staff Recommendations

Staff recommends that the City Council approve acceptance of the 2025 COPS Hiring Program grant and authorize the City Manager and Police Chief to execute all required documents and certifications in the Department of Justice's JustGrants system to finalize the award.

## Requested Council Action

By motion, approve acceptance of the 2025 COPS Hiring Program grant award in the amount of \$500,000 and authorize the City Manager and Police Chief to complete all necessary grant acceptance actions within the DOJ's JustGrants system.

**Prepared by:** Erika Scheider, Chief of Police

**Attachments:** 1. DOJ Grant Award Details



## Department of Justice (DOJ)

Attachment A

### Office of Community Oriented Policing Services (COPS Office)

Washington, D.C. 20531

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>Name and Address of Recipient:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | CITY OF ROSEVILLE<br>2660 CIVIC CENTER DR      |
| <b>City, State and Zip:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | SAINT PAUL, MN 55113                           |
| <b>Recipient UEI:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ME5BU579KM29                                   |
| <b>Project Title:</b> FY25 COPS Hiring Program                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Award Number:</b> 15JCOPS-25-GG-00779-UHPX  |
| <b>Solicitation Title:</b> FY25 COPS Hiring Program                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                |
| <b>Federal Award Amount:</b> \$500,000.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Federal Award Date:</b> 10/10/25            |
| <b>Awarding Agency:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Office of Community Oriented Policing Services |
| <b>Funding Instrument Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Grant                                          |
| <b>Opportunity Category:</b> D<br><b>Assistance Listing:</b><br>16.068 - COPS Hiring Program                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                |
| <b>Project Period Start Date:</b> 10/1/25                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Project Period End Date:</b> 9/30/30        |
| <b>Budget Period Start Date:</b> 10/1/25                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Budget Period End Date:</b> 9/30/30         |
| <b>Project Description:</b><br>The FY25 COPS Hiring Program (CHP) provides funding to law enforcement agencies to hire and/or rehire additional career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts. Anticipated outcomes of CHP awards include engagement in planned community partnerships, implementation of projects to analyze and assess problems, implementation of changes to personnel and agency management in support of community policing, and increased capacity of agency to engage in community policing activities |                                                |

Award Information

**Application Number**  
GRANT14438818

**Funding Instrument Type:**  
Grant

**Award Number**  
15JCOPS-25-GG-00779-UHPX

**Supplement Number**  
00

**Award Acceptance Date**  
no value

| Assistance Listings Number | Assistance Listings Program Title |
|----------------------------|-----------------------------------|
| 16.068                     | COPS Hiring Program               |

| Statutory Authority                                                                        |
|--------------------------------------------------------------------------------------------|
| The Public Safety Partnership and Community Policing Act of 1994, 34 U.S.C. § 10381 et seq |

---

**Current Authorized Representative**

**Solicitation Information**

**Solicitation Title**

2025 FY25 COPS Hiring Program

**Project Title**

FY25 COPS Hiring Program

**Project Description**

The FY25 COPS Hiring Program (CHP) provides funding to law enforcement agencies to hire and/or rehire additional career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts. Anticipated outcomes of CHP awards include engagement in planned community partnerships, implementation of projects to analyze and assess problems, implementation of changes to personnel and agency management in support of community policing, and increased capacity of agency to engage in community policing activities



## Project Budget Summary

Final Budget Clearance

| Budget Category                 | Total Cost  |        |
|---------------------------------|-------------|--------|
| Sworn Officer Positions         | \$1,453,888 |        |
| Civilian or Non-Sworn Personnel | \$0         |        |
| Travel                          | \$0         |        |
| Equipment                       | \$0         |        |
| Supplies                        | \$0         |        |
| SubAwards                       | \$0         |        |
| Procurement Contracts           | \$0         |        |
| Other Costs                     | \$0         |        |
| Indirect Costs                  | \$0         |        |
| Total Project Costs             | \$1,453,888 |        |
| Federal Funds:                  | \$500,000   | 34.39% |
| Match Amount:                   | \$953,888   | 65.61% |
| Program Income:                 | \$0         | 0.00%  |



Budget Detail Summary View

Sworn Officer

| Position Title | Number of Positions |
|----------------|---------------------|
| Sworn Officer  | 4                   |

| Position Description        |
|-----------------------------|
| Entry-level patrol officers |

| Year: | Year 1 | Year 2 | Year 3 |
|-------|--------|--------|--------|
|-------|--------|--------|--------|

Salary

|        |             |             |              |
|--------|-------------|-------------|--------------|
| Salary | \$87,889.72 | \$96,199.43 | \$104,905.97 |
|--------|-------------|-------------|--------------|

Fringe Benefits

| Social Security |       |        |        |        |
|-----------------|-------|--------|--------|--------|
| Exempt          | 0.00% | \$0.00 | \$0.00 | \$0.00 |

| Medicare |       |            |            |            |
|----------|-------|------------|------------|------------|
| 1.45%    | 1.45% | \$1,274.40 | \$1,394.89 | \$1,521.14 |

| Health Insurance |  |            |            |            |
|------------------|--|------------|------------|------------|
| Fixed Amount     |  | \$6,120.00 | \$6,120.00 | \$6,120.00 |
|                  |  | \$6,120.00 | \$6,120.00 | \$6,120.00 |

| Life Insurance |  |         |         |         |
|----------------|--|---------|---------|---------|
| Fixed Amount   |  | \$38.40 | \$38.40 | \$38.40 |
|                |  | \$38.40 | \$38.40 | \$38.40 |

|                               |       |             |             |             |
|-------------------------------|-------|-------------|-------------|-------------|
| <b>Vacation</b>               |       |             |             |             |
| Included In Salary?           | Hours | \$0.00      | \$0.00      | \$0.00      |
| No                            | 0     |             |             |             |
| <b>Sick Leave</b>             |       |             |             |             |
| Included In Salary?           | Hours | \$0.00      | \$0.00      | \$0.00      |
| No                            |       |             |             |             |
| <b>Retirement</b>             |       |             |             |             |
| Fixed Rate                    |       | \$15,556.48 | \$17,027.30 | \$18,568.36 |
|                               |       | 17.70%      | 17.70%      | 17.70%      |
| <b>Workers Compensation</b>   |       |             |             |             |
| Exempt                        |       | \$0.00      | \$0.00      | \$0.00      |
| <b>Unemployment Insurance</b> |       |             |             |             |
| Exempt                        |       | \$0.00      | \$0.00      | \$0.00      |
| <b>Other Benefit</b>          |       |             |             |             |
| Disability Insurance          |       | \$165.38    | \$236.15    | \$257.74    |
| Fixed Amount                  |       | \$165.38    | \$236.15    | \$257.74    |
| <b>Other Benefit</b>          |       |             |             |             |
| None                          |       | \$0.00      | \$0.00      | \$0.00      |

**Other Benefit**

|      |        |        |        |
|------|--------|--------|--------|
| None | \$0.00 | \$0.00 | \$0.00 |
|------|--------|--------|--------|

**Summary Totals**

| Year:                              | Year 1       | Year 2       | Year 3       |
|------------------------------------|--------------|--------------|--------------|
| Benefits per Officer               | \$23,154.66  | \$24,816.74  | \$26,505.64  |
| Salary per Officer                 | \$87,889.72  | \$96,199.43  | \$104,905.97 |
| Total per Officer                  | \$111,044.38 | \$121,016.17 | \$131,411.61 |
| <b>Number of Positions</b>         |              |              |              |
| 4                                  |              |              |              |
| <b>Total Salary and Benefits</b>   |              |              |              |
| \$1,453,888                        |              |              |              |
| <b>Total per Officer All Years</b> |              |              |              |
| \$363,472                          |              |              |              |



## Civilian Personnel

### Travel

| Purpose of Travel | Location | Type of Expense | Basis | Cost | Quantity | # Of Staff | # Of Trips | Total Cost |
|-------------------|----------|-----------------|-------|------|----------|------------|------------|------------|
| No items          |          |                 |       |      |          |            |            |            |
| Travel Total Cost |          |                 |       |      |          |            |            |            |
| \$0               |          |                 |       |      |          |            |            |            |

### Equipment

| Equipment Item       | # of Items | Cost | Total Cost |
|----------------------|------------|------|------------|
| No items             |            |      |            |
| Equipment Total Cost |            |      |            |
| \$0                  |            |      |            |

### Supplies

| Purpose of Supply Items | # of Items | Unit Cost | Total Cost |
|-------------------------|------------|-----------|------------|
| No items                |            |           |            |
| Supplies Total Cost     |            |           |            |
| \$0                     |            |           |            |

### SubAwards

| Item     | Description | Country | State/U.S. Territory City | Total Cost |
|----------|-------------|---------|---------------------------|------------|
| No items |             |         |                           |            |

Subawards Total Cost

\$0

## Procurement Contracts

| Item     | Description | Consultant | Country | State/U.S. Territory | City | Total Cost |
|----------|-------------|------------|---------|----------------------|------|------------|
| No items |             |            |         |                      |      |            |

Procurement Cost

\$0

Consultant Travel Required

No

## Other Costs

| Description | Quantity | Basis | Costs | Length of Time | Total Costs |
|-------------|----------|-------|-------|----------------|-------------|
| No items    |          |       |       |                |             |

Other Costs Total Cost

\$0

## Indirect Costs

| Description | Base | Indirect Cost Rate | Total Cost |
|-------------|------|--------------------|------------|
| No items    |      |                    |            |

Indirect Costs Total Cost

\$0



**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 10/20/2025

Item No.: 10.d.

Department Approval



City Manager Approval



**Item Description:** Approve Application for U.S. Department of Justice Community Policing Program Grant

**Background**

The Roseville Police Department is seeking City Council approval to apply for federal grant funding through the U.S. Department of Justice Community Policing Development (CPD) Program under the Technology and Equipment: Drone as First Responder (DFR) initiative. This four-year grant opportunity is designed to help law enforcement agencies integrate drone technology into their daily operations to enhance safety, improve response times, and increase overall efficiency. The completed application is due on November 3, 2025.

The proposed DFR program would be a significant step forward in how RPD delivers public safety services, aligning directly with the findings and recommendations of The Axtell Group's Evaluation of Police Resource and Operational Efficiency Report and Implementation Plan. That report emphasized the importance of leveraging technology as a force multiplier, allowing officers to respond more strategically and efficiently to the growing number and complexity of calls for service. It also identified the need to plan for additional sworn staffing to sustain future operational demands.

Through the DFR program, RPD would deploy drone technology capable of responding immediately to calls for service, often arriving before ground units. This capability would provide real-time situational awareness to responding officers and supervisors, improving decision-making and safety. In many cases, the drone operator would be able to assess the situation, relay critical information, or even clear calls determined to be unfounded or gone-on-arrival (GOA), allowing ground units to remain available for higher-priority incidents.

The implementation of DFR technology is expected to enhance community safety, reduce response times, and support officer wellness by decreasing unnecessary high-stress responses. It also reinforces RPD's commitment to transparency and accountability by ensuring that each flight and use of technology complies with Federal Aviation Administration (FAA) standards and public disclosure requirements.

Locally, the Minnetonka and Rochester Police Departments have implemented similar programs with strong results. Nationally, DFR programs are being adopted widely,

demonstrating measurable success in improving response efficiency, situational awareness, and overall public safety outcomes.

To ensure the program's success, the grant proposal includes funding for both the necessary infrastructure—such as drones, launch stations, software, and data management systems—and one additional sworn officer position dedicated to managing and operating the program. This position will provide program oversight, data collection, compliance reporting, and direct operational support. If awarded, this position would fulfill one of the future positions noted in the 2028 assessment needs.

By investing in this technology and staffing, the City of Roseville can position its Police Department at the forefront of innovative, community-oriented policing. The DFR program represents a sustainable model for leveraging technology to extend RPD's capacity without compromising service quality or safety.

## **Policy Objectives**

This request aligns with the City of Roseville's mission to provide ethical, efficient, and responsive local government in support of community safety and well-being. Seeking external funding to support police staffing improvements allows the City to pursue the recommendations of the Axtell Report while responsibly managing budget impacts and planning for long-term service needs.

## **Equity Impact Summary**

The Roseville Police Department recognizes that integrating new technology, particularly drones, requires a strong commitment to transparency, accountability, and community trust. The DFR program will be implemented with clear operational policies and strict adherence to all Federal Aviation Administration (FAA) regulations, Minnesota data practices laws, and the Department of Justice's best practices for privacy and civil rights protections.

The Department will proactively communicate with the community and City Council throughout the program's development and implementation phases, including sharing data on program use, outcomes, and measurable impacts on safety and efficiency. The intent of the DFR program is not surveillance, but rather timely, informed response—allowing officers to make better decisions, de-escalate situations, and improve safety for both the public and responding personnel.

By emphasizing transparency, accountability, and open communication, RPD seeks to ensure that the DFR program strengthens community trust while delivering a higher level of service and safety for all Roseville residents.

## **Budget Implications**

The grant does not include any city match requirements. It would fully fund the necessary infrastructure—including drones, launch stations, software, and data management systems—as well as one additional sworn officer position dedicated to managing and operating the program. The grant would also cover training, conference fees, and community outreach for the duration of the four-year grant period.

The Roseville Police Department will carefully evaluate program outcomes throughout the grant term to determine whether continuation is warranted beyond the four years. While the

maximum award amount for this grant is \$2 million, we anticipate our request will be significantly lower. We are continuing to work with vendors to finalize cost estimates, which will be detailed in the grant application if authorization to proceed is granted.

### **Staff Recommendations**

Staff recommends that the City Council authorize the Police Department to apply for federal grant funding through the U.S. Department of Justice Community Policing Program Grant.

### **Requested Council Action**

By motion, authorize the Roseville Police Department to submit a grant application to the U.S. Department of Justice Community Policing Program for funding to establish a Drone as First Responder Program, including three drones with associated infrastructure and one full-time position to manage and operate the program.

**Prepared by:** Joe Adams - Deputy Police Chief

**Attachments:** 1. DOJ FY25 CVIPI Grant RFP

# FY25 Office of Justice Programs Community Based Violence Intervention and Prevention Initiative (CVIPI)

Total Amount To Be Awarded Under This Funding  
Opportunity: \$34,621,469

Anticipated Award Ceiling: Up to \$2,000,000

Anticipated Period of Performance Duration: 48  
months

Funding Opportunity Number: O-BJA-2025-172468

Deadline to submit SF-424 in Grants.gov: **October 27, 2025, by 11:59 p.m. Eastern Time**  
Deadline to submit application in JustGrants: **November 3, 2025, by 8:59 p.m. Eastern Time**



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

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## BASIC INFORMATION

The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) is accepting applications for funding in response to this notice of funding opportunity (NOFO).

BJA administers the Community Based Violence Intervention and Prevention Initiative (CVIPI), working in partnership with the [Office of Juvenile Justice and Delinquency Prevention](#) (OJJDP) and the [Office for Victims of Crime](#) (OVC). This coordinated approach ensures jurisdictions have access to specialized expertise in addressing violent crime. Awards made under this NOFO may be managed by BJA, OJJDP, or OVC, depending on the nature of the project.

|                                   |                                                                                                     |
|-----------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Agency Name</b>                | U.S. Department of Justice<br>Office of Justice Programs<br>Bureau of Justice Assistance            |
| <b>NOFO Title</b>                 | BJA FY25 Office of Justice Programs Community Based Violence Intervention and Prevention Initiative |
| <b>Announcement Type</b>          | Initial                                                                                             |
| <b>Funding Opportunity Number</b> | O-BJA-2025-172468                                                                                   |
| <b>Assistance Listing Number</b>  | 16.045                                                                                              |

## Executive Summary

This funding opportunity supports law enforcement efforts to reduce violent crime and improve police-community relations through a range of cross-sector enforcement, prevention, and intervention strategies that leverage active collaboration with communities through sustained partnerships and engagement. Please see the [Eligible Applicants](#) section for the eligibility criteria.

OJP is committed to advancing work that furthers DOJ's mission to uphold the rule of law, to keep our country safe, and to protect civil rights. OJP provides federal leadership, funding, and other critical resources to directly support law enforcement, combat violent crime, protect American children, provide services to American crime victims, and address public safety challenges, including human trafficking and the opioid crisis.

## Key Dates and Times

|                                                |                                                                                       |
|------------------------------------------------|---------------------------------------------------------------------------------------|
| <b>Funding Opportunity Release Date</b>        | September 17, 2025                                                                    |
| <b>SAM.gov Registration/Renewal</b>            | Recommend beginning process by September 26, 2025, and no later than October 13, 2025 |
| <b>Step 1: Grants.gov Application Deadline</b> | 11:59 p.m. Eastern Time on October 27, 2025                                           |
| <b>Step 2: JustGrants Application Deadline</b> | 8:59 p.m. Eastern Time on November 3, 2025                                            |

## Funding Details

**Total Amount To Be Awarded Under This Funding Opportunity:** \$34,621,469

**Anticipated Number of Awards:** 17

**Anticipated Award Ceiling:** Up to \$2,000,000

**Anticipated Period of Performance Start Date:** October 1, 2025

**Anticipated Period of Performance Duration:** 48 months

*Note: Applicants may propose a budget that is less than the anticipated award ceiling amount. The budget should be reasonable to conduct the proposed project and be within the applicant's capacity to manage.*

## Availability of Funds

This funding opportunity, and awards under this funding opportunity, are subject to the availability of funding and any changes or additional requirements that may be imposed by the agency or by law. In addition, nothing in this NOFO is intended to, nor does it, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States or its departments, agencies, entities, officers, employees, agents, or any other person.

## Statutory Authority

Full-Year Continuing Appropriations Act, 2025 (Pub. L. No. 119-4, Div. A, Secs. 1101(a)(2) and 1301(4), 139 Stat. 9, 10-11, 17; see Pub. L. No. 118-42, 138 Stat. 25, 149, para. 22).

## Agency Contact Information

For assistance with the requirements of this funding opportunity:

**OJP Response Center**

Phone: 800-851-3420 or 202-353-5556 (TTY for hearing-impaired callers only)

Email: [OJP.ResponseCenter@usdoj.gov](mailto:OJP.ResponseCenter@usdoj.gov)

Hours of operation: 9:00 a.m. to 5:00 p.m. Eastern Time (ET) Monday–Friday

For assistance with **SAM.gov** (registration/renewal):

**SAM.gov Help Desk**

Phone: 866-606-8220

Web: [SAM.gov Help Desk \(Federal Service Desk\)](#)

Hours of operation: 8:00 a.m. to 8:00 p.m. ET Monday–Friday

For assistance with **Grants.gov** (registration, submission of the Application for Federal Assistance SF-424):

**Grants.gov Customer Support Hotline**

Phone: 800-518-4726, 606-545-5035

Email: [support@grants.gov](mailto:support@grants.gov)

Web: [Grants.gov Customer Support](#)

Hours of operation: 24 hours a day, 7 days a week, except on federal holidays

For assistance with **JustGrants** (registration, submission of full application):

**JustGrants Service Desk**

Phone: 833-872-5175

Email: [JustGrants.Support@usdoj.gov](mailto:JustGrants.Support@usdoj.gov)

Hours of operation: 7:00 a.m. to 9:00 p.m. ET Monday–Friday and 9:00 a.m. to 5:00 p.m. ET on Saturday, Sunday, and federal holidays.

For procedures related to unforeseen technical issues beyond the control of the applicant that impact submission by the deadlines, see [Experiencing Technical Issues Preventing Submission of an Application \(Technical Waivers\)](#).

## Resources for Applying

**Pre-Application Webinar:** Details about a webinar for this NOFO will be provided at a later date. Please be sure to check BJA's [Upcoming Events](#) for further information.

**OJP Grant Application Resource Guide:** Referred to as the Application Resource Guide throughout the NOFO, this resource provides guidance to help applicants for OJP funding prepare and submit their applications.

**JustGrants Application Submission Training Webpage:** Offers helpful information and resources on the grant application process.



**Note:** If this NOFO requires something different from any guidance provided in the [Application Resource Guide](#), the difference will be noted in this NOFO and the applicant should follow the guidance in this NOFO.



## ELIGIBILITY

### Eligible Applicants

The types of entities that are eligible to apply for this funding opportunity are listed below:

#### Government Entities

- County governments
- City or township governments
- Native American Tribal governments (federally recognized)
- Native American Tribal governments (other than federally recognized)

#### Other

- Other units of local government, such as towns, boroughs, parishes, villages, or other general purpose political subdivisions of a State
- Native American tribal organizations (other than federally recognized or non-federally recognized tribal governments)

**Other Units of Local Government:** For the purposes of this notice of funding opportunity, other units of local government include towns, boroughs, parishes, villages, or other general purpose political subdivisions of a state.

#### Additional Applicant Eligibility Factors

In order to request a federal grant award under this program, an applicant that is a State or local government entity must submit a certification (using only the template provided in Appendix 1, entitled “[Certification by the Chief Executive Officer \(or senior official\) of the Applicant Government](#).” Tribal government entities and educational organizations (e.g., public or state-controlled institutions of higher education) are not required to submit this certification. This certification is a basic minimum requirement of this funding opportunity, such that applications from applicants that are required to submit it and fail to do so, will be denied.

Also, such applicants should anticipate that awards to state or local government entities under this NOFO will include an award condition addressing compliance with 8 U.S.C. 1373.

#### Limit on Number of Applications

An applicant may submit more than one application if each application proposes a different project in response to the NOFO. Also, an entity may be proposed as a subrecipient in more than one application.

Applications under which two or more entities (project partners) would carry out the federal award will be considered. However, only one entity may be the applicant for the NOFO; any others must be proposed as subrecipients. See the [Application Resource Guide](#) for additional information on subawards.

#### Cost Sharing/Match Requirement

This NOFO does **not** require cost sharing/match.



## PROGRAM DESCRIPTION

### General Purpose of the Funding

This NOFO supports law enforcement efforts to reduce violent crime and improve police-community relations through a range of cross-sector enforcement, prevention, and intervention strategies that leverage active collaboration with communities through sustained partnerships and engagement.

This program will address key drivers of violence and reduce violent crime by utilizing more collaborative, community-oriented approaches to advance public safety and improve police-community relations through a variety of strategies, including:

1. Employing a range of data-driven, cross-sector strategies (enforcement, prevention, and intervention) to target resources and services and reduce crime and violence. Specific activities may include, but are not limited to:
  - Sworn law enforcement officers and related personnel hiring (e.g., crime analysts);
  - Equipment purchases that specifically support violence prevention and intervention efforts
  - Focused deterrence-based strategies;
  - Youth violence intervention programs.
  - Construction of community centers
2. Building partnerships between law enforcement and local/community organizations and leaders to foster community engagement, build trust and accountability, strengthen relationships, and develop long-term solutions;
3. Increasing the capacity of local government, law enforcement, and the criminal justice system to coordinate comprehensive crime reduction strategies, including communication and coordination, data collection, sharing, and analysis;
4. Identifying and engaging individuals with the highest likelihood of being involved in, exposed to, and victimized by violence;

### Key Considerations

**Planning Phase:** The project period for award recipients will be 48 months during which recipients will engage in a planning process of up to 12 months to assess the drivers of violent crime using data and to design or refine approaches to address violence by engaging key partners, including law enforcement and community residents. During this period, the grantee will complete a violent crime assessment to develop or enhance a community-specific violence reduction strategic plan that is informed by local data and any existing strategic plans.

Applicants should refer to [Application Contents, Submission Requirements, and Deadlines: Budget Detail Form](#) for information on allowable and unallowable costs that may inform the development of their project design.

## Agency Funding Priorities

In order to advance public safety and help meet its mission, OJP will provide priority consideration to applicants that propose (as applicable within the scope of this funding opportunity) projects designed to advance the goals listed below. Applicants seeking priority consideration should specify in the proposal narrative (and in the budget detail form, if applicable) which of the following goal(s) the project is intended to advance and how it will do so:

- (a) Directly supporting law enforcement operations (including immigration law enforcement operations);
- (b) Combatting violent crime;
- (c) Supporting services to American citizens;
- (d) Protecting American children;
- (e) Supporting American victims of trafficking and sexual assault; and
- (f) State/local law enforcement efforts that are coordinated with federal law enforcement efforts (including immigration law enforcement efforts)—at minimum as shown by—
  - (1) compliance with 8 U.S.C. § 1373, which provides that state and local government entities may not prohibit, or in any way restrict, any government entity or official from sending to, receiving from, maintaining, or exchanging information regarding citizenship or immigration status, lawful or unlawful, of any individual with components of the U.S. Department of Homeland Security or any other federal, state or local government entity; and
  - (2) having in place a statute, ordinance, rule, regulation, policy, or practice that is designed to ensure both— (A) that agents of the United States acting under color of federal law in fact are given access to any pertinent correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States; and (B) that, when any such facility receives from the U.S. Department of Homeland Security a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility in fact will honor such request and (as early as practicable) provide the requested notice to such Department.

**Note:** Addressing these priorities is one of many factors that OJP considers in making funding decisions. Receiving priority consideration for one or more priority areas does not guarantee a funding award.

## Unallowable Uses of Funds

The following are certain unallowable costs and certain activities that are out of the program scope and will not be funded.

1. Out of program scope is any program or activity, at any tier that, directly or indirectly, violates (or promotes or facilitates the violation of) federal immigration law (including 8 U.S.C. § 1373) or impedes or hinders the enforcement of federal immigration law—

including by failing to comply with 8 U.S.C. § 1373, give access to DHS agents, or honor DHS requests and provide requested notice to DHS agents.

2. Out of program scope is any program or activity, at any tier that violates any applicable Federal civil rights or nondiscrimination law. This includes violations that – (1) indirectly violate the law, including by promoting or facilitating violations; or (2) unlawfully favor individuals in any race or protected group, including on a majority or minority, or privileged or unprivileged, basis, within a given area, population, or sector.
3. As specified in the [DOJ Grants Financial Guide](#), in Chapter 3.13 “Unallowable Costs” (“Legal Services for Aliens”), any obligations of funds, at any tier, under this award to provide (or to support the provision of) legal services to any removable alien or any alien otherwise unlawfully present in the United States shall be unallowable costs for purposes any award made under this notice, but the foregoing shall not be understood to apply— (1) to legal services to obtain protection orders for victims of crime; or (2) to immigration-related legal services that may be expressly authorized or required by any law, or any judicial ruling, governing or applicable to the award.

## Program Goals and Objectives

**Goal:** Reduce violent crime and improve police-community relations by funding a range of cross-sector enforcement, prevention, and intervention strategies.

**Objective 1:** Support law enforcement and local government efforts to reduce violent crime and increase trust between law enforcement and the community.

**Objective 2:** Engage residents and stakeholders in the coordinated enforcement, prevention, and intervention strategies implemented.

## How Awards Will Contribute to Program Goals/Objectives

Award recipients will plan and implement solutions that will reduce violent crime and increase public safety by leveraging partnerships with local law enforcement and other stakeholders.

## Expected Outcomes: Deliverables and Performance Measures

To achieve the goals and objectives of this funding opportunity, OJP has identified expected deliverables that must be produced by a recipient. OJP has also identified performance measures (pieces of data) that will indicate how a recipient is achieving the performance goals and objectives previously identified. Recipients will need to collect and report this performance measure data to OJP.

OJP will measure success by reviewing a recipient's submission of performance reports and data and the extent to which project implementation reflects progress toward the goals and objectives of this NOFO.

### Deliverables

Award recipients will be expected to develop and submit the deliverables listed below in the course of implementing their proposed project.

OJP will measure success by reviewing a recipient's submission of performance reports and data and the extent to which project implementation reflects progress toward the goals and objectives of this NOFO.

1. A violent crime assessment completed after the planning phase and submitted to BJA within 12 months of the award date. The assessment should thoroughly describe the nature and patterns of violent crime in the target area, including identification of violent crime hotspots, and should build on existing efforts and fill resource gaps.
2. A detailed final report within 90 days of the program end date, summarizing activities, successes, lessons learned, and sustainability plans. The report should document the implementation of intervention and prevention strategies, including any findings from a research partner if applicable.

## Performance Measures

OJP will require each award recipient to submit regular performance reports that communicate progress toward achieving the goals and objectives identified in [Program Goals and Objectives](#). Applicants can visit <https://bja.ojp.gov/funding/performance-measures/overview> for more information on performance measurement activities.

A list of performance measure questions for this funding opportunity can be found at [BJA's CVIPI Performance Measures Questionnaire](#). BJA is in the process of reviewing and revising these performance measure questions. Any changes resulting from this review will be communicated to award recipients.

## Funding Instrument

OJP expects to make awards made under this funding opportunity as a grant. See the “[Administrative, National Policy, and Other Legal Requirements](#)” section of the [Application Resource Guide](#) for a brief discussion of important statutes, regulations, and award conditions.



## APPLICATION CONTENTS, SUBMISSION REQUIREMENTS, AND DEADLINES

This NOFO contains all the information needed to apply for this funding opportunity. The application for this funding opportunity is submitted through web-based forms and attachments in Grants.gov and JustGrants through the steps that follow.

### Unique Entity Identifier (UEI) and SAM.gov Registration

To submit an application, an applicant must have an active registration in the [System for Award Management \(SAM.gov\)](#). SAM.gov assigns entities a unique entity identifier (UEI) that is required for the entity to apply for federal funding. Applicants will enter their UEI with their application. Award recipients must then maintain an active UEI for the duration of their award's period of performance.

**First-time Registration:** Entities registering in SAM.gov for the first time will submit information about their entity type and structure, financial information (such as dates of the fiscal year, banking information, and executive compensation), entity points of contact, and other information. The information is reviewed and verified by SAM.gov, and then a UEI is issued. This process may take several weeks, so entities considering applying for funding should begin the registration process as soon as possible.

**Renewing an Existing Registration:** Entities must renew their SAM.gov registration every 12 months to keep it active. If an entity does not renew their SAM.gov registration, it will expire. An expired registration can delay or prevent the submission of an application for funding in Grants.gov and JustGrants.

Applicants are encouraged to start the SAM.gov registration or renewal process **at least 30 days prior to the application's Grants.gov deadline**. Applicants who fail to begin the registration or renewal process at least 10 business days prior to the Grants.gov deadline may not be able to complete the process in time and will not be considered for a technical waiver that allows for late submission.

### Submission Instructions: Summary

Applications must be submitted to DOJ electronically through a two-step process that begins in Grants.gov and is completed in JustGrants. See [Basic Information: Key Dates and Times](#) for the Grants.gov and JustGrants application deadlines.

- **Step 1:** The applicant must submit the required [Application for Federal Assistance SF-424](#) by the Grants.gov deadline.
- **Step 2:** The applicant must submit the full application, including attachments, through JustGrants by the deadline (see [JusticeGrants.usdoj.gov](#)).

### Submission Step 1: Grants.gov Submission of SF-424

#### Access/Registration

If the applicant does not already have a Grants.gov account, they will need to register for this opportunity in Grants.gov. Applicants should follow the Grants.gov [Quick Start Guide for Applicants](#) to register, create a workspace, assign roles, submit an application, and troubleshoot issues.



## Submission of the SF-424

Applicants will begin the application process in Grants.gov with the submission of the SF-424, which collects the applicant's name, address, and UEI; the funding opportunity number; and proposed project title, among other information. The SF-424 must be signed by the Grants.gov Authorized Organizational Representative for the applicant.

See the [Application Resource Guide](#) for additional information on completing the SF-424.

**Section 8F – Applicant Point of Contact:** Please include the name and contact information of the individual **who will complete the application in JustGrants**. JustGrants will use this information (*i.e.*, email address) to assign the application to this user in JustGrants.

### Section 19 – Intergovernmental Review:

This funding opportunity is subject to [Executive Order \(E.O.\) 12372](#) (Intergovernmental Review). States that participate in the Intergovernmental Review process have an opportunity to review the applicant's submission. An applicant may find the names and addresses of state Single Points of Contact (SPOCs) for Intergovernmental Review at: <https://www.whitehouse.gov/wp-content/uploads/2023/06/SPOC-list-as-of-2023.pdf>. If the applicant's state appears on the SPOC list, the applicant must contact its SPOC to find out about, and comply with, the state's process under E.O. 12372. On the SF-424, an applicant whose state appears on the SPOC list must make the appropriate selection in response to question 19 once the applicant has complied with its state E.O. 12372 process. An applicant whose state does not appear on the SPOC list should answer question 19 by selecting, "Program is subject to E.O. 12372 but has not been selected by the state for review."

**An applicant should submit the SF-424 as early as possible and recommended not later than 48 hours before the Grants.gov deadline.** If an applicant fails to submit the SF-424 in Grants.gov by the deadline, they will be unable to submit their application in JustGrants.

Once the first part of the application has been successfully submitted in Grants.gov, the Grants.gov Workspace status will change from "In Progress" to "Submitted." Applicants will also receive a series of four Grants.gov email notifications. Refer to the [DOJ Application Submission Checklist](#) for additional details.

If an applicant needs to update information in the SF-424 after it is submitted in Grants.gov, they can update the information as part of their JustGrants submission (see [Application Contents, Submission Requirements, and Deadlines: Standard Applicant Information](#)). They do not need to submit an update in Grants.gov.

## Submission Step 2: JustGrants Submission of Full Application Access/Registration

For first-time JustGrants applicants, once the application is received from Grants.gov, DOJ will send an email (from [DIAMD-NoReply@usdoj.gov](mailto:DIAMD-NoReply@usdoj.gov)) to the email address listed in Section 8F of the SF-424 with instructions on how to create a JustGrants account. This email should arrive within 24 hours after confirmation from Grants.gov of the SF-424 submission.

Creating and setting up a JustGrants account consists of three steps:

1. Follow the instructions in the email to first confirm who will be the Entity Administrator (the person who manages which staff can access JustGrants on behalf of the applicant).



2. Log in to JustGrants and confirm the information in the Entity Profile.
3. Invite other individuals who will serve as the Application Submitter and the Authorized Representative for the applicant to register for JustGrants.

These steps should be completed in JustGrants as early as possible and recommended not later than 48 hours before the JustGrants deadline. Once registered in JustGrants, the Application Submitter will receive a link in an email to complete the rest of the application in JustGrants. Applicants can find additional information on JustGrants registration in the [DOJ Grant Application Submission Checklist](#).

## Preparing for Submission

Some of the required sections of the application will be entered directly into JustGrants, and other sections will require documents to be uploaded and attached. Therefore, applicants should allow enough time before the JustGrants deadline to prepare, enter, and upload all the requirements of the application.

Applicants may save their application in the system and add to or change the application as needed prior to hitting the “Submit” button at the end of the application in JustGrants. After the application deadline, no changes or additions can be made to the application. **OJP recommends that applicants submit the complete application package in JustGrants at least 48 hours prior to the JustGrants deadline.**

For additional information, including file name and type requirements, see the “How To Apply” section in the [Application Resource Guide](#).

## Standard Applicant Information

The Standard Applicant Information section of the JustGrants application is pre-populated with the SF-424 data submitted in Grants.gov. The applicant will need to review the Standard Applicant Information in JustGrants and can make whatever edits are needed. Within this section, the applicant will need to add ZIP codes for areas affected by the project; confirm their Authorized Representative; and confirm the organization’s unique entity identifier, legal name, and address.

## Proposal Abstract

A proposal abstract (no more than 2,000 characters) summarizing the proposed project must be completed in the JustGrants web-based form. The text from abstracts will be made publicly available on the OJP.gov and USASpending.gov websites if the project is awarded, so this section of the application should not contain any personally identifiable information (e.g., the name of the project director).

The abstract should be in paragraph form without bullets or tables and written in the third person (e.g., they, the community, their, themselves, rather than I or we). The abstract should include the following information:

- The name of the applicant’s proposed project.
- The purpose of the proposed project (*i.e.*, what the project will do and why it is necessary).
- Where the project will take place (*i.e.*, the service area, if applicable).
- Who will be served by the project (*i.e.*, who will be helped or have their needs addressed by the project).

- What activities will be carried out to complete the project.
- The subrecipient(s)/partner organizations or entities, if known.
- Deliverables and expected outcomes (*i.e.*, what the project will achieve).

See the [Application Resource Guide](#) for an [example](#) of a proposal abstract.

## Data Requested With Application

### Financial Management and System of Internal Controls Questionnaire (including Applicant Disclosure of High-Risk Status)

The Financial Management and System of Internal Controls Questionnaire helps OJP assess what financial management and internal control systems the applicant has in place, whether these systems would be sufficient to maintain a funding award, and the associated potential risks of an applicant as part of the pre-award risk assessment process. Every OJP applicant (other than an individual applying in their personal capacity, not representing an applicant organization) is required to complete the web-based form in JustGrants. See the [Application Resource Guide: Financial Management and System of Internal Controls Questionnaire \(including Applicant Disclosure of High-Risk Status\)](#) for additional guidance on how to complete the questionnaire.

### Agency Funding Priorities Inventory

Applicants should complete the Agency Funding Priorities Inventory to indicate whether they are seeking priority consideration based on any of the items listed in the [Agency Funding Priorities](#) section, and if so, which priority(ies) their project will address.

## Proposal Narrative

**Format of the Proposal Narrative:** The Proposal Narrative will be submitted as an attachment in JustGrants. The attached document should be double-spaced, using a standard 12-point size font; have no less than 1-inch margins; have numbered pages; and should not exceed 20 pages. If the Proposal Narrative does not comply with these restrictions, OJP may consider such noncompliance in peer review and in final award decisions. Tables, charts, and graphs included in the proposal narrative will count towards the page limit and may use a legible font smaller than 12-point.

**Sections of the Proposal Narrative:** The Proposal Narrative must include the four sections listed below. If the applicant seeks priority consideration, the Proposal Narrative must state which priority goal(s) the applicant's project will advance and describe how (see section, Agency Funding Priorities under Program Description).

**1. Description of the Need:** What critical issue or problem is the applicant proposing to address with this project? Please include:

- Describe the nature, size, and scope of the local violent crime problem(s) that the program will address.
- Use data to show where the problem exists in the specific jurisdiction where the program is being proposed
  - This discussion should include data on the number of homicides, homicides per capita, and non-fatal shootings in the community.

- Any data or research referenced in the narrative should include the source of the data and/or a citation.
- If the applicant is enhancing a current program, provide background data on the program (e.g., number of participants served) elements of the enforcement, intervention, and/or prevention strategy, and any outcomes or results the program has seen.
- Explain the limitations in adequately funding the program without federal funding.

**2. Project Goals and Objectives:** How will the proposed project address the need identified and address the purpose of the NOFO? Please include:

- Project goals (goals are broad, visionary statements on what the applicant hopes to accomplish).
- Project objectives (objectives are specific outcomes the applicant plans to achieve through project activities).
- How the applicant's goals and objectives relate to the goals and objectives of the NOFO.

**3. Project Design and Implementation:** How will the proposed project address the need identified and address the purpose of the NOFO? Please include:

- Describe the strategies the applicant will use to achieve the goal and objectives of this NOFO and how the program will operate throughout the funding period.
- Outline the strategies proposed for this program. Describe how solutions will be based on proven policies and practices, where available, or propose to employ innovative approaches to the target population.
- Include a comprehensive timeline/project plan that identifies milestones, numerically lists deliverables, and identifies who is responsible for each activity. The timeline/project plan should clearly connect to proposed strategies and should be included as an attachment to the application.
- This section should also include details regarding any leveraged resources (cash or in-kind) from local sources to support the program and discuss plans for sustainability beyond the grant period. Describe if and how the applicant will strategically leverage federal, state, local, and tribal funding to ensure the sustainability of this effort with partners to demonstrate the long-term commitment to intervention and prevention strategies.

**4. Capabilities and Competencies:** What administrative and technical capacity and expertise does the applicant bring to successfully complete this project? Please include:

- Describe the applicant's capacity to deliver the proposed project and meet the requirements of the award, including collecting and reporting the required performance measure data. Who will be responsible for this task, and how will the applicant collect the data? Refer to [Program Description: Performance Measures](#) for additional details on performance measures for this funding opportunity.
- Describe the experience and capability of the applicant organization and its partners that the applicant will use to implement and manage this effort and its associated federal funding, including subawardees. Highlight any previous experience implementing programs of similar design or magnitude.

- Describe experience working directly with and for communities experiencing the highest rates of violence.
- Describe the roles and responsibilities of the staff and explain the program's organizational structure and operations. Applicants should include a copy of an organizational chart showing how the organization operates, including who manages the finances; how the organization manages subawards, if there are any; and the management of the program proposed for funding. Management and staffing patterns should be clearly connected to the program design described in the previous section.
- Describe the roles that community partners will play and include all relevant memorandum of understanding (MOUs) and resumés/curricula vitae (CVs).

**Project Evaluations:** An applicant that proposes to use award funds to conduct project evaluations must follow the guidance in the [“Note on Project Evaluations”](#) section in the [Application Resource Guide](#).

### **Budget and Associated Documentation: Budget Detail Form**

The applicant will complete the JustGrants budget detail form. The form collects the individual costs under each cost category needed to implement the proposed project. Applicants should ensure that the name/description of each cost is clear and provide the detailed calculation (e.g., cost per unit and number of units) for the total cost. Applicants should enter additional narrative, as needed, to fully describe the cost calculations and connection to the project goals and objectives (including, if applicable, describing connections to OJP priority goals).

Budget proposals should include the funding needed to implement the proposed activities. In preparing their budget proposals, applicants should consider what types of costs are allowable, if awarded funding. Costs are allowable when they are reasonable, allocable to, and necessary for the performance of the project funded under the federal award and when they comply with the funding statute and agency requirements, including the conditions of the award and the cost principles set out in [2 C.F.R. Part 200, Subpart E](#) and the [DOJ Grants Financial Guide](#).

Successful applicants are expected to participate in an up-to 3-day cross-site training or grantee meeting in each year of the project and should budget for as many as three representatives to travel to attend these meetings. All expenses must be reasonable, allowable, and necessary to the project. The estimates must provide a breakdown of all costs and adhere to the [federal per diem](#).

**Costs Associated With a Conference/Meeting/Training:** An applicant that proposes to use award funds for activities related to a conference, meeting, training, or similar event should review the [Application Resource Guide](#) for information on prior approval, planning, and reporting costs for a conference/meeting/training.

**Costs Associated With Language Assistance and Access:** If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable in specific grant programs. Costs to provide reasonable accommodation and facilitate language access for individuals who are deaf or hard of hearing may also be allowable in specific grant programs. See the [Application Resource Guide](#) for information on costs associated with language assistance.

For additional information about how to prepare a budget for federal funding, see the [Application Resource Guide](#) section on “[Budget Preparation and Submission Information](#)” and the technical steps to complete the budget form in JustGrants in the [Complete the Application in JustGrants: Budget](#) training.

## **Budget and Associated Documentation: Budget/Financial Attachments**

**Indirect Cost Rate Agreement (if applicable):** An applicant with a current, federally approved indirect cost rate agreement should upload it as an attachment in JustGrants.

Indirect costs are costs of an organization that are not readily assignable to a particular project but are necessary for the operation of the organization and the performance of the project. Examples of costs usually treated as indirect include those incurred for operation and maintenance of offices or workspaces and salaries of administrative or support staff. The requirements for the development and submission of indirect cost proposals and cost allocation plans are listed in Appendices III–VII of 2 C.F.R. Part 200. A non-federal applicant should follow the guidelines applicable to its type of organization. See the [DOJ Grants Financial Guide](#) and the [OJP Grant Application Resource Guide](#) for additional information on indirect cost rate agreements.

**Consultant Rate (if applicable):** OJP has established maximum rates for consultants; see the “Listing of Costs Requiring Prior Approval” section of the [DOJ Grants Financial Guide](#) for more information. If an applicant proposes a rate for a consultant on their project that is higher than the established maximum rate and receives an award, then the award recipient must submit a document requesting approval for the rate and cannot incur costs at the higher rate without prior OJP approval. The award recipient must provide justification for why the proposed rate is higher than the established maximum rate, such as why the rate is reasonable and consistent with that paid for similar services in the marketplace.

**Limitation on Use of Award Funds for Employee Compensation for Awards Over \$250,000; Waiver (if applicable):** If an applicant proposes to hire employees with federal award funds, for any award of more than \$250,000, the recipient may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the federal government’s Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. Applicants may request a waiver from this requirement by submitting the appropriate form. See the [Application Resource Guide](#) for information on the “Limitation on Use of Award Funds for Employee Compensation for Awards over \$250,000; Waiver.”

### **Disclosure of Process Related to Executive Compensation (if applicable):**

This notice of funding opportunity expressly modifies the Application Resource Guide by not incorporating its “Disclosure of Process Related to Executive Compensation” provisions. Applicants to this funding opportunity are not required to provide this disclosure.

### **Memorandum of Understanding (MOU) (if applicable)**

For each named partner involved in the project (whether as a subrecipient that will receive federal funds to carry out part of the federal award, or otherwise), applicants should include a signed Memorandum of Understanding (MOU) or a letter of intent that confirms the partner’s agreement to support the project through commitments of staff time, space, services, or other

project needs. MOUs or letters of intent demonstrate the commitment of partner organizations to participate in the project. An MOU is a formalized commitment of staff and/or resources that is signed by authorized representatives of both partner organizations. A letter of intent indicates the organizations' intention to partner, but the details of the commitment have not been fully worked out and officially agreed to.

Each MOU should include the following:

- Names of the organizations involved in the agreement.
- What service(s) and other work will be performed under the agreement by what organization.
- Duration of the agreement.

MOUs should be submitted as one separate attachment to the application.

Unsigned draft MOUs may be submitted with the application, but the applicant should describe in a cover page to the attachment why it is unsigned.

## Additional Application Components

The applicant should attach the additional requested documentation listed below in JustGrants.

- **Curriculum Vitae or Resumes:** Provide resumes of key personnel who will work on the proposed project or a description of the experience and skills of key personnel.
- **Tribal Authorizing Resolution (if applicable):** An application in response to this NOFO may require inclusion of tribal authorizing documentation as an attachment. If applicable, the applicant will upload the tribal authorizing documentation as an attachment in JustGrants. See the [Application Resource Guide](#) for information on tribal authorizing resolutions.
- **Research and Evaluation Independence and Integrity Statement (if applicable):** If an application proposes research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The applicant will upload documentation of its research and evaluation independence and integrity as an attachment in JustGrants. For additional information, see the [Application Resource Guide](#).
- **Human Subjects Protection:** Applications including a research partnership where the intended outcomes are to provide generalizable knowledge will be required to comply with human subjects and privacy certificate requirements for OJP-funded research if proposed research involves human subjects. For more information, see [OJP's Standard Forms & Instructions](#) and [Other Application Requirements](#).
- **Request To Use Incentives or Stipends:** Applicants proposing to use incentives or stipends must provide strong justification for their use and clearly explain the necessity for such costs. Applicants should explain how the incentive/stipend amounts were determined; to whom these would benefit and why; and how such costs are beneficial and necessary for the project and its implementation.



- **Timeline:** Provide a timeline listing key activities and milestones, and the months during which they will take place.

## Disclosures and Assurances

The applicant will address the following disclosures and assurances.

**Disclosure of Lobbying Activities:** JustGrants will prompt each applicant to indicate if it is required to complete and submit a lobbying disclosure under 31 U.S.C. § 1352.

The applicant is required by law to complete and submit a lobbying disclosure form (Standard Form/SF-LLL) if it has paid or will pay any person to lobby in connection with the award for which it is applying AND this application is for an award in excess of \$100,000. This disclosure requirement is not applicable to such payments by an Indian Tribe, tribal organization, or any other Indian organization that are permitted by other federal law.

Lobbying means (for this requirement) influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress. See 31 U.S.C. § 1352; 28 C.F.R. part 69. Note: Most applicants do not engage in activities that trigger this disclosure requirement.

An applicant that is not required by law (31 U.S.C. § 1352) to complete and submit a lobbying disclosure, should enter “No.” By doing so, the applicant is affirmatively asserting (under applicable penalties) that it has nothing to disclose under 31 U.S.C. § 1352 with regard to the application for the award at issue.

**Disclosure of Duplication in Cost Items:** To ensure funding coordination across grantmaking agencies, and to avoid unnecessary or inappropriate duplication of grant funding, the applicant must disclose if it has any pending applications for federal funding, including pending applications for subawards of federal funds, for the same project and the same budget items included in this proposal. Complete the JustGrants Applicant Disclosure of Duplication in Cost Items form. See the [Application Resource Guide](#) for additional information.

**DOJ Certified Standard Assurances:** Review and accept the DOJ Certified Standard Assurances in JustGrants. See the [Application Resource Guide](#) for additional information.

**DOJ Certifications:** Review the DOJ document [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Coordination with Affected Agencies](#). An applicant must review and sign the certification document in JustGrants. See the [Application Resource Guide](#) for more information.

**Applicant Disclosure and Justification – DOJ High-Risk Grantees (if applicable):** If applicable, submit the DOJ High-Risk Disclosure and Justification as an attachment in JustGrants. A DOJ high-risk recipient is an award recipient that has received a DOJ high-risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible. See the [Application Resource Guide](#) for additional information.

## Submission Dates & Times

Refer to [Basic Information: Key Dates and Times](#) for the submission dates and times.

Applicants should submit their applications as early as possible and recommended not later than 48 hours before the deadlines. To be considered timely, the full application must be submitted in JustGrants by the JustGrants application deadline. Applicants will use the Certify and Submit feature in JustGrants to confirm that all required application components have been entered, which includes identifying the Authorized Representative for the applicant. Once the application is submitted, the Application Submitter, Authorized Representative, and Entity Administrator receive a confirmation email.

An applicant will receive emails after successfully submitting application components in Grants.gov and JustGrants and should retain all emails and other confirmations received from the SAM.gov, Grants.gov, and JustGrants systems.

## Experiencing Technical Issues Preventing Submission of an Application (Technical Waivers)

If an applicant misses a deadline due to unforeseen technical issues with SAM.gov, Grants.gov, or JustGrants, the applicant may request a waiver to submit an application after the deadline. OJP will only consider requests to submit an application via alternative methods or after the deadline when the applicant can document that there is a technical issue with a government system that was beyond their control and that prevents submission of the application via the standard process prior to the deadlines. Issues resulting from circumstances within the applicant's control, such as failure to begin the SAM.gov, Grants.gov, or JustGrants registration and application process in sufficient time, will not be considered.

Requests and documentation must be sent to the OJP Response Center at [OJP.ResponseCenter@usdoj.gov](mailto:OJP.ResponseCenter@usdoj.gov). Applicants should follow these steps if they experience a technical issue:

- 1. Contact the relevant help desk to report the issue and receive a tracking number.**

See [Basic Information: Contact Information](#) for the phone numbers, email addresses, and operating hours of the SAM.gov, Grants.gov, and JustGrants help desks. Reports of technical issues to the help desk must occur **before** the application deadline.

If an applicant calls the help desk and experiences a long wait time, they can also email the help desk to obtain a tracking number. Tracking numbers are generated automatically when an applicant emails the applicable service desk, and for this reason, long call wait times for support do not relieve the applicant of the responsibility of getting a tracking number.



**2. If an applicant has technical issues with SAM.gov or Grants.gov, the applicant must contact the OJP Response Center at [OJP.ResponseCenter@usdoj.gov](mailto:OJP.ResponseCenter@usdoj.gov) within 24 hours of the Grants.gov deadline to request approval to submit after the deadline. The applicant's request will need to include:**

- A description of the technical difficulties experienced (provide screenshots if applicable).
- A timeline of the applicant's submission efforts (e.g., date and time the error occurred, date and time of actions taken to resolve the issue and resubmit, and date and time support representatives responded).
- An attachment of the complete grant application and all the required documentation and materials (this serves as a "manual" submission of the application).
- The applicant's unique entity identifier (UEI).
- Any SAM.gov, Grants.gov, and JustGrants Service Desk tracking/ticket numbers documenting the technical issue.

**3. If an applicant has technical issues with JustGrants that prevent application submission by the deadline, the applicant must contact the OJP Response Center at [OJP.ResponseCenter@usdoj.gov](mailto:OJP.ResponseCenter@usdoj.gov) within 24 hours of the JustGrants deadline to request approval to submit after the deadline. See step 2 for the list of information the applicant must provide as part of its request.**

As a reminder: the waiver request will not be considered unless it includes documentation of attempts to receive technical assistance to resolve the issue prior to the application deadline. OJP will review each waiver request and the required supporting documentation and notify the applicant whether the request for late submission has been approved or denied. An applicant that does not provide documentation of a technical issue (including all information previously listed), or that does not submit a waiver request within the required time period, will be denied.

For more details on the waiver process, OJP encourages applicants to review the "Experiencing Technical Issues" section in the [Application Resource Guide](#).



## APPLICATION REVIEW

### Responsiveness (Basic Minimum Requirements) Review

OJP screens applications to ensure they meet the basic minimum requirements (BMR) prior to conducting the merit review. Following are the basic minimum requirements for this funding opportunity. If OJP determines that an application does not include these elements, it will not proceed to merit review and will not receive any further consideration.

- The application is submitted by an eligible applicant.
- The requested award amount does not exceed the award ceiling.
- The application is responsive to the scope of the NOFO.
- The following application elements are included:
  - SF-424 (Grants.gov)
  - Proposal Narrative (JustGrants)
  - Budget detail form, which includes the budget items, their calculations, and explanation (JustGrants)
  - *Applicant State or local government entities only:* Certification by the Chief Executive Officer (or senior official) of the Applicant Government (using Appendix1 template)

Applicants whose application fails to meet the BMR are provided notice (including an appropriate point of contact for questions) within a few weeks after the submission due date.

### Merit Review Criteria

#### Peer Review Criteria

Applications that meet the basic minimum requirements will be evaluated for technical merit by peer reviewers based on how the proposed project/program addresses the following criteria:

- **Description of the Issue (10%):** What critical issue or problem the applicant is proposing to address with this project.
- **Project Goals and Objectives (15%):** How the proposed project will address the identified need and the purpose of the funding opportunity.
- **Project Design and Implementation (40%):** The strength of how the applicant will implement activities, including the soundness of the project design and how the activities align to the stated goals and objectives.
- **Capabilities and Competencies (15%):** The applicant's administrative and technical capacity to successfully complete this project.
- **Budget (20%):** Completeness and cost effectiveness.

#### Programmatic and Financial Review Criteria

After the peer review, applications undergo additional programmatic and financial reviews. OJP staff may reach out to applicants during the programmatic or financial review if a submitted form is incomplete or needs to be updated. Note that OJP staff are not authorized to provide information on peer review scores or comment on programmatic, risk, or budget/financial reviews while the merit review is in progress.

In addition to BMR and peer review criteria, other important considerations for OJP include geographic coverage, strategic priorities, available funding, past performance, and the extent to which the budget detail form accurately explains project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles. If cost sharing/match is not required for this opportunity, applicants will not receive higher consideration by proposing a voluntary match contribution in their budget.

Additionally, OJP consider past performance and recent funding history to ensure equitable access to resources and successful use of funds. As a general rule, OJP will not make awards to the same entity to expand a program in the same jurisdiction two years in a row.

## Risk Review

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to applicant risk. OJP assesses whether an applicant with one or more prior federal awards has a satisfactory record of performance, integrity, and business ethics, including by (among other things) checking whether the applicant is listed in SAM.gov as excluded from receiving a federal award.

Depending on the severity and nature of the risk factors, the risk assessment may result in the removal of an applicant from consideration or selection for award, or it may result in additional post-award conditions and oversight for an awarded applicant.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM.gov.

**Important Note on Responsibility/Qualification Data (formerly FAPIIS):** An applicant may review and comment on any information about its organization that currently appears in SAM.gov and was entered by a federal awarding agency. OJP will consider such comments by the applicant, in addition to the other information in SAM.gov, in its assessment of the risk posed by the applicant.

## Selection Process

All final award decisions will be made by the Assistant Attorney General, unless a statute explicitly authorizes award decisions by another official or there is written delegation of authority to another official. This official may consider not only peer review ratings and program office recommendations, but also other factors as indicated in the “Application Review” section to make final award decisions. For additional information on the application review process, see the [Application Resource Guide](#).



## AWARD NOTICES

### Federal Award Notices

For successful applicants, JustGrants will send a system-generated email to the Application Submitter, Authorized Representative, and Entity Administrator with information on accessing their official award package in JustGrants. The award package will include key information (such as funding amount and period of performance) as well as award conditions that must be followed. The Authorized Representative for the entity should accept or decline the award within 45 days of the notification. See the [Application Resource Guide](#) for information on award notifications and instructions.

Applicants not selected for an award will receive notification after all award recipients have been notified. OJP also provides unsuccessful applicants with a summary of peer reviewer comments.

### Future Funding Opportunities

OJP may, in certain cases, provide additional funding in future years to awards made under this funding opportunity through continuation awards. When making continuation award decisions, OJP will consider, among other factors, OJP's strategic priorities, a recipient's overall management of the award, and the progress of the work funded under the award.

Applications submitted under this FY 2025 funding opportunity may be funded in future fiscal years, dependent on, among other considerations, the merit of the applications and the availability of appropriations.



# POST-AWARD REQUIREMENTS AND ADMINISTRATION

## Reporting

All award recipients under this funding opportunity will be required to submit the following reports and data:

- Quarterly financial reports.
- Quarterly performance reports.
- Final financial and performance reports.
- If applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions.

See the [Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measure data and the method for submitting reports in OJP's online systems. Future awards and fund drawdowns may be withheld if reports are delinquent, and in appropriate cases, OJP may require additional reports.

## Performance Measure Reporting

Award recipients are required to submit performance measure data in the Performance Measurement Tool (PMT) quarterly and separately submit a semi-annual performance report in JustGrants. Applicants selected for an award will receive further guidance on post-award reporting processes.

## Program- and Award-Specific Award Conditions

OJP includes various conditions on its awards. These may include program-specific conditions, which typically apply to all recipients of a funding opportunity, and award-specific conditions, which are included to address recipient-specific issues (e.g., programmatic or financial risk). Recipients may view all conditions, and actions required to satisfy those conditions, in the award package in JustGrants.

## Administrative, National Policy, and Other Legal Requirements

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions and all applicable requirements of federal statutes and regulations, including the applicable requirements referred to in the assurances and certifications executed in connection with award acceptance. For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in the [Application Resource Guide](#).

## Civil Rights Compliance

If a successful applicant accepts funding from OJP—as a recipient of OJP funding—that award recipient must comply with certain federal civil rights laws that prohibit the award recipient from discriminating on the basis of race, color, national origin, sex, religion, or disability in how it delivers its program's services or benefits and in its employment practices. The civil rights laws that may be applicable to the award include, but are not limited to, Title VI of the Civil Rights Act of 1964, the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, and Section 504 of the Rehabilitation Act of 1973. These and other federal civil rights laws are discussed in greater detail on OJP's [Legal Overview—FY 2025 Awards](#) webpage under the

“Civil Rights Requirements” section. Additional resources are available from the [OJP Office for Civil Rights](#).

Compliance with Federal civil rights and nondiscrimination laws is material to the government’s decision to make any award and payment under this program, including for purposes of the False Claims Act, and each recipient will be required to certify (in its acceptance of the conditions of the award) that it does not operate any programs (including any such programs having components relating to diversity, equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws.

See OJP’s [Partnerships with Faith-Based and Other Neighborhood Organizations webpage](#) for specific information for faith-based organizations applying under this NOFO.

### **Financial Management and System of Internal Controls**

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See the [Application Resource Guide](#) for additional information.

### **Information Technology Security Clauses**

An application in response to this NOFO may require inclusion of information related to information technology security. See the [Application Resource Guide](#) for more information.

### **Other Reporting Requirements**

Applicants and recipients are required to notify OJP if you know that you or any of your organization’s principals for the award transaction are presently excluded or disqualified (*i.e.*, debarred or suspended) or otherwise meet any of the criteria in 2 C.F.R. 180.335. Recipients must comply with requirements in 2 C.F.R. Part 180, as implemented by DOJ in 2 C.F.R. Part 2867, which, among other things, require recipients to check certain information sources and, in some cases, notify the federal awarding agency prior to the agency awarding federal funds via contracts or subawards.

If a recipient’s award includes a federal share of more than \$500,000 over the period of performance of the award, then the award (per 2 C.F.R. 200.113) will include a condition that may require the recipient to report and maintain certain information (relating to certain criminal, civil, and administrative proceedings) in SAM.gov. See the [Reporting Requirements page](#) for more information.



## OTHER INFORMATION

### Information Regarding Potential Evaluation of Programs and Activities

OJP may conduct or support an evaluation of the projects and activities funded under this NOFO. For additional information on what should be included in the application, see the [Application Resource Guide](#) section “Information Regarding Potential Evaluation of Programs and Activities.”

### Freedom of Information and Privacy Act

See the [Application Resource Guide](#) for important information on the Freedom of Information and Privacy Act (5 U.S.C. §§ 552 and 552a).

Applicants are advised not to include any unnecessary personally identifiable information, sensitive law enforcement information, or confidential financial information with the application.

### Provide Feedback to OJP

See the [Application Resource Guide](#) for information on how to provide feedback to OJP.





## APPLICATION CHECKLIST

### Bureau of Justice Assistance FY25 Office of Justice Programs Community Based Violence Intervention and Prevention Initiative Site-Based

This application checklist has been created as an aid in developing an application. For more information, reference the “[OJP Application Submission Steps](#)” in the [OJP Grant Application Resource Guide](#) and the [DOJ Application Submission Checklist](#).

#### SAM.gov Registration/Renewal

- Confirm that your entity’s registration in the System for Award Management (SAM.gov) is active through the NOFO period. Submit a new or renewal registration in SAM.gov, if needed (see [Application Resource Guide](#)).

#### Grants.gov Registration

- Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password (see [Application Resource Guide](#)).
- Acquire AOR confirmation from the E-Business Point of Contact (E-Biz POC) (see [Application Resource Guide](#)).

#### Grants.gov Opportunity Search

- Search for the funding opportunity in Grants.gov using the opportunity number, assistance listing number, or keyword(s).
- Select the correct Competition ID.
- Access the funding opportunity and application package (see Step 7 under “[OJP Application Submission Steps](#)” in the [Application Resource Guide](#)).
- Sign up for Grants.gov email notifications (optional) (see [Application Resource Guide](#)).

#### Funding Opportunity Review and Project Planning

- Review all sections of the NOFO.
- Confirm your entity is eligible to receive funding (see [Eligibility: Eligible Applicants](#)).
- Confirm your proposed budget is within the allowable limits (see [Basic Information: Funding Details](#)), includes only allowable costs (see [Application Contents, Submission Requirements, and Deadlines: Budget Detail Form](#)), and includes cost sharing if applicable (see [Eligibility: Cost Sharing/Match Requirements](#)).
- Review the performance measures for this funding opportunity and confirm you will be prepared to collect and report on this data (see [Program Description: Performance Measures](#)).
- Review the “[Legal Overview—FY 2025 Awards](#)” in the [OJP Funding Resource Center](#) and confirm you are prepared to follow the requirements.
- Read OJP policy and guidance on conference approval, planning, and reporting under “Listing of Costs Requiring Prior Approval” in the [DOJ Grants Financial Guide](#) or see the [Application Resource Guide](#).

#### Submission Step 1: Grants.gov

After registering with SAM.gov, submit the SF-424 in Grants.gov.

- Complete and submit the SF-424 by the deadline.



- Confirm Section 8F of the SF-424 lists the name and contact information of the individual **who will complete the application in JustGrants.**
- Submit documents for Intergovernmental Review (if applicable).
- Confirm that, within 48 hours of your submission in Grants.gov, you receive four (4) Grants.gov email notifications:
  - A submission receipt
  - A validation receipt
  - A grantor agency retrieval receipt
  - An agency tracking number assignment
- If no Grants.gov receipt and validation email is received, or if error notifications are received, contact the OJP Response Center at 800-851-3420, 202-353-5556, or [OJP.ResponseCenter@usdoj.gov](mailto:OJP.ResponseCenter@usdoj.gov) or the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, or [support@grants.gov](mailto:support@grants.gov) regarding technical difficulties (see the [Application Resource Guide](#) section on “Experiencing Unforeseen Technical Issues”).
- Confirm that, within 24 hours after receipt of confirmation emails from Grants.gov, the individual listed in Section 8F of the SF-424 receives an email from JustGrants with login instructions.

## Submission Step 2: JustGrants

- Complete the following information:
  - Entity and User Verification (first-time applicants)
  - Standard Applicant Information\*
  - Proposal Abstract\*
  - Financial Management and System of Internal Controls Questionnaire (see [Application Resource Guide](#))
  - Agency Funding Priorities Inventory
- *Applicant State or local government entities only:* Upload properly-executed *Certification by the Chief Executive Officer (or senior official) of the Applicant Government*, using only the certification template provided in the specified Appendix to this NOFO.\* Upload the Proposal Narrative.\*
- Complete the budget detail form.\*
- Upload other budget/financial attachments, as applicable.
- Upload additional application components, as applicable.
  - Curriculum Vitae or Resumes
  - Tribal Authorizing Resolution (if applicable) Research and Evaluation Independence and Integrity Statement (if applicable)
  - Human Subjects Protection
  - Request To Use Incentives or Stipends:
  - Timeline
- Complete the required disclosures and assurances:
  - Disclosure of Lobbying Activities and submission of SF-LLL, if prompted by the system
  - Disclosure of Duplication in Cost Items
  - DOJ Certified Standard Assurances
  - Applicant Disclosure and Justification – DOJ High-Risk Grantees

- Complete the required DOJ Certification on Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Coordination with Affected Agencies.

***\*Note: Items designated with an asterisk must be submitted for an application to meet the basic minimum requirements review. If OJP determines that an application does not include the designated items, it will neither proceed to peer review nor receive further consideration.***

### **JustGrants Review, Certification, and Application Submission**

- Address any validation errors displayed on screen after attempted submission, then return to the “Certify and Submit” screen to submit the application.
- Note the confirmation message at the top of the page. Users will also receive a notification in the “bell” alerts confirming submission.
- If you do not receive an application submission confirmation email or validation from JustGrants, or if you receive an error notification, please contact the JustGrants Service Desk at 833-872-5175 or [JustGrants.Support@usdoj.gov](mailto:JustGrants.Support@usdoj.gov). See the [Application Resource Guide](#) for additional information.

## Appendix 1

### U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS

#### Certification by the Chief Executive Officer (or senior official) of the Applicant Government

On behalf of the applicant named below, and in support of its application, I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

- (1) I am the chief executive officer of the State or local government ("the jurisdiction") of which the applicant entity named below is a part (or a senior official of the jurisdiction, with the legal authority to bind the same), I have received appropriate legal advice as to this certification, and I have the authority to make this certification on my own behalf as chief executive officer (or senior official) and on behalf of the jurisdiction and the applicant entity. I understand that OJP will rely upon this certification as a material representation in any decision to make an award to the applicant entity.
- (2) I have carefully reviewed (or have received pertinent legal advice concerning) 8 U.S.C. §§ 1373(a) & (b) and 1644, including the prohibitions on certain actions by State and local government entities, agencies, and officials regarding information on citizenship and immigration status.
- (3) I (and the applicant entity) understand that, for purposes of this certification, the term "program or activity" means what it means under title VI of the Civil Rights Act of 1964 (*see* 42 U.S.C. § 2000d-4a), and that terms used in this certification that are defined in 8 U.S.C. § 1101 mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (*cf.* 42 U.S.C. § 901(a)(2)).
- (4) I (and the applicant entity) assure that the applicant entity (and its officials and other personnel) will comply with 8 U.S.C. §§ 1373 and 1644 in any "program or activity" receiving federal financial assistance under any award made by OJP pursuant to this application. I further certify that any subrecipient (at any tier) of such federal financial assistance (and its officials and other personnel) will also comply with 8 U.S.C. §§ 1373 and 1644.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 34 U.S.C. § 10271 or under 18 U.S.C. § 1001 or 1621, and may subject me and the applicant entity to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729–3730 and §§ 3801–3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

\_\_\_\_\_  
Signature of Chief Executive Officer (or senior official) of the Applicant Government

\_\_\_\_\_  
Date of Certification

\_\_\_\_\_  
Printed Name of Chief Executive Officer (or senior official)

\_\_\_\_\_  
Title of Chief Executive Officer (or senior official)

\_\_\_\_\_  
Name of Applicant Government Entity

# FUTURE MEETING AGENDA HIGHLIGHTS

October 20, 2025

## October 27, 2025 – City Council Meeting

- Consideration of Aldine right-of-way
- Approve Professional Services Agreement for Construction Manager at Risk for the Civic Campus Project
- Consider Approval of Professional Services Agreement for Civil and Prosecuting Attorney Services
- Discuss Levy Impact of Earlier Start Date of Grant Funded Firefighters

## November 10, 2025 EDA Meeting

- Receive TIF District Report
- Consider Adoption of the Professional Services Contracts
- Consider Adoption of EDA Meeting Calendar
- Approve Metropolitan Livable Communities Act Agreement Permitting Redevelopment of Repayment Proceeds for Grant Funds as Loan Proceeds
- Approve an amendment to the redevelopment contract and TIF note for Harbor at Twin Lakes senior housing

## November 10, 2025 – City Council Meeting

- Discuss 2026 Fee Schedule
- Discuss 2026 Utility Rates
- Discuss Franchise Fees
- Approval of 2026 City Council & EDA Meeting Calendar
- Consider Liquor License Presumptive Penalties

## November 24, 2025 – City Council Meeting

- Receive Presentation for Metropolitan Council Member Peter Lindstrom
- Approve Business License Renewals
- Discuss Franchise Fees

## December Meetings

- December 1
- December 8

|                                                              |  |  |                                                              |                           |                                                        |  |           |
|--------------------------------------------------------------|--|--|--------------------------------------------------------------|---------------------------|--------------------------------------------------------|--|-----------|
|                                                              |  |  | <b><u>Future Agenda Review - Longer Term Initiatives</u></b> |                           |                                                        |  | 8/20/2025 |
|                                                              |  |  | (items that likely require council discussion/action)        |                           |                                                        |  |           |
|                                                              |  |  |                                                              |                           |                                                        |  |           |
| <b><u>Item</u></b>                                           |  |  | <b><u>Initiated By</u></b>                                   | <b><u>Target Date</u></b> | <b><u>Status/Notes</u></b>                             |  |           |
| Discuss penalties for license holders of mulitple businesses |  |  | Council                                                      | 3rd/4th Quarter 2025      | Liquor/Tobacco License Presumptive Penalties           |  |           |
| Roseville Fire role in medical transport                     |  |  | Staff                                                        | TBD                       | Ongoing discussions with Allina, etc.                  |  |           |
| Review need of pet licenses                                  |  |  | Council                                                      | TBD                       | Staff review amount of licenses issued and report back |  |           |
| City Speed Limit Review on Local Streets                     |  |  | Strahan/Council                                              | TBD                       | PWET will continue to work on issue and report back    |  |           |
| Sister City Relationship with Indigenous Tribal Nation       |  |  | Strahan                                                      | TBD                       |                                                        |  |           |