

CITY OF LANDFALL VILLAGE

MUNICIPAL CODE

OF

LANDFALL VILLAGE, MINNESOTA

2021 REVISION

Revision and Codification of Ordinances
Adopted by the Mayor/City Council for the City of Landfall Village

The above resolution repeals the version adopted in 1997 except those ordinances granting franchises and easements. The 1997 version repealed the 1982 version except those ordinances granting franchises and easements.

TABLE OF CONTENTS

CHAPTER 1. CODE INTRODUCTION

Section		Chapter	Page
100	ADOPTION AND SCOPE OF CODE	1	1
100.01	ADOPTION OF CODE	1	1
100.02	SHORT TITLE	1	1
100.03	REPEAL OF ORDINANCES	1	1
100.04	SUBSEQUENT ORDINANCES	1	1
100.05	CONSECUTIVE NUMBERING TO CONTINUE	1	1
100.06	PRESERVATION OF EXISTING RIGHTS	1	1
100.07	SEPARABILITY	1	1
100.08	PENALTY	1	1
100.09	EFFECTIVE DATE	1	2
100.10	CODE PERMANENTLY ON FILE	1	2
110	RULES OF CONSTRUCTION	1	3
110.01	GENERAL	1	3
110.02	MASCULINE, FEMININE, OR NEUTER	1	3
110.03	SINGULAR OR PLURAL	1	3
110.04	PAST, PRESENT, OR FUTURE	1	3
110.05	JOINT AUTHORITY	1	3
110.06	COMPUTATION OF TIME	1	3
110.07	DESIGNEES	1	3
110.08	FILING, ETC. AT CITY OFFICES	1	3
110.09	CATCH LINES	1	3
110.10	REPEALS	1	3
110.11	LIBERAL CONSTRUCTION	1	3
110.12	SUBSTANTIVE CHANGES NOT INTENDED	1	3
110.13	MINNESOTA RULES OF CONSTRUCTION TO APPLY	1	3
120	DEFINITIONS	1	4
120.01	CERTAIN TERMS DEFINED	1	4
120.02	OTHER DEFINITIONS	1	4
120.03	MINNESOTA DEFINITIONS TO APPLY	1	4
130	ADOPTING STATE LAW BY REFERENCE	1	4
130.01	ADOPTING STATE LAW BY REFERENCE	1	4

CHAPTER 2. CITY ORGANIZATION AND MANAGEMENT

Section		Chapter	Page
200	CITY COUNCIL PROCEDURE	2	1
200.01	TIME AND PLACE OF MEETINGS	2	1
200.02	PRESIDING OFFICER	2	1
200.03	QUORUM	2	1
200.04	ORDER OF BUSINESS	2	1
200.05	POWERS OF MAYOR	2	1
200.06	SPEAKING	2	1
200.07	MOTIONS AND RESOLUTIONS	2	2
200.08	VOTING	2	2
200.09	COMMITTEES	2	2
200.10	PASSED ORDINANCES	2	2
200.11	PETITIONS TO BE READ	2	2
200.12	ADMISSION TO COUNCIL MEETINGS	2	2
200.13	SUSPENSION OF RULES	2	2
200.14	ROBERT'S RULES OF ORDER	2	2
200.15	OBJECTIONS ON PROCEDURAL MATTERS	2	2
200.16	ADJOURNMENT	2	2
200.17	MEETINGS	2	3
Section		Chapter	Page

200.18	MINUTES	2	3
210	SALARIES OF MAYOR, COUNCIL MEMBER	2	3
210.01	MAYOR'S SALARY	2	3
210.02	COUNCILMEMBER'S SALARY	2	3
220	ELECTIONS AND VOTING	2	3
220.01	BIENNIAL ELECTIONS	2	3
220.02	TERM OF OFFICE OF MAYOR	2	3
220.03	TERM OF OFFICE OF COUNCILMEMBERS	2	3
230	LAW ENFORCEMENT SERVICE	2	4
230.01	LAW ENFORCEMENT PROTECTION	2	4
230.02	CODE ENFORCEMENT OFFICER	2	4
240	FIRE SERVICE	2	4
240.01	FIRE SERVICE	2	4
250	PLANNING COMMISSION	2	4
250.01	CONTINUATION	2	4
250.02	COMPOSITION	2	4
250.03	ORGANIZATION	2	4
250.04	MEETINGS' REPORTS	2	4
250.05	PREPARATION OF COMPREHENSIVE PLAN	2	4
250.06	MEANS OF EXECUTIVE PLAN	2	4
250.07	ZONING PLAN	2	4
250.08	PROCEDURE FOR CHANGES	2	5
250.09	REVIEW OF REQUESTS FOR VARIANCES AND CONDITIONAL USES	2	5
250.10	REVIEW OF THE PLATS AND SUBDIVISIONS OF LAND	2	5
250.11	COMMISSION TO ACT AS LIAISON	2	5
260	PARK AND RECREATION COMMISSION	2	5
260.01	CONTINUATION OF COMMISSION	2	5
260.02	COMPENSATION	2	5
260.03	POWERS AND RESPONSIBILITIES	2	5
260.04	CITIZEN COMMITTEES	2	5
260.05	DELEGATION OF POWER	2	5
270	EMERGENCY OPERATIONS PLAN	2	5
270.01	EMERGENCY OPERATION PLAN, ADOPTED	2	5

CHAPTER 3. LICENSES

Section		Chapter	Page
300	LICENSE REQUIRED	3	1
301.01	PURPOSE	3	1
301.02	LICENSE REQUIRED	3	1
301.03	APPLICATION TO CITY CLERK	3	1
301.04	LICENSE FEE	3	1
301.05	SPECIAL PROVISIONS ATTACHED TO ISSUING LICENSE	3	1
301.06	HEARING	3	1
310	RETAIL SALE OF CIGARETTES	3	1
310.01	PURPOSE	3	1
310.02	DEFINITIONS AND INTERPRETATIONS	3	1
310.03	LICENSE	3	2
310.04	FEES	3	3
310.05	BASIS FOR DENIAL OF LICENSE	3	3
310.06	PROHIBITED SALES	3	3
310.07	VENDING MACHINES	3	3
310.08	SELF – SERVICE SALES	3	3
310.09	RESPONSIBILITY	3	3
310.10	COMPLIANCE CHECKS AND INSPECTION	3	3
310.11	OTHER ILLEGAL ACTS	3	4
310.12	VIOLATIONS AND PENALTIES	3	4
310.13	EXCEPTIONS AND DEFENSES	3	4

CHAPTER 4. ALCOHOLIC BEVERAGES

Section		Chapter	Page
400	INTOXICATING LIQUOR, BEER, AND WINE	4	1
400.01	PROVISIONS OF STATE LAW ADOPTED	4	1
400.02	LICENSE REQUIRED	4	1
400.03	ELIGIBILITY FOR LICENSE	4	1
400.04	APPLICATION FOR LICENSE	4	1
400.05	INSURANCE REQUIRED	4	1
400.06	LICENSE FEE AND EXPIRATION	4	1
400.07	INVESTIGATION & HEARING ON APPLICATION FOR LICENSE	4	2
400.08	GRANTING OF LICENSE	4	2
400.09	TRANSFER OF LICENSE	4	2
400.10	PERSONS INELIGIBLE FOR LICENSE	4	2
400.11	PLACES INELIGIBLE FOR LICENSE	4	3
400.12	CONDITIONS OF LICENSE	4	3
400.13	RESTRICTIONS ON PURCHASE AND CONSUMPTION	4	4
400.14	PERMITS FOR CONSUMPTION ON PUBLIC LAND	4	4
400.15	REVOCAION	4	4
400.16	SUNDAY SALES LICENSE	4	4
400.17	LICENSING OF EMPLOYEES AND JUVENILE WORK PERMIT	4	4

CHAPTER 5. ANIMALS

Section		Chapter	Page
500	DOGS AND CATS	5	1
500.01	LICENSES REQUIRED	5	1
500.02	ISSUANCE OF LICENSE, RECEIPT, AND TAG	5	1
500.03	DUPLICATE LICENSE TAGS	5	1
500.04	DOG AND CAT TAGS NOT TRANSFERABLE	5	1
500.05	LICENSE TAG TO BE WORN	5	1
500.06	ANIMALS AT LARGE PROHIBITED	5	1
500.07	CONFINEMENT WHEN IN HEAT	5	1
500.08	DESTRUCTION OF RABID ANIMALS	5	2
500.09	KEEPING NOISY DOGS	5	2
500.10	NUMBER OF DOGS AND CATS	5	2
500.11	HUMANE TREATMENT REQUIRED	5	2
500.12	NUISANCE DECLARED; IMPOUNDMENT AUTHORIZED	5	2
500.13	ANIMAL CONTROL OFFICER	5	2
500.14	VIOLATIONS	5	2
500.15	PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS	5	2

CHAPTER 6. NUISANCES AND OFFENSES

Section		Chapter	Page
600	FIRE REGULATIONS	6	1
600.01	FIRE HAZARDS PROHIBITED	6	1
600.02	FIRE HAZARDS DEFINED	6	1
600.03	REPORTS TO COUNCIL	6	1
600.04	INSPECTIONS	6	1
600.05	OWNERS OR OCCUPANTS SHALL ALLOW INSPECTIONS	6	1
610	CURFEW	6	1
610.01	INTENT	6	1
610.02	PURPOSE	6	1
610.03	DEFINITIONS	6	2
610.04	PROHIBITED ACTS	6	2
610.05	EXCEPTIONS	6	2
610.06	DEFENSE	6	3
Section		Chapter	Page
610.07	ENFORCEMENT	6	3
610.08	PENALTIES	6	3
620	DRUGS, NARCOTICS, POISONS, AND CHEMICALS	6	3

620.01	STATE LAW ADOPTED	6	3
620.02	POSSESSION OF CONTROLLED SUBSTANCES AND INJECTION IMPLEMENTS AND DRUG PARAPHERNALIA	6	3
620.03	PROHIBITING INHALATION OF CHEMICALS	6	3
620.04	SALE OR POSSESSION	6	3
620.05	RESTRICTION OF SALES TO MINORS	6	3
620.06	PERMANENT RECORDS OF SALE OR TRANSFER	6	4
620.07	SELF – SERVICE DISPLAYS PROHIBITED	6	4
620.08	ORGANIZED MODEL CLASSES EXCLUDED	6	4
620.09	MENACE TO PUBLIC WELFARE	6	4
630	DISPOSAL OF GARBAGE, RUBBISH REFUSE, WASTE MATERIALS	6	4
630.01	DEFINITIONS	6	4
630.02	DISPOSAL REQUIREMENTS	6	4
630.03	MAINTENANCE OF SANITARY CONDITIONS	6	5
630.04	REFUSE CONTAINERS	6	5
630.05	LICENSE REQUIRED TO COLLECT REFUSE	6	5
630.06	APPLICATION	6	5
630.07	LICENSE FEE, SURETY BOND AND INSURANCE CERTIFICATE	6	5
630.08	INVESTIGATION AND GRANTING	6	6
630.09	LICENSE PERIOD	6	6
630.10	GARBAGE COLLECTION EQUIPMENT	6	6
630.11	LICENSE REVOCATION	6	6
630.12	YARD WASTE	6	6
630.13	RECYCLABLE'S	6	6
630.14	RULES AND REGULATIONS	6	6
630.15	STATE RULES ADOPTED	6	6
630.16	METROPOLITAN COUNCIL PLAN ADOPTED	6	6
640	PUBLIC NUISANCES	6	6
640.01	PUBLIC NUISANCE DEFINED	6	6
640.02	PUBLIC NUISANCES AFFECTING HEALTH	6	7
640.03	PUBLIC NUISANCES AFFECTING MORALS AND DECENCY	6	7
640.04	PUBLIC NUISANCES AFFECTING PEACE AND SAFETY	6	7
640.05	PUBLIC NUISANCE PROHIBITED	6	8
640.06	ABATEMENT	6	8
650	DISORDERLY CONDUCT	6	8
650.01	DISORDERLY CONDUCT	6	8
660	WEAPONS, EXPLOSIVES, AND FIREWORKS	6	9
660.01	DEFINITION	6	9
660.02	EXEMPTION	6	9
660.03	DISCHARGE OF FIREARMS AND DETONATION OF EXPLOSIVES	6	9
660.04	CONCEALED WEAPONS	6	9
660.05	CONFISCATION & DISPOSITION OF WEAPONS AND EXPLOSIVES	6	9
660.06	BOWS AND ARROWS	6	9
660.07	FIREWORKS	6	10
660.08	SALE, POSSESSION, AND USE OF FIREWORKS PROHIBITED	6	10
660.09	OFFICERS MAY SEIZE ILLEGAL FIREWORKS	6	10
670	RESIDENTIAL LOTS AND YARDS	6	10
670.01	DEFINITION	6	10
670.02	UTILITY AND STORAGE SHEDS	6	10
670.03	AIR CONDITIONERS	6	10
670.04	ANIMAL WASTE IN YARDS	6	10
670.05	PETS IN YARDS	6	10
670.06	LAWNS	6	11
670.07	CLOTHESLINES	6	11
670.08	FIREWOODS	6	11
670.09	FENCES	6	11
670.10	WASTE AND RECYCLE CONTAINERS	6	11
670.11	OUTSIDE STORAGE OF MATERIALS OR GOODS	6	11
670.13	LANDSCAPING AND GARDENS	6	12
670.14	UTILITIES	6	12
670.15	SWIMMING POOLS, SPAS AND TRAMPOLINES	6	12

CHAPTER 7. TRAFFIC AND VEHICLES

Section		Chapter	Page
700	TRAFFIC REGULATIONS	7	1
700.01	STATE TRAFFIC CODE ADOPTED	7	1
700.02	DESIGNATED SPEED LIMITS	7	1
700.03	RIGHT – OF – WAY FOR PEDESTRIANS	7	1
700.04	OVERTAKING AND PASSING	7	1
700.05	PARKING AND DRIVING ON SIDEWALKS	7	1
700.06	ONE – WAY STREETS	7	1
710	PARKING AND STORAGE OF VEHICLES	7	1
710.01	DEFINITIONS	7	1
710.02	NO PARKING	7	2
710.03	PARKING ON CITY STREETS	7	2
710.04	EXEMPT VEHICLES	7	2
710.05	OVERNIGHT PARKING	7	2
710.06	CERTAIN VEHICLES DECLARED A NUISANCE	7	2
710.07	DESIGNATED PARKING DEFINED	7	2
710.08	PARKING PROHIBITED OUTSIDE OF DESIGNATED PARKING AREA	7	2
710.09	REPAIRING OF VEHICLES	7	2
710.10	ABANDONMENT	7	3
710.11	PARTIALLY DISMANTLED, WRECKED, JUNK, DISCARDED OR NON-OPERATING VEHICLES ON PRIVATE PROPERTY	7	3
710.12	PARKING BOATS, RV'S CAMPERS ETC.	7	3
710.13	TOWING CONTRACTOR	7	3
710.14	IMPOUNDING, TOWING, AND RELEASE	7	3
710.15	TOWING AND IMPOUNDING CHARGES	7	3
710.16	STORAGE AND RELEASE OF IMPOUNDED VEHICLES	7	3
710.17	REPORT OF POLICE	7	3
710.18	NOTIFICATION TO OWNER	7	3
710.19	SALE OF VEHICLES	7	3
710.20	PENALTY FOR NON-COMPLIANCE	7	3
720	SNOW REMOVAL	7	4
720.01	SNOW PLOWING	7	4
720.02	PLACING SNOW IN STREET	7	4
720.03	DURATION	7	4
730	WEIGHT RESTRICTIONS		4
730.01	WEIGHT LIMITATIONS	7	4
730.02	WEIGHING	7	4
730.03	SPECIAL PERMITS	7	4
730.04	SPECIAL ROAD RESTRICTIONS	7	5
730.05	LIABILITY FOR DAMAGE	7	5
740	SNOWMOBILES, ATV'S, AND SIMILAR VEHICLES	7	5
740.01	PROVISIONS OF STATE LAW ADOPTED	7	5
740.02	GENERAL UNLAWFUL OPERATION	7	5
740.03	OPERATION OF UNLICENSED VEHICLES	7	5
740.04	PENALTY	7	5

CHAPTER 8. STREETS, SIDEWALKS, AND PUBLIC PROPERTY

Section		Chapter	Page
800	STREETS	8	1
800.01	PERMIT REQUIRED FOR EXCAVATION, FEE	8	1
800.02	CONDITIONS OF PERMIT	8	1
800.03	BLOCKING STREET	8	1
800.04	BOND REQUIRED	8	1
800.05	DEPOSITING OF SNOW, ICE, OR OTHER MATERIAL ON PUBLIC RIGHT – OF – WAY	8	1
810	PARK AND LAKE	8	2
810.01	DESTRUCTION, DEFAACEMENT, OR THEFT OF PARK PROPERTY	8	2

810.02	LITTERING	8	2
810.03	FIRES	8	2
810.04	PROHIBITED ACTIVITIES	8	2

CHAPTER 9. UTILITIES

Section		Chapter	Page
900	CITY SEWER SYSTEM	9	1
900.01	RATES AND CHARGES	9	1
900.02	COUNCIL TO CONTROL SYSTEM	9	1
900.03	PERMIT REQUIRED TO CONSTRUCT SYSTEM	9	1
900.04	APPLICATION AND ISSUANCE	9	1
900.05	PERMIT FEE	9	1
900.06	CONSTRUCTION REQUIREMENTS	9	1
900.07	CONSTRUCTION INSPECTION	9	1
900.08	SEPARATE CONNECTIONS	9	1
900.09	OBSTRUCTION PROHIBITED	9	1
900.10	CERTAIN USES PROHIBITED	9	1
900.11	INSPECTION AND REPAIR OF CONNECTING DRAINS	9	2
910	CITY WATER SYSTEM	9	2
910.01	SUPERVISION OF SYSTEM	9	2
910.02	APPLICATION FOR SERVICE	9	2
910.03	WATER SERVICES	9	2
910.04	SERVICE CONNECTION SPECIFICATIONS AND REPAIR	9	2
910.05	TAMPERING WITH WATER SYSTEM	9	2
910.06	DETERMINATION AND PAYMENT OF COSTS	9	2
910.07	INSTALLATION OF LARGE SERVICE CONNECTIONS	9	2
910.08	METERS	9	2
910.09	METER TESTING AND ADJUSTMENT	9	3
910.10	AUTHORIZATION REQUIRED FOR CERTAIN ACTS	9	3
910.11	RESALE	9	3
910.12	SEPARATE SERVICES	9	3
910.13	WASTE OF WATER	9	3
910.14	PAYMENT DUE WITHOUT BILL	9	3
910.15	ACCESS TO PREMISES	9	3
910.16	SHUT OFF OF WATER	9	3
910.17	CLAIMS	9	4
910.18	HYDRANTS AND GATE VALVE	9	4
910.19	DAMAGE TO WATER SYSTEM	9	4
920	ILLICIT DISCHARGE AND CONNECTION TO STORM SEWER SYSTEM	9	4
920.01	PURPOSE/INTENT	9	4
920.02	DEFINITIONS	9	4
920.03	APPLICABILITY	9	5
920.04	RESPONSIBILITY FOR ADMINISTRATION	9	5
920.05	SEVERABILITY	9	5
920.06	ULTIMATE RESPONSIBILITY	9	5
920.07	DISCHARGE PROHIBITIONS	9	5
920.08	SUSPENSION OF MS4 ACCESS	9	6
920.09	INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES	9	6
920.10	MONITORING OF DISCHARGES	9	6
920.11	REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE BEST USE OF BEST MANAGEMENT PRACTICES	9	7
920.12	WATERCOURSE PROTECTION	9	7
920.13	NOTIFICATION OF SPILLS	9	8
920.14	ENFORCEMENT	9	8
920.15	APPEAL OF NOTICE OF VIOLATION	9	8
920.16	ENFORCEMENT MEASURES AFTER APPEAL	9	9
920.17	COST OF ABATEMENT OF THE VIOLATION	9	9
920.18	INJUNCTIVE RELIEF	9	9
920.19	APPEAL OF NOTICE OF VIOLATION	9	9
920.20	VIOLATIONS DEEMED A PUBLIC NUISANCE	9	9

920.21	CIVIL PENALTIES	9	9
920.22	CRIMINAL PROSECUTION	9	9
920.23	REMEDIES NOT EXCLUSIVE	9	10
920.24	ADOPTION OF ORDINANCE	9	10
930	GAS FRANCHISE	9	10
940	ELECTRIC FRANCHISE	9	13
950	ELECTRIC FRANCHISE FEES	9	18

CHAPTER 10. BUILDINGS AND HOUSES

Section		Chapter	Page
1000	STATE BUILDING CODE	10	1
1000.01	STATE BUILDING CODE ADOPTED	10	1
1000.02	APPLICATION, ADMINISTRATION, AND ENFORCEMENT	10	2
1000.03	PERMITS, INSPECTIONS, AND FEES	10	2
1000.04	SURCHARGE	10	2
1000.05	COPIES KEPT ON FILE	10	2
1000.06	BUILDING INSPECTOR	10	2
1010	BUILDING NUMBERS	10	2
1010.01	BUILDING NUMBERS	10	2
1020	STATE FIRE CODE AND LIFE SAFETY CODE	10	3
1020.01	STATE FIRE CODE	10	3
1020.02	ENFORCEMENT	10	3
1020.03	DEFINITIONS	10	3
1020.04	ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS SHALL BE PROHIBITED	10	3
1020.05	APPEALS	10	3
1020.06	PENALTIES	10	3
1020.07	FIRE LANES	10	3
1020.08	LIFE SAFETY CODE	10	3
1030	HOUSING MAINTENANCE CODE	10	4
1030.01	AUTHORIZED STRUCTURES AND STANDARDS	10	4
1030.02	INSPECTIONS	10	5
1030.03	DUTY OF OCCUPANT TO ALLOW ACCESS	10	5
1030.04	NOTIFICATION TO CORRECT VIOLATIONS	10	5
1030.05	DANGEROUS STRUCTURES	10	5
1030.06	STRUCTURE UNFIT FOR HUMAN HABITATION	10	5
1030.07	STAY OF ENFORCEMENT / PENALTY	10	7
1030.08	CONFLICT WITH OTHER ORDINANCES	10	7
1030.09	ADMINISTRATIVE LIABILITY	10	7
1030.10	PROCEDURE	10	7
1030.11	TERMINATION OF TENANCY	10	7
1030.12	APPEALS	10	7

CHAPTER 11. ZONING

Section		Chapter	Page
1100	ZONING	11	1
1100.01	PURPOSE AND INTENT	11	1
1100.02	SCOPE	11	1
1100.03	INTERPRETATION	11	1
1100.04	RULES	11	1
1100.05	GENERAL ZONING PROVISIONS	11	1
	Subd. 1 – Performance And Other Standards	11	1
	Subd. 2 – Off-Street Parking & Loading Regulations In Commercial District	11	1
1100.05.1	RIGHT-OF-WAY (ROW)	11	3
	Subd. 1 – Findings, Purpose, and Intent	11	3
	Subd. 2 – Provisions and Requirements	11	4
	Subd. 3 - Definitions	11	4

	Subd. 4 -Registration	11	5
	Subd. 5 –Franchise Reporting Obligations	11	6
	Subd. 6 –Permit Requirement	11	7
	Subd. 7 –Timeliness Of Work	11	8
	Subd. 8 –Standards For Construction Or Installation	11	8
	Subd. 9 –Patching Or Full Restoration Of ROW	11	12
	Subd. 10 –Joint Applications	11	12
	Subd. 11 –Other Obligations	11	12
	Subd. 12 –Denial Of Permit	11	12
	Subd. 13 –Emergencies and Work Done Without A Permit	11	13
	Subd. 14 -Inspection	11	13
	Subd. 15 –Revocation Of Permits	11	13
	Subd. 16-Appeal	11	14
	Subd. 17 –Mapping Data	11	14
	Subd. 18 –Relocation Of Facilities	11	14
	Subd. 19 –Damage To Other Facilities	11	14
	Subd. 20 –ROW Vacation	11	15
	Subd. 21 – Abandoned And Unusable Equipment And Facilities	11	15
	Subd. 22 –Indemnification and Liability	11	15
	Subd. 23 –Franchise Holders	11	15
	Subd. 24 -Severability	11	15
	Appendix I	11	15
1100.06	CLASSIFICATION OF DISTRICTS	11	16
	Subd.1 – Districts	11	16
	Subd. 2 – Zoning Map	11	16
	Subd. 3 – District Boundaries	11	16
1100.07	RESIDENTIAL DISTRICT	11	16
	Subd. 1 – Purpose	11	16
	Subd. 2 – Permitted Uses	11	16
	Subd. 3 – Use By Special Use Permit	11	16
	Subd. 4 – Accessory Uses	11	16
1100.08	GENERAL BUSINESS DISTRICT	11	16
	Subd. 1 – Purpose	11	16
	Subd. 2 – Permitted Uses	11	16
	Subd. 3 – Uses By Special Use Permit	11	16
	Subd. 4 – Accessory Uses	11	16
	Subd. 5 – Additional Requirements	11	17
	Subd. 6 – Height, Yard Regulations	11	17
	Subd. 7 – General Regulations	11	17
1100.09	SPECIAL USE PERMIT	11	17
	Subd. 1 – Purposes And Intent	11	17
	Subd. 2 – Application Procedure	11	17
1100.091	SPECIAL EVENTS PERMITS		
	Section 1 - Purpose	11	18
	Section 2 - Definitions	11	18
	Section 3 – Permit Required	11	18
	Subd. 1 - Application for Permit	11	19
	Subd. 2 - Issuance of Permit, Conditions	11	19
	Subd. 3 - Exceptions to the Permit Requirement	11	19
	Subd. 4 - Restriction on Number of Special Events	11	19
	Subd. 5 - Noise Restrictions for Amplified Special Events	11	19
	Subd. 6 - Denial of Application	11	19
	Sbud. 7 - Indemnification and Insurance	11	20
	Section 4 - PENALTY	11	20
	Section 5 - EFFECTIVE DATE	11	20
1100.10	VARIANCES	11	20
	Subd. 1 – Purpose Of Variances	11	20
	Subd. 2 – Application For Variance	11	20
	Subd. 3 – Referral To Planning Commission	11	20
	Subd. 4 – When Council May Act	11	20
	Subd. 5 – Granting Or Denial Of Variance	11	20

1100.11	SIGNS	11	20
	Subd. 1 – Purpose And Intent	11	20
	Subd. 2 – Construction	11	21
	Subd. 3 – Signs Permitted In All Districts	11	21
	Subd. 4 – Exemptions	11	21
	Subd. 5 – Prohibited Signs	11	20
	Subd. 6 – Billboard Signs	11	22
	Subd. 7 – Illumination	11	22
	Subd. 8 – Permits And Fees	11	22
	Subd. 9 – Enforcement, Inspection, Removal, Safety	11	22
1100.12	AMENDMENTS	11	23
1110	REGULATING THE SURFACE USE OF TANNERS LAKE	11	23
1110.01	PURPOSE, INTENT, AND APPLICATION	11	23
1110.02	DEFINITIONS	11	23
1110.03	SURFACE ZONING OF TANNER’S LAKE	11	23
1110.04	EXEMPTIONS	11	23
1110.05	NOTIFICATION	11	23
1110.06	ENFORCEMENT AND PENALTIES	11	24

Changes are documented in the CHANGE RECORD at the end of each chapter.

CHAPTER 1. CODE INTRODUCTION

SECTIONS:

- 100 Adoption and Scope of Code**
- 110 Rules of Constructions**
- 120 Definitions**
- 130 Adopting State Law By Reference**

Section 100 – Adoption and Scope of Code

Sec. 100.01 Adoption of Code. The substantive general ordinances of the City of Landfall Village, Minnesota shall be hereby codified in book form, entitled “Municipal Code of Landfall Village, Minnesota.”

Sec. 100.02 Short Title. For brevity in this section, the Municipal Code of Landfall Village, Minnesota, shall sometimes be referred to as “the Code” or “this Code”, and any use of “the Code” or “this Code” shall be construed to mean the Municipal Code of Landfall Village, Minnesota, unless the context clearly requires some other meaning.

Sec. 100.03 Repeal of Ordinances. All ordinances passed by the City of Landfall Village prior to the adoption of this code shall be hereby repealed, except those ordinances specifically retained in this Code.

Sec. 100.04 Subsequent Ordinances. Ordinances passed after the effective date of this Code shall be passed as amendments or additions to this Code (unless they shall be of limited or special application, or shall be otherwise deemed to be not a part of this Code). The ordinances shall be incorporated into this Code at its annual revisions as provided in this Section, and as directed by the City Council.

Sec. 100.05 Consecutive Numbering to Continue. Regardless of inclusion of some but not all subsequent ordinances in this Code, the consecutive chronological numbering of all ordinances as passed shall continue.

Sec. 100.06 Preservation of Existing Rights. The repeal of any ordinance or portion thereof by the adoption of this Code shall not affect or impair any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any cause before the repeal takes effect; but every such act done, or right vested or accrued, or proceeding, suit, or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if the repeal had not taken place. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed by the adoption of this Code, shall be discharged or affected by the repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if the prior ordinance or part thereof had not been repealed.

Sec. 100.07 Separability. If any chapter, section, sentence, clause or other part of the Municipal Code of Landfall Village should be adjudged void or of no effect, for any reason whatsoever, the decision shall not affect the validity of any of the other portions of the Code.

Sec. 100.08 Penalty.

Subd. 1 – General. Except as otherwise specifically provided in this Code, every person convicted of a violation of any provision of this Code shall be punished by a fine not to exceed Seven Hundred Dollars (\$700.00) and/or by imprisonment not to exceed ninety (90) days.

Subd. 2 – Administrative Offenses.

A. Purpose:

Administrative offense procedures established pursuant to this Section are intended to provide the public and the City with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for in this Subdivision, the individual

may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with the law. Likewise, the City, in its discretion, may choose not to initiate and administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the cost of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

B. Administrative Offense Defined:

An administrative offense shall be a violation of a provision of this Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties adopted from time to time by the Council.

C. Notice:

Any officer of the Police Department or any other person employed by the City, authorized in writing by the City Council and having authority to enforce this Code, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle, a notice of the violation. The 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 the right to request a hearing pursuant to Subpart E below.

D. Payment:

Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereafter. The penalty may be paid in person or by mail and payment shall be deemed to be an admission of the violation.

E. Hearing:

Any person contesting an administrative offense pursuant to the Section may, within seven (7) days of the time of issuance of the notice, request a hearing by a hearing officer who 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.

F. Hearing Officer:

A person designated in writing by the City Council shall be the hearing officer. The hearing officer shall be authorized to hear and determine any controversy relating to administrative offenses provided for in this Section.

G. Failure to Pay:

In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the City for the same violation.

H. Disposition of Penalties:

All penalties collected pursuant to this Section shall be paid to the City Clerk and may be deposited in the City's General Fund.

I. Offenses and Penalties:

Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Clerk.

J. Subsequent Offenses:

In the event a party is charged with a subsequent administrative offense within a twelve (12) month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by twenty five percent (25%) above the previous administrative penalty, unless a different amount is specifically provided for in the schedule of offenses and penalties adopted by the Council.

Sec. 100.09 Effective Date. This Code shall be effective upon its adoption and publication.

Sec. 100.10 Code Permanently on File. A copy of this Code shall be permanently on file and open to public inspection in the office of the City Clerk after its adoption.

Section 110 – Rules of Construction

Sec. 110.01 General. Words and phrases shall be construed in their plain, ordinary and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

Sec. 110.02 Masculine, Feminine or Neuter. Unless the context clearly requires otherwise, the use of the masculine, feminine or neuter gender shall include the other genders.

Sec. 110.03 Singular or Plural. Unless the context clearly requires otherwise, the use of either singular or plural number shall include the other number.

Sec. 110.04 Past, Present or Future. Unless the context clearly requires otherwise the use of past, present or future tense shall include the other tenses.

Sec. 110.05 Joint Authority. Words importing joint authority to 3 or more persons shall be construed as authority to a majority of such persons.

Sec. 110.06 Computation of Time. The time within which an act shall be done shall be computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, such day shall be excluded.

Sec. 110.07 Designees. Whenever this Code requires an act to be done, which act may legally be done by an agent, employee or other designee as well as by the principal, the requirement shall be satisfied by the performance of the act by an authorized agent, employee, or other designee.

Sec. 110.08 Filing etc. at City Offices. Whenever this Code requires filing with, payment to, or notification of any certain City official or department, the requirement shall be satisfied by filing, payment or notification at the regular office of the City official or department during business hour on any business day.

Sec. 110.09 Catch Lines. The bold print catch lines, title, headings etc. of the various section of the Municipal Code of Landfall Village shall be intended to indicate the contents of the section for the convenience of the reader, but shall not be construed as a part of the section.

Sec. 110.10 Repeals. The repeal of a provision which repeals a prior provision shall not revive the prior provision, unless the intent to do so shall be clearly stated. The repeal of any provision shall not be construed to abate, annul or otherwise affect any proceeding had or commenced under or by virtue of the repealed provision, and the same shall be as effectual as if the said provision had not been repealed, unless a contrary intent shall be clearly stated.

Sec. 110.11 Liberal Construction. All general provisions, terms, phrases and expressions contained in the Municipal Code of Landfall Village shall be liberally construed in order that the true intent and meaning of the provision may be fully carried out.

Sec. 110.12 Substantive Changes Not Intended. The Municipal Code of Landfall Village shall be intended as a codification of the existing law and shall be construed in accordance with such intent.

Sec. 110.13 Minnesota Rules of Construction to Apply. Unless clearly in conflict with provisions of this Code, or otherwise clearly inapplicable, rules of construction established for the State of Minnesota by statutes or case law shall apply in the construction of this Code.

Section 120 – Definitions

Sec. 120.01 Certain Terms Defined. As used in the Code, unless the particular context shall clearly require some other meaning, the following words shall mean:

Subd. 1 Attorney. “Attorney” shall mean the City Attorney of the City of Landfall Village.

Subd. 2 City. “City” shall mean the City of Landfall Village, Minnesota.

Subd. 3 Clerk. “Clerk” shall mean the City Clerk of the City of Landfall Village.

Subd. 4 Code. “Code” shall mean the Municipal Code of the City of Landfall Village, Minnesota.

Subd. 5 Contracted Fire Service. “Contracted Fire Service” shall mean the department of service with which the City contracts for fire fighting or fire prevention services.

Subd. 6 Council. “Council” shall mean the City Council of the City of Landfall Village.

Subd. 7 Mayor. “Mayor” shall mean the Mayor of the City of Landfall Village.

Subd. 8 Person. “Person” shall mean any individual, corporation, firm, partnership, association, organization, or other group

acting as a unit. It also shall include any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word “person” is used in any Section prescribing a penalty or fine, it shall include the partners or members of any partnership or corporation, and as to corporations, the officers, agents or members thereof who shall be responsible for the violation.

Subd. 9 Property. “Property” shall mean tangible or intangible, real, personal or mixed property.

Subd. 10 Sidewalk. “Sidewalk” shall mean that portions of the street between the curb line and the adjacent property line, intended for the use of pedestrians.

Subd. 11 State. “State” shall mean the State of Minnesota.

Subd. 12 Street. “Street” shall mean any public way, highway, street, avenue, boulevard, alley or other public thoroughfare. Each of the words shall include the others and if the context permits, shall also include “sidewalks.”

Sec. 120.02 Other Definitions. Certain Chapters of the Code contain other definitions applicable particularly to such chapters

In case of any conflict between the definitions in Subsection 120.1 and such other definitions, the other definitions shall prevail in the Chapters where applicable.

Sec. 120.03 Minnesota Definitions to Apply. Unless clearly in conflict with definition or other provisions of this Code, or otherwise clearly inapplicable, definitions established for the State of Minnesota by statutes or case law shall apply to this Code.

Section 130 – Adopting State Law by Reference

Sec. 130.01 Adopting State Law By Reference. Pursuant to the authority of MN Statute 471.62, there shall be hereby adopted by reference all of the Statutes of the State of Minnesota, all Rules and Regulations adopted by any department of the State of Minnesota, as if each statute, rule or regulation had been set out in full. It shall be understood that this adoption by reference shall not include any subject on which the City shall not have the power by statute to legislate.

CHAPTER 1 CHANGE RECORD:

CHAPTER 2. CITY ORGANIZATION AND MANAGEMENT

SECTIONS:

- 200 City Council Procedure**
- 210 Salaries of Mayor and Council Members**
- 220 Elections and Voting**
- 230 Police Service**
- 240 Fire Service**
- 250 Planning Commission**
- 260 Park and Recreation Commission**
- 270 Emergency Operation Plan**

SECTION 200 – CITY COUNCIL PROCEDURE

Sec. 200.01 Time and Place of Meetings. The City Council shall have regular meetings on the third (3rd) Monday of each month at 6:00 P.M. If such date falls on a holiday, the Council shall have its regular meeting on the next following day. Unless otherwise provided, all meetings shall be held in the place designated at City Hall.

Sec. 200.02 Presiding Officer. The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the acting Mayor shall preside. In the absence of both, the members shall elect one of their members a temporary chairperson. The acting Mayor and temporary chairperson when occupying the place of the Mayor shall have the same privileges as other members.

Sec. 200.03 Quorum. At all meetings of the Council, a majority of the Council members elected shall constitute a quorum to do business, but a minority may adjourn from time to time and may compel the attendance of absentees by such means as allowed by law.

Sec. 200.04 Order of Business. At the hour appointed for meeting, the members shall be called to order by the Mayor, and in his or her absence by the acting Mayor, and in the absence of both, by the Clerk. In the absence of the Clerk, the Mayor shall appoint a secretary pro tem. Upon the appearance of a quorum the Council shall proceed to business which shall be generally conducted in the following order:

- A. Call to Order
- B. The Minutes of the preceding meeting and approving the same if correct and rectifying mistakes if any exist shall be by consent agenda
- C. Approval of Claims against the City shall be by consent agenda
- D. Treasurer's Report
- E. Reports of Committees
- F. Report of City Officers and Communications and Miscellaneous Business
- G. Comments and suggestions from citizens present
- H. Unfinished business from previous meetings
- I. New business
- J. Adjournment

Sec. 200.05 Powers of Mayor. The Mayor shall preserve order and decorum and shall decide questions of order subject to an appeal to the Council. The Mayor may make motions, second motions, or speak on any question; provided, however, that in order to do so, upon demand of any one Council Member, he or she shall vacate the chair and designate a Council member to preside temporarily. The Mayor shall be entitled to vote like other members of the Council.

Sec. 200.06 Speaking. Every member, previous to his or her speaking, shall address the chairperson and shall not proceed until he or she has been recognized by the chair. He or she shall indulge in no personalities and shall confine his or her remarks to the matter under debate. No member shall speak more than twice on any question, nor more than 5 minutes each time without unanimous consent of the Council. A member called to order shall immediately suspend his or her remarks until the point of order shall be decided by the chairperson.

Sec. 200.07 Motions and Resolutions. Every motion and resolution shall be controlled by Roberts' Rules of Order. A motion may be withdrawn before decision or amendment, or any disposition thereof has been made, or a vote taken thereon.

Sec. 200.08 Voting. Votes of the members on any business coming before the Council may be voice vote, standing vote, or in such other manner of voting as may signify the intention of the members.

Every member shall vote in such case unless the Council by majority vote shall excuse a member from voting or the member shall have an interest in the matter being voted upon, in which case the member shall not vote.

All questions shall be put in the order in which they are moved, except in case of privileged questions.

The previous questions shall be put in these words: "Shall the main question now be put?" It shall be admitted on demand of any 2 members, and until decided shall preclude all amendments and debate of the main question.

Sec. 200.09 Committees. Committees and the Chairperson of the committee shall be appointed by the Mayor with the consent of the Council. It shall be the duty of each committee to act promptly and faithfully in all matters referred to it and to make its report at the next meeting of the Council.

Sec. 200.10 Passed Ordinances. After an ordinance shall have passed, a complete and accurate copy as amended shall be made by the Clerk and shall be signed by the Mayor or in his absence by the acting Mayor, and deposited with the Clerk who shall attest, seal, number, file and record or place the same permanently in the Ordinance book. Entry of the complete Ordinance as amended directly into the Ordinance book with original signatures and seal thereon shall be in compliance with the Section. The affidavit of publication shall be permanently inserted in the Ordinance book, by the Clerk, after each Ordinance. Ordinances may be incorporated into this Code as provided in Chapter One, with signatures omitted and numbering changes to conform with this code.

Sec. 200.11 Petitions to be Read. Petitions and other papers addressed to the Council shall be read by the Clerk upon presentation of the paper or petition to the Council.

Sec. 200.12 Admission to Council Meetings. All sessions of the Council shall be public. No person, other than the Mayor and other members of the Council shall be admitted within the bar of the Council, except City officers. No person other than a member shall address the Council except with the consent of the members present or by a vote of a majority of the members present. The Council may enforce order at the Council meeting in any manner it shall deem sufficient.

Sec. 200.13 Suspension of Rules. These rules, or any of them, may be temporarily suspended by consent of a majority of all Council members but shall not be repealed, altered, or amended, unless by concurrence of a majority of the whole Council and upon notice given at 2 preceding meetings.

Sec. 200.14 Robert's Rules of Order. In all points not covered by the Chapter, the Council shall be governed in its procedure by Robert's Rules of Order.

Sec. 200.15 Objections on Procedural Matters. The foregoing rules shall be adopted to facilitate the transaction of Council business and functions. They shall not be permitted to defeat or hinder the plainly expressed intent and desire of the Council. Informal compliance and substantial performance shall be sufficient under the foregoing rules in the absence of objection reasonable taken. Objection shall be hereby declared not to have been reasonably taken as to procedural matters provided for in this Section if a Council member present at a meeting fails to object during the meeting and request compliance with these rules, and such objection shall not be reasonably taken if taken by an absent member later than the next regular meeting after the proceedings to which objection is made.

Sec. 200.16 Adjournment. The Council may at any time by a majority vote of those present adjourn whether or not a quorum shall be present.

Sec. 200.17 Meetings.

Subd. 1 Special Meeting. Special meetings of the City Council may be called by the Mayor or any two members in writing and filed with the Clerk at least seventy-two (72) hours prior to the time specified for the meeting. The Clerk shall immediately notify each member of the time and purpose of the meeting by causing a written notice thereof to be delivered to each member personally if he or she can be found and if he or she cannot be found, then by leaving a copy of the notice at the home of the member in the presence of an adult member of the family. The Clerk shall cause an affidavit showing service of the notice as provided in this Section to be filed in his or her office prior to the time fixed for the special meeting. Special meetings may be held without the notice when all members of the City Council shall be present in person or consent in writing to the holding of the meeting. The written consent shall be filed with the Clerk prior to the beginning of the meeting. Public notice shall be given as required by the State Open Meeting Law.

Subd. 2 Emergency Meetings. Emergency meetings may be called when circumstances require immediate consideration of the Council to prevent an actual or reasonably perceived threat to the public’s health, safety, and/or welfare.

Sec. 200.18 Minutes. Minutes of the meeting shall be kept by the Clerk. They shall be signed by the Clerk and shall constitute an official record of the Council proceedings. Upon approval of the minutes at a subsequent meeting of the Council, the Mayor shall sign the minutes. Lack of the Mayor’s signature or Council approval shall not invalidate the minutes as official records.

In the event the Clerk shall fail or decline to amend or change his or her minutes, upon informal request, at the time they are submitted for approval, the Council may by motion carried by majority vote amend the minutes. Such amending shall become a part of the minutes of the subsequent meeting.

SECTION 210 – SALARIES OF MAYOR AND COUNCIL MEMBERS

Sec. 210.01 Mayor’s Salary. The Mayor shall receive an annual salary of \$4,200.00. Monthly payments of \$350.00 are paid for service from the 1st of said month to the last day of said month, and service is deemed to begin and end on a calendar-month basis.

A full month’s payment will be made in January, following an election year, to the newly elected Mayor; otherwise no payments are made for service of a partial month. In any event, the out-going Mayor shall not be paid for any month or portion thereof in which he/she does not participate in a council meeting for that month.

Sec. 210.02 Council Member’s Salary. Each Council Member shall receive an annual salary of \$2,100.00. Monthly payments of \$175.00 are paid for service from the 1st of said month to the last day of said month and service is deemed to begin and end on a calendar-month basis.

A full month’s payment will be made in January, following an election year, to the newly elected Council Member(s); otherwise no payments are made for service of a partial month. In any event, an out-going Council Member(s) shall not be paid for any month or portion thereof in which they do not participate in a council meeting for that month.

SECTION 220 – ELECTIONS AND VOTING

Sec. 220.01 Biennial Elections. The regular election of the City shall be held on the first Tuesday after the first Monday in November in every even-numbered year.

Sec. 220.02 Terms of Office of Mayor. The term of office for Mayor shall be four years and until his or her successor shall be chosen and qualified.

Sec. 220.03 Term of Office of Council Members. The term of office for Council members shall be four years and until their successors shall be chosen and qualified.

SECTION 230 – LAW ENFORCEMENT SERVICE

Sec. 230.01 Law Enforcement Protection. This shall be provided by contract with an established law enforcement agency.

Sec. 230.02 Code Enforcement Officer. The code enforcement officer shall have power to issue summonses with complaints incorporated therein (citations), in the form adopted by rule of the district court, but the issuance by those named shall relate only to offenses involving the City codes, ordinances, and other regulations. No such employee or agent hereinafter authorized to issue the summonses shall be authorized to arrest or otherwise take a violator into custody or to secure a promise to appear in court in lieu of arrest.

SECTION 240 – FIRE SERVICE

Sec. 240.01 Fire Service. Fire protection service shall be provided by contract with an established fire department.

SECTION 250 – PLANNING COMMISSION

Sec. 250.01 Continuation. A Planning Commission for the City of Landfall Village shall be hereby continued.

Sec. 250.02 Composition. The Planning Commission shall consist of up to nine (9) members. Commission members shall serve staggered terms, as approved by the Council.

Sec. 250.03 Organization. The members of the Commission shall elect a chairperson for a term to expire at the meeting of the Commission to be held in the second (2nd) week of January of each year, as properly noticed. The Commission shall elect a member to act as secretary of the Planning Commission. *[Ordinance 2017-002 4-27-17]*

Sec. 250.04 Meetings; Reports. The Commission shall hold at least one regular meeting in the second (2nd) week of each month, as properly noticed. It shall 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. Minutes of meetings shall be submitted to the City Council one week before the following regular City Council meeting or as soon as practical for meetings other than the regular monthly City Council meetings. The Chair of the Planning Commission shall report activities and recommendations as a regular part of the monthly City Council meetings agenda. Expenditures of the Commission shall be within amounts appropriated for the purpose by the Council. *[Ordinance 2017-002 4-27-17]*

Sec. 250.05 Preparation of Comprehensive Plan. It shall be the function and duty of the Planning Commission to prepare and adopt a Comprehensive Plan for the physical development of the City, including proposed public buildings; street arrangements and improvements; public utility services; parks, playgrounds and other similar developments; the use of property, the density of population; and other matters relating to the physical development of the City. The Plan shall 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.

Sec. 250.06 Means of Executing Plan. Upon the adoption of the Comprehensive Plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect the plan or section thereof in order that it shall serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditure of the funds of the City.

Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long term program of capital expenditures and such other matters as shall accomplish the purposes of this Section.

Sec. 250.07 Zoning Plan. The Planning Commission upon its own motion may and upon instructions by the Council shall prepare a zoning plan for the City. The same procedure shall apply for the preparation of any plan of proposed right-of-way for future streets or highways or for the reservation of lands for other public purposes.

Sec. 250.08 Procedure for Changes. No change shall be made in the zoning plan or future street and public lands plan after the plans have been adopted by the Council until the proposed change has been referred to the Planning Commission for a report thereon and an attested copy of the report has been filed with the Council. No ordinance or resolution establishing any of the plans shall be adopted by the Council until the ordinance or resolution has been referred to the Planning Commission for a report thereon and an attested copy of the report has been filed with the Council. If the Planning Commission fails to act within 30 days or such longer period as may be designated by the Council after such reference, the Planning Commission shall advise the Council of its reason for failure to report and the Council may then proceed on its own initiative.

Sec. 250.09 Review of Requests for Variances and Conditional Uses. It shall be the function and duty of the Planning Commission to review all requests for variances and conditional uses under the provisions of the Zoning Code as these relate to a particular parcel of land or use of the parcel. The Planning Commission shall report its recommendation to the Council.

Sec. 250.10 Review of the Plats and Subdivisions of Land. It shall be the function and duty of the Planning Commission to review all applications for new plats and subdivisions or rearrangements of existing plats according to the terms laid down in divisions or rearrangements of existing plats according to the terms laid down in the Zoning Code. The Planning Commission shall report its recommendation to the Council.

Sec. 250.11 City Events Chairperson. The Council has the duty to appoint the City Events Chairperson.

SECTION 260 – PARK AND RECREATION COMMISSION

Sec. 260.01 Continuation of Commission. There shall be hereby continued within the City a Park and Recreation Commission. The Planning Commission shall serve as the Park and Recreation Commission.

Sec. 260.02 Compensation. Members of the Commission shall serve with such compensation as the Council shall establish by Resolution.

Sec. 260.03 Powers and Responsibilities. The Park and Recreation Commission shall act in an advisory capacity to the Council in all matters pertaining to recreation and to cooperate with other groups in advancement of a sound Park and Recreation Planning Program. Specific responsibilities of the Commission shall include: (a) To formulate policies on recreations services for consideration by the Council; (b) To recommend for adoption standards on facility development, program and financial support; (c) To make periodic inventories of recreation and park services which exist or may be needed and to interpret the needs of the public to the Council; (d) To aid in coordinating the Park and Recreation department to the public; (e) To advise the Council in the preparation of the annual budget and long range capital improvement program.

Sec. 260.04 Commission Committees. The Planning Commission may appoint sub committees, consisting of Commission members, in an advisory capacity for the purpose of assisting the commission in completing duties as assigned by the Council.

Sec. 260.05 Delegation of Power. The Council shall establish such rules and regulations for the administration of the Section as it shall deem necessary.

SECTION 270 – EMERGENCY OPERATIONS PLAN

Sec. 270.01 Emergency Operations Plan. An Emergency Operations Plan shall be in place.

CHAPTER 2 CHANGE RECORD:

5-8-13 Revision of Chapter 2:

Entire Chapter: Replace each reference to Planning Commission to read: Planning / Finance Commission.

Sec. 210 – Salaries of Mayor and Council Members – change language for clarity

Sec. 250.11 Change from Commission to Act as Liaison to City Events Chairperson and amend language

Sec. 250.12 Committee to Act as a Committee – delete entire section

Sec. 260.04 Amend to change Citizen Committees to Commission Committees and amend language

Sec. 260.05 Amended to retain rule making authority with the Council.

Sec. 270.01 Amend to state an Emergency Operations Plan shall be in place and remove “by contract with an established agency”

Sec. 280 Regulating Surface Use of Tanners Lake – Delete entire section from this Chapter (add to Chapter 11 – Zoning) Intent of changes are to show that two commissions, Planning and Finance, are now combined into one commission, known as the Planning / Finance Commission, to rewrite the language for Salary for Mayor and Council Members to provide clearer definition and to make other minor adjustments throughout the chapter, to reflect current policy and procedure.

[Ordinance 2013-008]

Sec. 250.03 Organization and Sec. 250.04 Meetings; Reports – Change language from third (3rd) week to second (2nd) week

[Ordinance 2017-002 4/27/17]

Sec. 250 Planning Commission – Amended Code to eliminate the title of “Finance” from that section in its entirety.

[Ordinance 2019-004 6/5/19]

CHAPTER 3. LICENSES

SECTIONS:

300 License

310 Retail Sale of Cigarettes

SECTION 300 – LICENSE REQUIRED

Sec. 300.01 Purpose. The City is almost entirely a residential area, and is a City that was organized for the purpose of providing mobile home living; and since the City does have a zoning ordinance, the Council finds that this Chapter is vital and necessary in order to control the use of property which is not devoted to mobile home residential use so as to protect the peace, tranquility and general welfare of the people residing in Landfall Village.

Sec. 300.02 License Required. No person shall engage in the operation of, or maintain, or conduct, any business, occupation or trade within the City without first obtaining from the City Council the license required for the business or occupation.

Sec. 300.03 Application to City Clerk. Except for licenses required under Chapter 4 of this code, or as otherwise specifically provided for in this Code, in order to commence a new business or continue the operation of any existing business designated in this licensing Chapter, each operator or owner shall make application for license to the City Clerk upon the application form provided by the City Clerk and shall fully and truthfully provide all information requested upon the application.

Sec. 300.04 License Fee. The license fee for any business operating out of homes, with no paid or commissioned employees, except the owner, the fee shall be determined by the Council but no less than \$10.00; and for any business not qualified above, the fee shall also be determined by the Council but no less than \$15.00, and these minimums shall be for the calendar year and shall not be pro-rated.

Sec. 300.05 Special Provisions Attached to Issuing License. The City Council may, at the time of granting any license, attach any special provisions as to method of operation, hours during which business can be open, care of premises, landscaping treatment, parking provisions and other pertinent and reasonable requirements. Failure to comply with any or all of such conditions, qualifications, procedures, or pre-requisites shall be grounds for termination and cancellation of license.

Sec. 300.06 Hearing. Whenever any licensee fails to comply with provisions of this Chapter or any special orders of the City Council and the City Council has ordered the license canceled, the owner or holder of the license may be granted a hearing by the City Council, but only if requested and only upon at least ten (10) days written notice served upon the City Clerk.

SECTION 310 – RETAIL SALE OF CIGARETTES

Sec. 310.01 Purpose. Because the city recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco related devices, and such sales, possession, and use are violations of State laws; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this section shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, and tobacco related devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in MN Statute § 144.391.

Sec. 310.02 Definitions and Interpretations. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice versa. The term “shall” means mandatory and the term “may” means permissive. The following terms shall have the definitions given to them:

Subd. 1 Tobacco or Tobacco Products. “Tobacco” or “Tobacco products” shall mean any substance or item containing tobacco leaf, including but not limited to, cigarettes; cigars; pipe tobacco; snuff, fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers; cavendish; shorts;

plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking.

Subd. 2 Tobacco Related Devices. “Tobacco related devices” shall mean any tobacco product as well as a pipe, rolling papers, or other device used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

Subd. 3 Self-Service Merchandising. “Self-Service Merchandising” shall mean open displays of tobacco, tobacco products, or tobacco related devices in any way where any person shall have access to the product without the assistance or intervention of an employee of the premise maintaining the self-service merchandising. Self-service merchandising shall not include vending machines.

Subd. 4 Vending Machine. “Vending Machine” shall mean any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product, or tobacco related device.

Subd. 5 Individually packaged. “Individually packaged” shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this subdivision shall not be considered individually packaged.

Subd. 6 Loosies. “Loosies” shall mean the common term used to refer to a single or individually packaged cigarette.

Subd. 7 Minor. “Minor” shall mean any natural person who has not yet reached the age of eighteen (18) years.

Subd. 8 Retail Establishment. “Retail Establishment” shall mean any place of business where tobacco, tobacco products, or tobacco related devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

Subd. 9 Moveable Place of Business. “Moveable Place of Business” shall refer to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Subd. 10 Sale. A “sale” shall mean any transfer of goods for money, trade, barter, or other consideration.

Subd. 11 Compliance Checks. “Compliance Checks” shall mean the system the city uses to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco related devices are following and complying with the requirements of this section. Compliance checks may involve the use of minors as authorized by this section. Compliance checks shall also include those done for research, education, and training purposes as authorized or required by State and Federal laws.

Sec. 310.03 License. No person shall sell or offer to sell any tobacco, tobacco products, or tobacco related device without first having obtained a license to do so from the city.

Subd. 1 Application. An application for a license to sell tobacco, tobacco products, or tobacco related devices shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant’s residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city clerk shall forward the application to the council for action at its next regularly scheduled council meeting. If the clerk shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 2 Action. The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the council shall approve the license, the clerk shall issue the license to the applicant. If the 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 council’s decision.

Subd. 3 Term. All licenses issued under this section shall be valid for one calendar year from the date of issue.

Subd. 4 Revocation or Suspension. Any license issued under this section may be revoked or suspended as provided in the Violations and Penalties section of this section.

Subd. 5 Transfers. All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the council.

Subd. 6 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 section.

Subd. 7 Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premise.

Subd. 8 Renewals. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least thirty days but no more than sixty days before the expiration of the current license. The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Sec. 310.04 Fees. No license shall be issued under this section until the appropriate license fee shall be paid in full. The fee for a license under this section shall be as set from time to time by action of the Council.

Sec. 310.05 Basis for Denial of License. The following shall be grounds for denying the issuance or renewal of a license under this section; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this Section:

- A. The applicant is under the age of 18 years.
- B. The applicant has been convicted within the past five years of any violation of a Federal, State, or local law, section provision, or other regulation relating to tobacco or tobacco products, or tobacco related devices.
- C. The applicant has had a license to sell tobacco, tobacco products, or tobacco related devices revoked within the preceding twelve months of the date of application.
- D. The applicant fails to provide any information required on the application, or provides false or misleading information.
- E. The applicant is prohibited by Federal, State, or other local law, section, or other regulation, from holding such a license.

Sec. 310.06 Prohibited Sales. It shall be a violation of this section for any person to sell or offer to sell any tobacco, tobacco product, or tobacco related device:

- A. To any person under the age of eighteen (18) years.
- B. By means of any type of vending machine, except as may otherwise be provided in this section.
- C. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, or tobacco related device.
- D. By means of loosies as defined in Subsection 310.02 of this section.
- E. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other type of deleterious, hallucinogenic, or toxic or controlled substance except nicotine and not naturally found in tobacco or tobacco products or added as part of a lawful production method.
- F. By any other means, or to any other person, prohibited by Federal, State, or other local law, section provision, or other regulation.

Sec. 310.07 Vending Machines. It shall be unlawful for any person licensed under this section to allow the sale of tobacco, tobacco products, or tobacco related devices by the means of a vending machine.

Sec. 310.08 Self Service Sales. It shall be unlawful for a licensee under this section to allow the sale of tobacco, tobacco products, or tobacco related devices by any means where by the customer may have access to such items without having to request the item from the licensee or the licensee's employee. All tobacco, tobacco products, and tobacco related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, or tobacco related devices at the time the City Code is adopted shall comply with this Section within 30 days following the effective date of the Code. This Section shall not apply to any premises where persons under the age of eighteen (18) years are at all times prohibited from entering.

Sec. 310.09 Responsibility. All licensees under this section shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, or tobacco related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Section, State law, or other applicable law or regulation.

Sec. 310.10 Compliance Checks and Inspections. All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least twice per year, the city shall conduct compliance checks by engaging minors to enter the licensed premise to attempt to purchase tobacco, tobacco products, or tobacco related devices. Other groups may conduct compliance checks as authorized, or as required, by State and Federal laws. Minors used for the purpose of compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco related devices when such items are obtained as a part of the compliance check, nor shall the minor be guilty of unlawfully purchasing or attempting to purchase tobacco or tobacco products. No minor used in compliance checks

shall attempt to use a false identification misrepresenting the minor’s age, and all minors lawfully engaged in a compliance check shall answer all questions about the minors age asked by the licensee or his or her employee and shall produce any identification for which he or she is asked.

Sec. 310.11 Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this section.

Subd. 1 Illegal Possession. It shall be a violation of this section for any minor to have in his or her possession any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check on behalf of the city, or who have only temporary possession during a legal sales transaction.

Subd. 2 Illegal Use. It shall be a violation of this section for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco related device.

Subd. 3 Illegal Procurement. It shall be a violation of this section for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco related device, and it shall be a violation of this section for any person to purchase or otherwise obtain such items on behalf of a minor. It shall also be violation of this section for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco related device to any minor, and it shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check on behalf of the city,

Subd. 4 Use of False Identification. It shall be a violation of this section for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

Sec. 310.12 Violations and Penalties. Upon discovery of a suspected violation, the violator shall be issued a citation by the city police and given notice of his or her right to be heard on the accusation subject to the administrative penalty provisions of Chapter 1 of this Code. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. Any person found to be in violation of this section shall be guilty of a misdemeanor and shall also be subject to the maximum penalty authorized by State law for a misdemeanor.

Note: The pending State law will mandate administrative penalties with minimum fines. However, as the City has decided to adopt a comprehensive administrative penalty system, no additional language should be required here.

Sec. 310.13 Exceptions and Defenses. Nothing in this section shall prevent the providing of tobacco, tobacco products, or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this section for a person to have reasonably relied on proof of age as described by State law.

CHAPTER 3 CHANGE RECORD:

CHAPTER 4. ALCOHOLIC BEVERAGES

SECTIONS:

400 Intoxicating Liquor, Beer, and Wine

SECTION 400 – INTOXICATING LIQUOR, BEER, AND WINE

Sec. 400.01 Provisions of State Law Adopted. The provisions of MN Statute Chapter 340A, with reference to the definition of terms, application for license, granting of license, conditions of license, restrictions on consumption, provisions on sales, conditions of bonds of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor, beer or wine shall be hereby adopted and made a part of this Chapter as if fully set out in this Section, except as hereinafter modified or changed.

Sec. 400.02 License Required. No person, except wholesalers or manufacturers to the extent authorized under State license, shall directly or indirectly deal in, sell or keep for sale any intoxicating liquor, beer or wine without first having received a license to do so as provided in this Chapter. Licenses shall be of two kinds: "on sale" and "off sale".

Sec. 400.03 Eligibility for License. "On Sale" licenses shall be issued to hotels, clubs, restaurants and exclusive liquor or beer stores only, as provided by law.
"Off Sale" licenses shall be issued to exclusive liquor or beer stores only. No "off sale" license shall be issued to a holder of any other license which authorizes the sale of liquor, whether "off sale" or "on sale" except as allowed by State law.

Sec. 400.04 Application for License.

A. Every application for a license to sell liquor, beer, or wine shall be verified and filed with the Clerk. It shall state the name of the applicant, his or her age, representations as to his or her character with such references as may be required, his or her citizenship, whether the application is for "on sale" or "off sale", the business in connection with which the proposed license shall operate and its location, whether applicant is owner and operator of the business, how long he or she has been in that business at that place, and such other information as the Council may require from time to time. In addition to containing such information, each application for a license shall be in the form required by the liquor control commissioner. No person shall make a false statement in an application.

B. At the time of each original application for a license, the applicant shall pay in full an investigating fee. For a single natural person, the investigating fee shall be \$75.00. For a partnership, the investigating fee shall be \$150.00. For a corporation or other association, the investigating fee shall be \$300.00. No investigating fee shall be refunded.

C. At any time that an additional investigation is required because of a change in the ownership or control of a corporation, the licensee shall pay an additional investigating fee in the amount of \$50.00.

Sec. 400.05 Insurance Required. Each application for a license shall be accompanied by a liability insurance policy as provided for in MN Statute Annotated Section 340.409 the limits of which shall be the maximum as provided for in both sections. Non-intoxicating malt liquor license and on-sale wine licensees with annual sales of less than \$10,000.00 shall not be required to have liability insurance as provided above.

All insurance policies shall be approved by the Council, after approval by the City attorney as to form. Liability insurance policies required by this Section cannot be canceled without first giving ten days written notice to the City, as required by State law.

The operation of any liquor business without having on file at all times with the City the liability insurance policy, all as shall be required by this Section and State law, shall be grounds for immediate revocation of the license. Any hearing required by MN Statutes 340.304 and 340.405 shall be held before the liability insurance shall be terminated,

Sec. 400.06 License Fee and Expiration. Each application for a license shall be accompanied by a receipt from the City Treasurer for payment of the required fee for the license, as set forth in this Section. All fees shall be paid into the general fund of the City. Upon rejection of any application for a license, the Treasurer shall refund the amount paid.

All licenses shall expire on the 31st day of December of each year. Each license shall be issued for a period of one year except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rate fee. In computing the fee, an unexpired fraction of a month shall be counted as one month.

The license fee for an “on sale” license shall be \$1,000.00 per year.

The license fee for an off sale” license shall be \$100.00 per year.

No refund of any fee shall be permitted except as authorized under MN Statute Section 340.408.

Sec. 400.07 Investigation and Hearing on Application for License. All applications for a license shall be referred to the contracted police service, and to the contracted fire service for verification and investigation of the facts set forth in the application. The chief of police shall cause to be made the investigation of the information requested in Subsection 400.04 as shall be necessary and shall make a written recommendation and report to the Council. The Council may order and conduct the additional investigation as it shall deem necessary. Opportunity shall be given to any person to be heard for or against the granting of the license.

Sec. 400.08 Granting of License. After such investigation and hearing as required in Subsection 400.07, the Council shall grant or refuse the application at its discretion. This same procedure, with the exception of the investigation fee, shall apply to the renewal of licenses.

Each license shall be issued to the applicant only, except:

- A. Partnerships, where all partners shall be named on the license.
- B. Corporations, where the manager who shall have the direct control and supervision of the premises shall also be named on the license.

Sec. 400.09 Transfer of License. No license granted under this Section shall be transferable from person-to-person or from place-to-place without the consent of the City Council which consent shall be evidenced by resolution passed by the City Council. No license granted for a specified part of any particular premises shall permit sales of the liquor on a part of the premises not specified in the license; provided, however, that the Council may, by resolution, grant the right to use such other portion of the premises for the sales.

The transfer of ten percent (10%) or more of stock in any corporate licensee or any change in controlling interest, shall be deemed a transfer within the meaning of this Section, and no transfer of such stock shall be made without the consent of the City Council. It shall be hereby made the duty of the officers of any corporation holding a license issued under the authority of this Section to notify the City Council of any proposed sale or transfer of any such amounts of stock in the corporation, and no sale or transfer shall be effective without the consent of the Council given in the manner above set forth. The transfer of ten percent (10%) or more of stock or a change in controlling interest, without the knowledge and consent of the City Council shall be deemed sufficient cause for revocation by the Council of any license granted to the corporation under the authority of this Section.

The corporate officers shall also notify the City Council whenever any change is made in the officers of any such corporation, and the failure to so notify the Council shall likewise be sufficient cause for revocation of any liquor license granted to the corporation.

Sec. 400.10 Persons Ineligible for License. No license shall be granted to or held by any person:

- A. Who is ineligible under MN Statute Chapter 340A.
- B. Who has been convicted within 5 years prior to the application of the license, of any willful violation of any law of the United States, the State of Minnesota, or any other state or territory, or of any local ordinance regarding the manufacture, sale, distribution or possession for sale or distribution of intoxicating liquor, or whose beer, or wine license has been revoked for any willful violation of any law or ordinance.
- C. Who, if a corporation, does not have a manager who is eligible pursuant to the provisions of this Section.
- D. Who, in the judgment of the Council, is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license.

Sec. 400.11 Places Ineligible for License. No license shall be granted, or renewed, for operation on any premises on which taxes, assessments or other financial claims of the City, school district, County or the State are delinquent and unpaid.

Sec. 400.12 Conditions of License. Every license shall be granted subject to the following subparagraphs and all other requirements of this Chapter and of any other applicable law of the City or State:

- A. Any police officer, building inspector, or any properly designated officer or employee of the City shall have the unqualified right to enter, inspect, and search the premises of the licensee during business hours without a warrant.
- B. No licensee shall sell, offer for sale, or keep for sale, alcoholic beverages in any original package which has been refilled or partly refilled. No licensee shall directly or through any other person delete or in any manner tamper with the contents of any original package so as to change its composition or alcoholic content while in the original package, Possession on the premises by the licensee of any alcoholic beverages in the original package differing in composition or alcoholic content in the liquor when received from the manufacturer or wholesaler from whom it was purchased, shall be prima facie evidence that the contents of the original package have been diluted, changed or tampered with.
- C. No “on sale” establishment shall display intoxicating liquor to the public during hours when the sale of liquor shall be prohibited.
- D. No licensee shall apply for or possess a Federal Wholesale Liquor Dealers special tax stamp or a Federal Gambling stamp.
- E. No licensee shall keep ethyl alcohol or neutral spirits on any licensed premises or permit their use on the premises as a beverage or mixed with a beverage.
- F. Changes in the corporate or association officers, corporate charter, Articles of Incorporation, By-Laws, or Partnership Agreement, as the case may be, shall be submitted to the City Council within 30 days after the changes are made.
- G. The license shall be posted in a conspicuous place on the licensed premises at all times.
- H. Every licensee, and in the case of corporations the manager, named on the license shall be responsible for the conduct of his or her place of business, the conditions of sobriety and order in it and to see that all laws shall be obeyed. The act of any employee on the licensed premises authorized to sell or serve intoxicating liquor shall be deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this Section equally with the employee.
- I. No license shall be effective beyond the compact and contiguous space named in the license for which it was granted.
- J. No alcoholic beverage shall be sold or furnished to any intoxicated person, or to any person under 21 years of age.
- K. No licensee shall keep, possess, or operate or permit the keeping, possession, or operation of any slot machine, dice, or any gambling device or apparatus on the licensed premises or in any room adjoining the licensed premises and he or she shall not permit any gambling therein.
- L. No licensee shall permit the licensed premises or any room in those premises or in any adjoining building directly or indirectly under his or her control to be used as a resort for prostitutes.
- M. The following acts or conduct on licensed premises shall be deemed contrary to public welfare and morals and therefore no “on sale” license shall be held at any premises where such conduct or acts shall be permitted:
 - 1. To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while the person is unclothed or in the attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
 - 2. To employ or use the services of any hostess while the hostess is unclothed or in the attire, costume or clothing as described in Subparagraph 1. above.
 - 3. To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
 - 4. To permit 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. To permit any person to perform acts or of acts which simulate:
 - (a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - (b) The touching, caressing or fondling on the breast, buttocks, anus or genitals.
 - (c) The displaying of the pubic hair, anus, vulva, genitals or the nipple or areola of the female breast.
 - 6. To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.
 - 7. To permit any person to remain in or upon the licensed premises who exposes to public view the pubic hair, anus, vulva, or genitals except where the pubic hair, anus, vulva or genitals shall be covered with opaque clothing, in the form of pants or panties, and in addition where the breast and the pubic hair, anus, vulva and genitals shall be covered with opaque clothing.
 - 8. To permit the showing of film still pictures, electronic reproduction or other visual 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 prohibited activities described above.

9. To permit any person, employee, or person under contract to perform on the premises to dance on any table, bar or other elevated platform, except on a duly designated stage designed exclusively for the entertainment of patrons of the premises, the stage to be located at least three feet from any patron. Where any said premises have such a stage, there shall also be an adequate dressing room for the entertainers, one for males and another for females.

N. In the case of corporations, the manager named on the license shall have full power delegated to him or her to fully enforce the laws, and to bind the corporation in its dealing involving the City.

O. If the license is held by a bona fide restaurant, capable of seating 30 or more people, the restaurant may remain open from 10:00 a.m. to 1:00 a.m. Monday through Saturday and Sundays 10:00 a.m. to 12:00 midnight.

P. A violation of any of the above conditions shall be considered sufficient grounds to revoke or suspend the license involved.

Sec. 400.13 Restrictions on Purchase and Consumption. No alcoholic beverage shall be sold or consumed or displayed in an open container on a public right-of-way or in a motor vehicle, subject to Subsection 400.14 below. A public right-of-way shall include but not be limited to a street, sidewalk, boulevard, alley, parking lot, or park.

Sec. 400.14 Permits for Consumption on Public Land. Alcoholic beverages shall not be consumed in any park or public lands except by resolution of the Council.

Sec. 400.15 Revocation. The Council may suspend or revoke any license for violation of any provision or condition of this Chapter or any State law regulating the sale of intoxicating liquor, and shall revoke the license if the licensee willfully violates any provision of MN Statute Annotated, Sections 340A. Except in the case of suspension pending a hearing on revocation, revocation or suspension by the Council shall be preceded by written notice to the licensee, and a public hearing if requested by the licensee. The notice shall give at least 5 days notice of the revocation or suspension and shall state the nature of the charges against the licensee. The Council may, without any advance notice, suspend any license pending a hearing on revocation for a period of not exceeding 30 days. A hearing, if demanded by a licensee, shall be as determined by the Council, but shall be open to the public.

Sec. 400.16 Sunday Sales Licensee. Special licenses for the sale of intoxicating liquor on Sundays shall be issued only to the holder of an "on sale" liquor license. Such a licensee may apply to the Council for a Sunday sales license pursuant to which the licensee may sell intoxicating liquor between the hours of 10:00 a.m. and 12 midnight on Sunday. Each license shall conform to the requirements of Subsection

400.06, except that the fee shall be \$200.00 per license and that the fees shall not be payable on a pro rate basis where issued for less than one year. The license shall only be issued to a bona fide restaurant which does provide on a regular day-to-day basis, tables, chairs, china and eating utensils for 30 or more persons, in a room or rooms separate from the bar facilities.

Sec. 400.17 Licensing of Employees and Juvenile Work Permit.

A. No person shall work as a manager, bartender, cocktail waitress, hostess, clerk, delivery person, bouncer, security guard, or in any capacity where such person sells, serves, or delivers alcoholic beverages in or from premises licensed under this Chapter, and no licensee shall permit any such person to be so employed, unless the person, within seven (7) days after being first employed, shall apply for a license to engage in the business. No person may be so employed in any capacity if his or her license is denied or revoked.

B. No person shall make off-sale deliveries of alcoholic beverages in the original package within the City unless the person has obtained a license as an employee.

C. No juvenile shall be employed unless the person has obtained a work permit.

D. An application for the license or work permit shall be filed with the City Clerk upon form provided by the City, and the application shall be verified under oath and shall contain the following information:

1. The names and addresses of two residents of Washington County, Minnesota, who have known the applicant for a period of two (2) years and who shall vouch for the honesty, and general good character of the applicant.

2. A concise history of the applicant's previous employment,

3. The record, if any, of arrests and of convictions for crimes and misdemeanors other than traffic offenses.

E. The annual license or work permit fee shall be as established by Council resolution from time-to-time, and shall be paid at the time of application. The licenses or permits shall expire on the anniversary of the date of application and shall be renewed at that time.

F. The application shall be referred to the police department which shall investigate the facts set forth in the application and shall take photographs and finger prints and make a complete background and national police check on all applicants, the police department shall then make a written report to the City Clerk thereon, at the earliest practicable time. If the police department recommends that the person be licensed, the City Clerk shall issue the license forthwith. If the police department makes a recommendation that the license not be issued, the applicant upon request shall be entitled to a hearing before the City Council and may offer evidence to prove the license should be issued.

G. No person shall be issued a license if it appears that the applicant has committed an act which is a willful violation of MN Statute 340, which are crimes directly related to the occupation herein licensed, as defined by MN Statute 364.03, Subdivision 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the occupation to which this license applies as defined by MN Statute. 364.03, Subdivision 3.

H. Any license issued under this Section may be revoked for any violation of this Chapter or of Minn. Statute 340 for conviction of any crime or misdemeanor involving moral turpitude so long as the conviction shall directly relate to the occupation licensed in this Section as defined by MN Statute 364.03, Subdivision 2.

CHAPTER 4 CHANGE RECORD:

CHAPTER 5. ANIMALS

SECTIONS:

500 Dogs and Cats

SECTION 500 – DOGS AND CATS

Sec. 500.01 Licenses Required. Except for any humane society or veterinary hospital, who is boarding his or her dog or dogs, cat or cats, in the City for a period not exceeding thirty (30) days, no person shall keep any dog or cat over six (6) months old within the City without securing a license therefore from the Park Manager who shall keep a record of all licenses issued and shall issue a metal tag for each license. Licenses shall expire February 28th each year. A license shall be defined as one for a dog or cat which has been licensed by the City of Landfall Village. Fees for licensing and/or penalties are as shown in the City's Fee Schedule which shall be modified from time to time by Council motion. A two-tier license fee shall be maintained and collected for: a.) each neutered or spayed dog or cat and b.) for each non-neutered/spayed dog or cat. A fine shall be collected on all violations issued for non-licensure of dogs or cats by the impounding officer or official. A penalty charge shall also be collected on all licenses issued for dogs and cats for either no license or an expired license unless the dog or cat is less than six (6) months old or has been acquired no more than fifteen (15) days previously. No refunds shall be made on any license fee for any reason. No dog or cat license shall be issued by the City unless the person requesting the license produces proof of a rabies vaccination within two (2) years of the date of application for license and maintains the same continuously while licensed in the City. [Ordinance 2019-001 2-27-19]

Sec. 500.02 Issuance of License, Receipt and Tag. Upon the payment of the license fee, the Park Manager or designee shall execute a receipt in duplicate. He or she shall deliver the original receipt to the person who pays the fee, retaining the duplicate. He or she shall also deliver an appropriate metal tag to the person paying the fee when the fee is paid.

500.03 Duplicate License Tags. A duplicate license tag shall be issued by the Park Manager or designee to replace one lost or destroyed upon presentation of the receipt for the license fee for the current year and the payment of one (1) dollar for each duplicate.

500.04 Dog and Cat Tags Not Transferable. No dog or cat tag, whether original or duplicate, shall be transferable.

500.05 License Tag To Be Worn. The owner of a dog or cat shall cause the license tag to be affixed by a permanent metal fastener to the collar of the dog or cat so licensed in such a manner that the tag may be easily seen by the officer of the City. The owner shall see that the tag shall be constantly worn by the dog or cat.

500.06 Animals At Large Prohibited. No dog shall be off the premises of the owner, whether licensed or not, unless under control on a leash not longer than six (6) feet or other physical restraint held by some person able to hold the dog in control. Any dog off the owner's premises and not so leashed or under control shall be considered running at large.

Subd. 1 Dogs Prohibited From Beach and Playground Areas. Dogs, leashed or unleashed, shall be prohibited from being on any beach or playground area.

Subd. 2 Leashing. All pets shall be leashed at all times when outside of owner's home and in such a manner as not to interfere with public services such as, but not limited to, meter readers, repair persons, mail delivery, maintenance workers, etc. Outside leashing shall be allowed only when owner shall be at home. No overnight outside leashing shall be allowed.

Subd. 3 Animal Waste Disposal. All pet waste shall be removed by the pet owner daily and disposed of properly. All animal waste deposited on empty lots, public and private property, and City streets shall be removed immediately and disposed of properly: Owners walking their pets shall be required to have on their person some means, such as paper, plastic bag, scoop etc., to remove pet waste immediately.

Subd. 4 Leashing on Public Property. Leashing any pet on public property or on vacant or private property other than the owner's shall be prohibited.

Subd. 5 Outside Kennels, Cages, Pens or Houses. Structures of any kind outside for the purpose of housing pets including but not limited to kennels, cages, pens or houses shall be prohibited.

Sec. 500.07 Confinement When In Heat. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that the female dog or cat cannot come into contact with another animal except for planned breeding.

Sec. 500.08 Quarantining Biting Animals; Destruction of Rabid Animals. Whenever any dog or cat has bitten any person the owner shall immediately quarantine it at home and notify either the animal control officer or the police. The period of quarantine shall be for ten (10) days. During the quarantine period, the animal shall be securely confined in the owner's home in such a manner as not to allow the animal to escape or have contact with persons other than the owners or the police or animal control officer. Failure to comply with the quarantine requirements in the Section shall subject the animal in violation to impoundment under the authority of the animal control officer or police at the owner's expense. At the end of the ten (10) day quarantine period, the animal may be released if a licensed veterinarian determines that it shall not be rabid. If the animal is determined to be rabid, it shall be destroyed humanely after completion of necessary medical procedures.

Sec. 500.09 Keeping Noisy Dogs. No person shall keep a dog which habitually barks or howls, inside or outside, either during the day or at night. Continuous barking, howling, or other noise audible off the premises of the owner for a period of at least five minutes with interruptions of less than a minute shall be evidence of habitual barking under this section.

Sec. 500.10 Number of Dogs and Cats.

Subd. 1 Limit. No more than two dogs and/or cats shall be allowed per household.

Subd. 2 Exception. Landfall Village residents who have previously owned more than 2 pets (cats and/or dogs) before 12-13-95, shall be allowed to keep their pets until such time that one dies, is stolen, lost etc. Then there shall be no replacement allowed for the decreases, lost, stolen etc. pet, thus, through such occurrences reducing the number of pets per household to the number two.

Sec. 500.11 Humane Treatment Required. Each dog or cat owner shall care for his or her animal(s) in a humane manner. Any person found guilty of violation of this Subsection shall be fined twenty-five (25) dollars for first offense and one-hundred (100) dollars for each occurrence thereafter. Nothing in this Subsection shall prohibit prosecution under state law for the inhumane treatment of an animal.

Sec. 500.12 Nuisance Declared; Impoundment Authorized. Dogs running at large, dogs which habitually bark or howl, dogs which habitually chase automobiles, dogs which have bitten any person or other domestic animal and female dogs and cats in heat running at large shall be hereby declared a nuisance. If found to be a nuisance by the court, the court may order disposal of any such animal. All animals in violation of this section in any manner may be picked up by a law enforcement officer of the person on whose property the animal is found. The animal may be returned to the owner who may be prosecuted for permitting a violation of this Section or the animal may be impounded and the owner required to pay the impoundment fee plus the established daily board fee for each day the animal is impounded before reclaimed. In the event of the impounding, the owner shall remain subject to prosecution and the penalties provided for by this Section. An animal shall be considered impounded when taken under control by a law enforcement officer, including the animal control officer. It shall be unlawful to interfere with any officer in the act of enforcing this Section.

Subd. 1 Notice. Upon the seizure and impoundment it shall be the duty of the animal control officer to post a written notice; if the owner of the dog or cat be known, written notice of impounding, in lieu of posted notice, shall be given the owner thereof either by mail or personal service. The date of sale or killing of the dog or cat shall be after the fifth regular business day after the posting or giving of the notice unless that date falls on a Sunday or holiday in which case it shall be the following day.

Sec. 500.13 Animal Control Officer. The Landfall Code Enforcement Officers and/or outside contractor(s), as needed shall be used for the enforcement of this Chapter.

Sec. 500.14 Violations. Any person violating any provision of this Chapter shall be guilty of a misdemeanor. Violation of this Chapter three (3) times in a one-year period by any dog or cat owner shall result in a fine of one-hundred (100) dollars. The person shall not be eligible to have a dog or cat license for a one (1) year period.

Sec. 500.15 Proceedings for Destruction of Certain Dogs. Upon sworn complaint by a court of proper jurisdiction that any one of the following facts exist:

- A. That any dog at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;
- B. That any dog or cat at any time has attacked or bitten a person outside of the owner's or custodian's premises;
- C. That any dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets or Highways;
- D. That any dog is a public nuisance as heretofore defined; or that
- E. Any dog is running at large in violation of this Chapter.

The presiding officer of the court shall issue a summons directed to the owner of the dog or cat commanding him or her to appear before the court to show cause why the dog or cat should not be seized by any police officer, or otherwise disposed of in the manner authorized in this Section. Upon the hearing and finding the facts true as complained of, the court may either order the dog or cat killed or order the owner or custodian to remove it from the City, and may order any police officer to enforce the order. The provisions of this Section shall be in addition to and supplemental to other provisions of this Chapter.

Costs of the proceedings specified by this Section shall be assessed against the owner or custodian of the dog or cat, if the facts in the complaint shall be found to be true; or the complainant, if the facts shall be found to be untrue.

CHAPTER 5 CHANGE RECORD:

Sec. 500.13 Animal Control Officer. Code is hereby amended, striking certain text and amending with additional language, to reflect the City's discontinuance of the relationship with the City of Maplewood for police and animal control services and replacing with references to the City's own staff instead or its designated contractors. Ordinance 2018-007 adopted 10-15-18 and published 10-24-18.

Sec. 500.01 Licenses Required. Code is amended to change City Clerk to Park Manager and fee/penalty amounts removed. Ordinance 2019-001 Adopted 2-19-19 / Published 2-27-19

CHAPTER 6. NUISANCES AND OFFENSES

SECTIONS:

600 Fire Regulations

610 Curfew

620 Drugs, Narcotics, Poisons, and Chemicals

630 Disposal of Garbage, Rubbish, Refuse, and Waste Materials

640 Public Nuisances

650 Disorderly Conduct

660 Weapons

670 Residential Lots and Yards

SECTION 600 – FIRE REGULATIONS

Sec. 600.01 Fire Hazards Prohibited. All fire hazards shall be hereby prohibited within the City and it shall be the duty of the contracted fire service to make periodic inspection of the City, structures and/or property therein, to locate such fire hazards and to give the owner or occupant a three-day notice to eliminate all fire hazards on those premises. Any owner or occupant who shall fail to have his or her premises free from fire hazards within three days of such a notice shall be guilty of a misdemeanor.

Sec. 600.02 Fire Hazards Defined. Fire Hazards shall mean those that are so defined in the “National Fire Code”, as published by the National Fire Protection Association.

Sec. 600.03 Reports to Council. The contracted fire service shall make such periodic reports to the Council, as the Council shall from time-to-time require.

Sec. 600.04 Inspections. All commercial structures and properties within the City shall be inspected by the Contracted fire service at least twice a year. All residential structures and property may be inspected on a periodic basis, as determined by the Contracted fire service or as directed by the City Council.

Sec. 600.05 Owners or Occupants Shall Allow Inspections. All owners or occupants of lands within the City shall admit the Contracted Fire service for inspection of their lands and premises at all reasonable hours. No prior notice shall be required. Any owner or occupant who shall fail to allow the Contracted fire service to inspect his or her lands or premises, immediately upon demand shall be guilty of a misdemeanor unless reasonable cause is given to the Contracted fire service upon demand.

SECTION 610 - CURFEW

Sec. 610.01 Intent. The City Council finds that fighting crime effectively requires a multi-pronged effort, with one aspect focusing on those age groups particularly vulnerable to and injured by crime, and susceptible to being induced into committing crime. Consequently, it is the intent of the Council to create and implement a juvenile curfew program aimed at protecting juveniles from crime and reducing juvenile crime and the direct and indirect consequences thereof.

Juveniles in the City have themselves become victims of crime and violence. A juvenile curfew program shall have the additional benefit of reducing juvenile victimization.

It shall be the intent of the Council to substantially reduce, if not eradicate, acts of crime and delinquency committed by juveniles and to provide for the care, safety, and protection of law abiding juveniles and other citizens, residents, and visitors.

This Section shall be enacted in recognition of the peculiar vulnerability of juveniles, their frequent inability to make critical decisions in an informed, mature manner, and the importance of the parental role in child-rearing; and,

Sec. 610.02 Purpose. The purposes of this Section shall be:

- (1) To protect juveniles themselves and other citizens, residents and visitors of Landfall Village from the dangers of crimes which occur on sidewalks, streets, and in public, and semipublic places during late night and early morning hours; and,

- (2) To decrease the amount of criminal activity engaged in by juveniles; and,
- (3) To promote and enhance parental control over juveniles;

Sec. 610.03 Definitions. For the purpose of this Section, the following definitions shall apply:

Subd. 1 Authorized Adult. “Authorized Adult” shall mean any person who shall be at least eighteen (18) years of age and shall be authorized by a parent of the minor to take the parent’s place in accompanying the minor for a designated period or time.

Subd. 2 Emergency Errand. “Emergency Errand” shall mean an errand necessary to avoid or seek help for a 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.

Subd. 3 Minor. “Minor” shall mean any unemancipated person under the age of eighteen (18) years.

Subd. 4 Parent. “Parent” shall mean any person having legal custody of a minor (i) as natural or adoptive parent; (ii) as legal guardian; or (iii) as a person to whom legal custody has been given by order of the court.

Subd. 5 Public Place. “Public Place” shall mean any public street, highway, roadway, park, public recreation, entertainment or civic facility, or other place open to the public within the City.

Sec. 610.04 Prohibited Acts.

Subd. 1 Minors Under Sixteen. It shall be unlawful for any minor under the age of sixteen (16) years to be in a public place within the City during the period ending at 5:00 AM and beginning at 10:00 PM every day of the week.

Subd. 2 Minors Sixteen and Seventeen. It shall be unlawful for any minor who is sixteen (16) or seventeen (17) years of age to be in any public place within the City during the period ending at 5:00 AM and beginning at 12:00 AM (midnight) every day of the week.

Subd. 3 Parent and Authorized Adult. It shall be unlawful for a parent or authorized adult of a minor to knowingly, or by inefficient control, permit the minor to be in any public place within the City during the hours prohibited by Subparagraphs A. and B. of this Subdivision in this Section, under circumstances not constituting an exception to this Section as set forth in this Section. The term “knowingly” includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a minor under the person’s care.

Subd. 4 Business Owner. 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 Subdivisions 1 and 2 of this Subsection under circumstances not constituting an exception to this Section as set forth in this Section.

Sec. 610.05 Exceptions.

The following shall constitute valid exceptions to the operation of the curfew:

- A. At any time, if a minor shall be accompanied by his or her parent or an authorized adult;
- B. At any time, if a minor shall be upon an emergency errand;
- C. At any time, the minor shall be upon some necessary errand by permission or direction of the parent, guardian or other adult person having the care and custody of the minor, which permission shall be in written form and signed by the parent, guardian or other adult person having the care and custody of the minor;
- D. At any time, where the presence of the minor in the place or places shall be connected with or required by some legitimate business, trade or profession or occupation in which the minor shall be permitted by law to be engaged;
- E. If the minor shall be legally employed, for a period from forty-five (45) minutes before or after work, while going directly between his or her home and place of employment;
- F. At any time the minor shall be engaged in interstate-travel;
- G. At any time the minor shall be exercising First Amendment right protected by the United States Constitution (or those similar right protected by Article I of the Constitution of the State of MN), such as free exercise of religion, freedom of speech, and the right of free assembly;
- H. At any time the minor shall be married in accordance with the law or had disability of nonage removed by a court of competent jurisdiction;
- I. At any time the minor shall be homeless or uses a public or semi-public place as his or her usual place or abode;
- J. At any time the minor shall be on the boulevard or sidewalk abutting the juvenile’s residence or abutting the residence of a next door neighbor if the neighbor shall not have complained to the contracted police service about the juvenile’s presence;
- K. At any time the minor shall be attending, or returning by a direct route to his or her 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 twenty-one (21) years of age; provided further, that any such activity shall begin no later than 10:00PM; provided further, that the

juvenile possesses written permission from his or her parent or legal guardian authorizing the juvenile to attend or engage in that specific activity;

- L. Attending an official school, religious, or recreational activity supervised by adults at least twenty-one (21) years of age and sponsored by the City, a school, church, civic organization or other similar entity, which organization shall take responsibility for the juvenile as an invitee, or going to or returning from, any such activity without any detour; provided further, that the juvenile shall possess written permission from his or her parent or legal guardian authorizing the juvenile to attend or engage in that specific activity.

Sec. 610.06 Defense. It shall be a defense to prosecution under this Section that the owner, operator, or employee of an establishment promptly notified the contracted police service that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 610.07 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 shall be present.

Sec. 610.08 Penalties. Violation of this Section shall be a misdemeanor.

SECTION 620 – DRUGS, NARCOTICS, POISONS, AND CHEMICALS

Sec. 620.01 State Law Adopted. The provisions of MN Statutes, Chapter 151, 152, and 609, each as amended by subsequent laws of the State of MN, shall be adopted as part of this Section regulating the transfer of possession, possession and use of drugs, narcotics, poisons and chemicals within the City and shall be hereby incorporated in and made a part of this Chapter as completely as if set out here in full.

Sec. 620.02 Possession of Controlled Substances and Injection Implements and Drug Paraphernalia. No person or persons except dealers or salespersons in surgical instruments, registered pharmacies, licensed pharmacists, licensed doctors of medicine, doctors of osteopathy duly licensed to practice medicine, licensed doctors of dentistry, licensed doctors of veterinary medicine, or nurses or interns in any licensed hospital or other licensed institutions wherein sick and injured persons are cared for or treated, or bona fide hospitals wherein animals are treated, when under the direction and supervision of a licensed doctor as defined above, shall at any time have or possess any hypodermic syringe or needle or any instrument or implement adapted for the use of cocaine or narcotic drugs by subcutaneous injections, and which is possessed for that purpose, unless the possession shall be authorized by the certificate of a physician issued within the period of one year prior to any time of the possession. No person shall use, possess or have under his or her control for use any stem, bowl, lamp, yen hock or other opium-smoking paraphernalia or accessories used for the smoking or inhalation of opium.

Sec. 620.03 Prohibiting Inhalation of Chemicals. No person shall inhale, breathe, drink or otherwise take into the body any compound, liquid or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroathane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance capable of inducing intoxication, elation, dizziness, paralysis, irrational behavior or, in any manner, distorting or changing the audio, visual or mental processes. For the purpose of this Section, any such condition so induced shall be deemed to be an intoxicated condition; provided, however, that the provisions of this Section shall not apply to any person who inhales, breathes, or drinks such material or substance pursuant to the direction or prescription of any licensed doctor as listed in Subsection 620.02 above, and authorized to so direct or prescribe.

Sec. 620.04 Sale or Possession. No person shall, for the purpose of violating or aiding another to violate any provision of this Section, intentionally possess, buy, sell, transfer possession, or receive possession of any glue or cement containing any of the intoxicating substances defined in Subsection 620.03.

Sec.620.05 Restriction of Sales to Minors.

Subd. 1 Possession. Except as provided in Subd. 3 hereof and Subsection 620.06, no person under eighteen (18) years of age shall possess or buy any glue or cement containing the intoxicating substances defined in Subsection 620.03.

Subd. 2 Sales except as provided in Subd. 3 hereof and Subsection 620.06, no person shall sell or transfer possession of any glue containing the intoxicating substances defined in Subsection 620.03 to another person under eighteen (18) years of age.

Subd. 3 Exception. Provided, however, a person may sell or transfer possession of any glue containing the intoxicating substance defined in Subsection 620.03 to a person under eighteen (18) years of age for model building or other lawful use where the juvenile shall have in his or her possession and shall present the written consent of his or her parent or guardian, which consent shall contain the address and telephone number of the parent or guardian. Further, this Section shall not apply where the glue or cement is sold, delivered, or given away simultaneously with and as part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains, or other similar models.

Sec. 620.06 Permanent Records of Sale or Transfer. A person making a sale or transfer of possession of any glue containing the intoxicating substance defined in Subsection 620.03 to a person under eighteen (18) years of age who presents the written consent of his or her parent or guardian shall keep the written consent required by this Section in a permanent type file available for inspection by the contracted police service for a period of at least six months.

Sec. 620.07 Self-Service Displays Prohibited. Retail establishments selling glue or cement containing the intoxicating substances defined in Subsection 610.03 shall not sell such glue or cement from a self-service display.

Sec. 620.08 Organized Model Classes Excluded. This Section shall not apply to the distribution of glue or cement by adult supervised youth organizations for use by their regularly organized model classes.

Sec. 620.09 Menace to Public Welfare. Any possessions, sale, distribution, prescribing, administration, dispensation or use of drugs, controlled substance, poison or chemicals, or of any hypodermic syringe or needle, or any instrument or implement adopted for the use of a controlled substance, or any stem, bowl, lamp, yen hock or other controlled substance smoking paraphernalia or accessories used for the smoking or inhalation of a controlled substance contrary to the provisions of this Chapter, shall be hereby declared to be dangerous to the public health, a menace to the public welfare, and shall be prohibited.

SECTION 630 – DISPOSAL OF GARBAGE, RUBBISH, REFUSE AND WASTE MATERIALS

Sec. 630.01 Definitions. For the purpose of this Chapter certain terms and words shall have the following meanings:

Subd. 1 Garbage. “Garbage” shall mean waste, food stuff, or table wastes of vegetable or animal origin, together with incidental admixtures.

Subd. 2 Rubbish. “Rubbish” shall mean and include all other waste matters, such as ashes, sweeping, and other such materials except vegetative compost piles properly maintained for conservation, gardening, and landscaping purposes.

Subd. 3 Refuse. “Refuse” shall mean garbage or rubbish or any combination thereof.

Subd. 4 Waste Materials. The following items of waste material shall not be considered as refuse: stones, sod, earth, concrete, contractor’s building materials, large automobile parts, large appliances, inflammable liquids, tree trunk sections over four inches in diameter and three feet in length, manure, or articles so heavy or bulky that they cannot be easily lifted by one person. The aforesaid items shall not be allowed to accumulate and shall be removed within seventy-two (72) hours upon notice from the City, which may be given in writing to the owner or occupant of the property upon which the materials are accumulated, or by posting the notice upon the property in a conspicuous place and failure to remove pursuant to the order shall be a misdemeanor.

Sec. 630.02 Disposal Requirements. Every person, firm, or corporation shall dispose of refuse which accumulates upon his or her, or its property at least once a week or more often as sanitary conditions warrant as determined by the City Council. Every householder, occupant, and owner of any dwelling, manufactured home, or any other structure shall have garbage and rubbish collected by the hauler licensed by the City and shall comply with the provisions of this Section and with the dates of collection and requirements therefore as established by the City Council.

Subd.1 Rules. All refuse accumulation in the City shall be collected, conveyed, and disposed of under the supervision of the City Council in accordance with State regulations and accepted sanitation and health practices. The City Council shall have the authority to make rules and regulations concerning days of collection, type and location of waste containers, and such other matters as they deem necessary by resolution.

Subd. 2 Notice. The licensed hauler shall notify the City Council of the notice of discontinuance of service to any premises. He or she shall also report any accumulations of refuse in violation of City code provisions.

Subd. 3 Fees and Conditions. Fees and conditions for hauling all refuse from the City shall be filed by the hauler in writing with the Clerk at the time of his or her application for a license, and shall remain in effect for the license period. The licensed hauler may refuse to make collections of any premises when the fees are not paid within 30 days from the due date.

Sec. 630.03 Maintenance of Sanitary Conditions. Any person, firm or corporation accumulating refuse shall comply with the following requirements:

- A. No persons shall place any refuse in a street, or other public place, or upon any private property whether owned by such person or not except as provided by this Section.
- B. No person shall throw or place any refuse in any stream or other body of water.
- C. No persons shall place any waste material in any street or other public place.
- D. No person shall cast, place, sweep, or deposit any refuse in such a manner that it may be carried by elements off his or her property.
- E. No persons shall bury or burn any refuse in the City except in accordance with regulations established by the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, and this Section.
- F. All approved, lidded garbage containers shall be fly tight and rodent-proof and shall at all times, be screened from view from the street and least visible from the front of home. On trash collection day, all containers shall be replaced in their proper places by evening.
- G. Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of by dropping them off at the Washington County Hazardous Waste Site.

Sec. 630.04 Refuse Containers. Unless otherwise specifically provided in this code, every person, firm or corporation, as a householder, occupant and/or owner of any dwelling, manufactured home, or any other structure utilized for dwelling purposes and any restaurant, firm, corporation, or establishment that accumulates refuse shall provide one or more fly tight and watertight metal or equivalent rodent-proof lidded garbage container, of not more than 90 gallon total capacity, to contain all of the refuse which accumulates between collections.

Subd. 1 Bags. Unless otherwise specifically provided for in this code, all persons shall place garbage in a 1 1/2 mil. minimum polyethylene bag or equivalent in performance of 30-32 gallon capacity or less or equivalent system which shall be kept in the aforesaid containers, then placed at the curb line for pick-up, unless special arrangements are made with the hauler for walk in service with or without bags or some other special service. Rubbish shall be placed in 1 1/2 mil. minimum polyethylene bags or equivalent in performance in amounts not more than 90 gallons capacity, and may be placed for pick-up on the garbage pick-up date next to the curb line or next to the alley. If walk-in service is arranged for with a licensed hauler and bags are not used, sufficient fly tight and watertight metal or equivalent rodent-proof garbage containers of not more than 90 gallon-capacity shall be provided by the homeowner or firm and shall be kept in a sanitary condition.

Subd. 2 Special Collection Service. The owners, operators, or managers of any building of any firm or corporation where refuse accumulates in excess of four 30-32 gallon containers per week shall have vat service weekly from a hauler licensed to do business in the City. The vats shall be of a minimum capacity of one cubic yard and of an approved sanitary type with the proper attachments for lifting on to refuse trucks.

Subd. 3 Special Waste Pick-Up. The items defined as waste material under 630.01 shall be disposed of by means of a special pick-up of these items by a hauler properly equipped to render the service.

Sec. 630.05 License Required to Collect Refuse. No person shall collect refuse in the City without a license.

Sec. 630.06 Application. Applications for the exclusive license shall be filed with the Clerk upon forms provided. The applications shall state the name and address of the applicant, a list of proposed collection equipment and the place where the garbage shall be disposed of.

Sec. 630.07 License Fee, Surety Bond, and Insurance Certificate. The license fee per year shall be such amount as shall be established by resolution of the Council. The licensee shall post a performance bond in the penal sum of \$3,000.00 conditioned that he or she shall faithfully and continuously provide the refuse service specified in his or her license. The licensee shall further submit to the City a Certificate of Public Liability Insurance in the minimum amount of one hundred thousand dollars (\$100,000) for one injury and three hundred thousand dollars (\$300,000) for more than one injured person per accident and one hundred thousand dollars (\$100,000) property damage coverage per accident on each and every vehicle used in the City for the purpose of collecting refuse. All insurance certificates and bonds shall be approved by the City attorney.

The licensee shall further submit to the City a certificate of insurance showing he or she has a comprehensive contractors general policy in the minimum amounts as shall be required for public liability insurance policies as stated above. If, for any reason, the licensee shall be without insurance or the surety bond, the licensee, as granted by this Chapter, shall be immediately revoked without any further action by the City.

Sec. 630.08 Investigation and Granting. The City Council shall investigate each application and shall determine if each applicant is responsible, that he or she has the proper equipment for collection, and that no nuisance shall be created by the granting of the license. The Council shall, after consideration, grant a license to the hauler or haulers. The Council shall have full discretion in issuing or refusing to issue the license.

Sec. 630.09 License Period. The license shall expire on the last day of December of each year unless the Council shall decide to issue a license for a period of no longer than two years.

Sec. 630.10 Garbage Collection Equipment. The licensee shall provide a refuse truck so constructed that the contents shall not leak or spill there from, in which all refuse collected by him or her shall be conveyed to the place designated in his or her application. The conveyance shall be kept as 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 reasonably necessary to collect refuse. The hauler shall report any accumulations of refuse in violation of the City Code to the City Council.

Sec. 630.11 License Revocation. Failure to comply with these regulations shall be grounds for revocation of the license brought by action of the Council after a hearing for said purpose. In the event the Mayor finds violations and orders corrections of the same which licensee fails to make, the Mayor may suspend the licensee's right to operate under the terms of the license and order his or her appearance at a regular meeting of the Council for the purpose of hearing whether or not the suspension shall continue in effect.

Sec. 630.12 Yard Waste. Items such as leaves, grass, and garden waste, or such other materials as defined by Council resolution, shall be hereby defined as yard waste, and effective January 1, 1990, shall be separated from garbage, rubbish and refuse for pickup by the licensed hauler.

Sec. 630.13 Recyclables. Materials which may be recycled or reused through a recycling process, as to be periodically defined by Council resolution, shall be placed in separate containers and set out for pickup by the licensed hauler. Separation of recyclables from refuse and rubbish shall be voluntary at this time but the separation shall be encouraged.

Sec. 630.14 Rules and Regulations. The Council, by resolution, shall have the authority to make rules and regulations concerning type and location of waste containers, the collection of yard waste and recyclables, and any other matter concerning solid waste management which shall not be in conflict with this Section.

Sec. 630.15 State Rules Adopted. Solid Waste Rules 7035 of the Minnesota Pollution Control Agency shall be hereby adopted by reference as part of this Section, as they apply to cities.

Sec. 630.16 Metropolitan Council Plan Adopted. The Solid Waste Management Development Guide/Policy Plan of the Metropolitan Council of the Twin Cities Area, adopted March, 1985, Publication No. 12-85-059, shall be hereby adopted by reference as part of this Section as they apply to cities.

SECTION 640 – PUBLIC NUISANCES

Sec. 640.01 Public Nuisance Defined. A public nuisance shall be defined as a thing, act, occupation, or use of property which shall:

- A. Unreasonably annoy, injure, or endanger the safety, health, comfort, or repose of the public;
- B. Offend public decency;
- C. Unlawfully interfere with, obstruct, or tend to obstruct, or tend to render dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley, or highway;
- D. In any way render the public insecure in life or in the use of property.

Sec. 640.02 Public Nuisances Affecting Health. The following shall be declared to be public nuisances affecting health:

- A. All decayed or unwholesome food offered for sale to the public.
- B. All diseased animals running at large.
- C. All ponds or pools of stagnant water.
- D. Carcasses of animals not buried or destroyed within 24 hours after death.
- E. Accumulations of manure or rubbish.
- F. Privy vaults and garbage cans which are not fly tight.

- G. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, or other substances.
- H. All noxious weeds and other rank growths, and any grass or weeds in excess of four (4) inches in height or any other overgrown or uncontrolled vegetation, shrub, tree or vine, which is conducive to the accumulation of refuse or debris, or to the harboring of vermin (including mice, rats and other rodents), upon public or private property.
- I. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities.
- J. Offensive trades and businesses and firms as defined by statute or ordinance not licensed as provided by law.
- K. All public exposure of persons having a contagious disease.
- L. The use of a common drinking cup or roller towel, except as part of an established religious practice.
- M. The illegal distribution of samples of medicines or drugs and controlled substances as defined by State and Federal law.
- N. All other acts, omissions of acts, occupations and uses of property, including the harboring of or infestation by vermin (including mice, rats, and other rodents) which shall be deemed by the health officer or Council to be a menace to the health of the inhabitants of the City or a considerable number thereof.

Sec. 640.03 Public Nuisances Affecting Morals and Decency. The following shall be hereby declared to be nuisances affecting public morals and decency:

- A. All unlawful gambling devices, slot machines, and punchboards.
- B. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.
- C. The looking into or peeping through doors, windows or openings of private homes, without proper authority, commonly known as “window peeping”.
- D. All places where intoxicating liquors are manufactured, sold, bartered, or given away in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage, or where intoxicating liquors are kept for sale, barter, or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place.
- E. Any vehicle used for the illegal transportation of intoxicating liquor, for promiscuous sexual intercourse, or for any other immoral purpose or unlawful act.
- F. All indecent or obscene pictures, books, pamphlets, magazines, and newspapers and billboards.
- G. Graffiti and intentional defacing of property.
- H. Betting, bookmaking, and all apparatus used in such occupations.
- I. The drinking of intoxicating liquor or non intoxicating liquor on public streets or alleys except as may be authorized in special locations in conjunction with city recognized events or when going directly between one residence and another within the same block.

Sec. 640.04 Public Nuisances Affecting Peace and Safety. The following shall be declared to be nuisances affecting public peace and safety:

- A. All snow and ice not removed from public sidewalks 12 hours after the snow and ice has ceased to be deposited thereon.
- B. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection shall be reached.
- C. All limbs or trees which are less than 8 feet above the surface of any public sidewalk or 9 feet above the surface of any street.
- D. All wires which are strung less than 15 feet above the surface of the ground.
- E. All explosives, inflammable liquids, and other dangerous substances stored in any manner or in any amount other than that provided by law.
- F. All use or display of fireworks, except as provided by law.
- G. All unnecessary noises and annoying vibrations.
- H. All operation of any motor vehicle radio receiving set, tape player, compact disc player, paging system or any other device for the production or reproduction of sound in a distinctly and loudly audible manner so as to unreasonably disturb the peace, quiet and comfort of any person nearby or at a distance of 25 feet or more.
- I. All buildings and all alterations to buildings made or erected within the fire limits as shall be established by this Code in violation of the laws concerning materials and construction.
- J. Obstructions and excavations affecting the ordinary use by the public of streets, alley, sidewalks, or public grounds except under such conditions as shall be provided by ordinance.
- K. Radio and TV aerials strung or erected in any manner except those approved by City Council.

- L. 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 the streets or sidewalks, except as permitted by the Council.
- M. All hanging signs, awnings, and other similar structures over streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by ordinance.
- N. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- O. All barbed wire fences which are located within three feet of any public sidewalk.
- P. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- Q. The distributing of handbills except as shall be provided by this Code.
- R. All other conditions or things which shall be liable to cause injury to the person or property of anyone.
- S. Any private land or premises upon which any junk or stock car, or any part(s) thereof, shall be unlawfully parked, kept, placed or stored unless the vehicle shall be kept within an enclosed garage or storage building.
- T. Throwing, placing, depositing, trash, lawn clippings, leaves, weeds, grass or other material in streets, gutters, vacant lots or on hillsides.

Sec. 640.05 Public Nuisance Prohibited. No person shall knowingly cause or create a public nuisance, or permit any public nuisance to be created, to be placed upon, or to remain upon any premises owned or occupied by him or her.

Sec. 640.06 Abatement. The Council shall enforce the provision of this Chapter, and may by resolution delegate to various officers or agencies power to enforce particular provisions of this Chapter, including the power to inspect private premises.

Whenever, in the judgment of the officer charged with enforcement, it shall be determined upon investigation that a public nuisance is being maintained or exists within the City, the officer shall notify in writing the person committing or maintaining the public nuisance and require him or her to terminate and abate the nuisance and to remove the conditions or remedy the defects. The written notice shall be served on the person committing or maintaining the nuisance, in person or by registered mail. If the premises are not occupied and the address of the owner shall be unknown, service on the owner may be had by posting a copy of the notice on the premises. The notice shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time shall be designated in the notice, but the maximum time for the removal of the nuisance after service of the notice shall not in any event exceed 30 days. Service of notice may be proved by filing an affidavit of service in the office of the Clerk setting forth the manner and time thereof.

When an order so given is not complied with, such non-compliance shall be reported forthwith to the Council for such action as may be necessary and deemed advisable to abate and enjoin the further continuation of the nuisance.

SECTION 650 – DISORDERLY CONDUCT

Sec. 650.01 Disorderly Conduct. No person shall do any of the following in a public or private place, knowing, or having reasonable grounds to know, that it shall, or shall tend to, alarm, anger or disturb others or provide an assault or breach of the peace:

- A. Engage in brawling or fighting;
- B. Disturb an assembly or meeting, not unlawful in its character;
- C. Engage in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others;
- D. Acts in a manner as to unreasonable annoy, disturb, interfere with, obstruct, or be offensive to another or others;
- E. Congregates with three or more together or near each other in any public street, or on any foot walk or sidewalk in the City so as to obstruct the free passage of foot passengers, and so standing refuses to move on immediately upon request to do so made by any member of the Council or police officers;
- F. Frequents or loiters about any place soliciting any person for the purpose of committing any crime against nature or other lewdness;
- G. Willfully and lewdly exposing a person or other lewdness;
- H. Hides, lies and waits, or conceals himself or herself in any house or building or upon any yard or premises in the City with intent to do mischief or commit any offense prohibited by the laws of this State or the ordinances of this City;
- I. Interferes with, obstructs, renders danger for passage, any lake, park, public square, street, alley or highway or any public place in the City;
- J. Interferes with and obstructs the fire department while engaging in fighting a fire;

- K. Stands or loiters in or about a doorway of any building, or sits upon the steps, window sill or railing of any building in such a manner as shall obstruct ingress and egress to and from each building, or to the unreasonable annoyance to the owner or occupant thereof, or the public in case of a public building;
- L. Whoever conceals his or her identity in a public place by means of a robe, mask, or other disguise unless incidental to amusement or entertainment, or because of religious or cultural beliefs.

A person doing any of the foregoing shall be guilty of disorderly conduct.

SECTION 660 – WEAPONS, EXPLOSIVES, AND FIREWORKS

Sec. 660.01 Definition. The words “pistol or revolver” as used in this Section, shall be construed as meaning any firearm with a Barrel less than twelve (12) inches in length.

Sec. 660.02 Exemptions. This Section shall not apply to police officers or other authorized personnel when using firearms or other weapons in the regular course of performing their duties.

Sec. 660.03 Discharge of Firearms and Detonation of Explosives.

Subd. 1 Firearms. It shall be unlawful for any person to shoot or discharge any gun, revolver, pistol or firearms of any kind or description, including BB guns, pellet and air guns, spring guns, or air or gas propelled guns, including CO2 guns within the City, whether the same be loaded with powder and ball, live ammunition or blank cartridges or any kind of explosive or propellant capable of throwing or projecting any missile, including bullets, pellets, BB7s, artillery shells, rockets or other missiles.

Subd. 2 Explosives. It shall be unlawful for any person in the City to have in his or her possession or to shoot, discharge or explode any preparation of potash, mixture of sulphur and saltpeter, nitroglycerin, dynamite, plastic explosive, fireworks, or any other kind of explosive material and all such acts shall be hereby prohibited, unless specifically authorized by permit issued by the department of public safety or by permit issued by the State Department of Conservation.

Sec. 660.04 Concealed Weapons. It shall be unlawful for any person within the City to carry or wear concealed about his or her person any pistol, BB, air or CO2 gun, dagger, switchblade knife, metal knuckles, blow gun, Bowie knife, razor or other dangerous or deadly weapon.

Sec. 660.05 Confiscation and Disposition of Weapons and Explosives.

Subd. 1 Confiscation. Any weapons or explosive materials duly adjudged by a court of competent jurisdiction to have been discharged, worn, or carried in the City in violation of any ordinance, law or regulation shall be confiscated by the City and the weapons or explosive materials shall be turned over to the director of public safety to be kept, sold or disposed of in the manner provided in this Section.

Subd. 2 Disposition. Any weapons or materials confiscated pursuant to this Section may be kept and used by the department of public safety if the same shall be adaptable to police purposes. The weapons and materials which shall be dangerous to reintroduce into channels of private sale or use, may in the discretion of the director of public safety be destroyed. The weapons or materials which may be safely placed into the hands of private owners may be sold by the director of public safety at public auction a sealed bid sale pursuant to at least two (2) weeks published notice of the sale.

Sec. 660.06 Bows and Arrows.

Subd. 1 General. Every person in the City who shall aim any bow and arrow, as defined in this Section, at or toward any human being, or who shall willfully discharge an arrow from a bow in any public place, or in any place where there is any person to be endangered, although no injury actually results, shall be guilty of a misdemeanor.

Subd. 2 Minors. No minor in the City under the age of fourteen (14) years shall handle or have in his or her possession, or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian any bow and arrow as shall be defined in this Section for hunting or target practice, or any other purpose. Every person violating any of the provisions of this Subsection or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor.

Subd. 3 Definition. A bow and arrow, for purposes of this Section, shall be hereby defined as a bowed shaft; of material such as metal, wood or plastic, the ends of which shall be pulled into 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, provided that, the bow shall be rated at more than ten (10) pounds pull, and further provided that, the arrow used shall be pointed or shall be equipped with a pointed head of metal, plastic or other material capable of penetrating an object when propelled by the bow.

Sec. 660.07 Fireworks.

Subd. 1 State Firework Code Adopted. The provisions of MN Statute Chapter 624.20- 624.22 and 624.24 as applies to fireworks shall be hereby adopted and made part of this Chapter.

Subd. 2 Definition. The term Fireworks” shall mean any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, sparklers, or other fireworks of like construction, and any fireworks obtaining any explosive or inflammable compound or any tablets or other device containing any explosive substance and commonly used as fireworks. The term “firework” shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

Sec. 660.08 Sale Possession and Use of Fireworks Prohibited.

Subd. 1 Prohibition. It shall be unlawful for any person to offer, sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks within the City except as provided.

Subd. 2 Exceptions. Public displays of fireworks by Municipalities and licensed supervised public displays of fireworks by cities or other organizations shall be allowed.

Sec. 660.09 Officers May Seize Illegal Fireworks. The State Fire Marshall, or any sheriff, police officer, constable or contracted fire service shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation.

SECTION 670 – RESIDENTIAL LOTS AND YARDS

Sec. 670.01 Definition. Residential lots and yards shall meet the following standards:

- A. Residents own home.
- B. Side yard and parking area between residents own home and up to the neighbor’s home.
- C. Front yard space to street and back yard space to street or other barriers.
- D. Each resident has 3 feet of accessibility in neighbor’s yard for repairs and cleaning of home.

Sec. 670.02 Standalone Utility and Storage Sheds. [Ordinance 2018-001 Published 8-1-18]

- A. Shall be no larger than 144 square feet. All sheds must have a solid floor, with skid or joist sufficient to allow unit to be moved when necessary.
- B. Be in good condition or repairs.
- C. Exterior finished with metal, vinyl, siding, paint or stain and color to be compatible with home.
- D. Placed on lot 10 feet or more from neighboring home and minimum of 3 feet from retaining wall.
- E. Permits required for all sheds prior to placement with copy of site plan attached.
- F. One shed per lot
- G. If required for Park Maintenance, utility and storage shed can be moved by the Landfall Housing and Redevelopment Authority at their expense. If the Landfall HRA determines that a utility or storage shed cannot be moved because the utility or storage shed is in such a state of disrepair then the owner must repair the utility or storage shed or have it removed.
- H. There shall be no temporary structures allowed, for the storage of personal property or being used as a workshop, such as tents, lean-to’s enclosed shelters of any kind. **Exemption:** Camping tents will be allowed for one week. Screen tents and Sun tents used for recreational purposes must be maintained in good condition.
- I. Shed doors must fit tightly and remain closed at all time except when moving items in an out.

Sec. 670.03 Air Conditioners.

- A. Window air-conditioners shall be braced not propped up by supports on the ground, and shall be placed on the resident’s yard side of the home.
- B. Central air-conditioners shall be placed on the resident’s yard side of home.

Sec. 670.04 Animal Waste In Yards.

- A. Shall be picked up daily.
- B. Yards that have pet odors from urine and feces shall be sweet limed at least twice a year.

Sec. 670.05 Pets in Yards.

- A. Exterior animal cages, houses, or kennels shall be prohibited.
- B. No pets shall be tied up outside overnight.

C. No pets shall be tied up outside when the owner is not at home.

Sec. 670.06 Lawns.

A. Property owners shall water when necessary.

B. No overnight watering shall be allowed.

C. City of Oakdale watering ban shall be followed.

D. Grass and any other non-ornamental vegetation shall not exceed 4 inches in height. *[Ordinance 2013-001 / 2-13-13]*

E. Leaves shall be raked and bagged.

F. Bagged leaves shall be deposited at a compost site or City's spring or fall clean-up.

G. All yards shall be of grass or seed except that other landscaping materials may be used for up to five percent (5 %) of the yard.

Sec. 670.07 Clotheslines. *[Ordinance 2018-002 Published 8-1-18]*

A. Hanging of clothes shall be permitted only on a retractable/collapsible clothesline and collapsed by dusk on the same day.

B. Hanging of any other wet article(s) on deck railings, fences, trees or bushes is not allowed.

C. Placement of one clothesline in yard.

Sec. 670.08 Firewood. *[Ordinance 2019-002 Published 2-27-19]*

The storage of firewood in the City of Landfall is not allowed at any time for any purpose.

Sec. 670.09 Fences.

Definition(s) for the purposes of this section:

Fence Definition: A wood, vinyl or metal fence consisting of posts spaced no more than 8' apart and solid, non-flexible, horizontal or criss-cross rails, that extend between posts, of the same type material as the fence and posts, with pickets of like material that do not exceed 4' in height as measured from the grade, spaced no greater than 6" apart along the width of the overall fence.

A. Privacy fences shall not be permitted. Snow, sand and/or roll-up/flexible types of fencing of any material shall not be permitted. All fences shall have 30% or more see-thru visibility.

B. City Issued Permits are required for all fences. City Staff shall inspect for compliance with this section and final approval of the City Administrator. No fees will be collected for fence permits.

C. Fences shall be a Picket, Decorative Metal, Invisible Pet, Post and Rail, or Chain Link fence, all fences shall be made of wood (treated, stained, painted or pressure treated), vinyl or metal (white or color to match home or earth tones as sold) not to exceed 4 feet in height; finials or other similar decorative caps may be used on posts and may add no more than 6" to the height of any post on which they are present. All fences must have a gate made of like materials, or an opening of at least 2' for accessibility, with the finished side of the fence facing outward.

Notwithstanding any other placement of any fence, no person shall install any permanent fence or fence structure so as to restrict replacement or removal of a home on a lot.

D. Fences must be properly maintained and in good condition, including painting and repair.

[Ordinance 2017-001 4/27/17]

Sec. 670.10 Waste and Recycle Containers.

A. All garbage containers shall be fly tight, rodent-proof and have lids.

B. Containers shall be screened from view of the street and placed where least visible from the front of the home or business.

C. On trash removal day, all containers shall be replaced to their proper place by evening.

Sec. 670.11 Outside Storage of Personal Property including Materials or Goods. *[Ordinance 2018-003 published 9-26-18]*

All Personal Property, Materials and Goods shall be stored within the home or storage shed. No items shall be permitted to be stored on top of, beside or under the home (See Exemption), porch/deck, addition or on trailers. One ladder may be stored outside in a safe and secure manner.

Items allowed in yards or patios: ANYTIME – Patio Furniture and Bar-B-Que grill/smoker. SUMMER – Kiddie pool, kiddie outdoor furniture, kiddie bikes/toys and seasonally appropriate yard accoutrements.

Exemptions: a.) Building materials or equipment being actively used in construction for time stated on building permit and b.) Limited storage is allowed under the home for non-flammable items that can be secured, do not block access to utilities

and allow the home to be properly and securely skirted.

Sec. 670.13 Landscaping and Gardens.

- A. Improving yards shall be encouraged, by adding trees, landscaping and gardens.
- B. Before digging due to underground lines, pipes, etc., approval shall be obtained from the management or call Gopher State One Call.

Sec. 670.14 Utilities.

- A. Lots shall be equipped with:
 - 1. Gas and electric meter and lines.
 - 2. Phone lines.
 - 3. Cable Lines.
 - 4. Water riser with heat tape.
 - 5. Sewer Connection.
- B. Residents shall be responsible for proper installation of their home and utilities per State and local codes.

Sec. 670.15 Swimming Pools, Spas and Trampolines.

Subd. 1 Purpose / Intent. The purpose of this ordinance is to provide for the health, safety and general welfare of the citizens of Landfall Village, Washington County, Minnesota through the regulation of swimming pools, spas and trampolines.

Given the limited amount of yard space in each residential lot and the limited uses of property allowed in the commercial District, the City has determined that a regulation regarding swimming pools, spas and trampolines is necessary.

Subd. 2 Definitions. For the purposes of this ordinance, the following shall mean:

Swimming Pool – Any structure of inert and enduring material such as concrete, masonry, metal or other impervious material containing an artificial body of water for swimming, diving or recreational bathing.

Private Residential Swimming Pool – Any swimming pool for a single family residence, the use of which is limited by family members or their invited guests.

Public Swimming Pool – Any swimming pool, other than a private residential swimming pool, for collective use by numbers of person for swimming or bathing, operated by any person whether as owner, lessee, licensee, or concessionaire, regardless of whether a fee is charged, and all facilities incident thereto.

Kiddie Swimming Pool – A temporary structure made out of plastic or other material that is no larger than five feet in diameter and a maximum of twelve inches in height.

Trampoline – A trampoline is a device consisting of a piece of taut, strong fabric stretched over a steel frame using many coiled springs. People bounce on trampolines for recreational and competitive purposes.

Subd. 3 – Restrictions and Allowances. No public or private residential swimming pool or trampolines are allowed within the city limit except a Kiddie Swimming Pool.

Subd. 4 Civil Penalty. The City may assess an administrative fine for the violation of this ordinance. The violation for the administrative penalty shall be established by the City Council and shall not exceed \$300.00.

Subd. 5 Criminal Penalty. The City may charge any person violating this ordinance with a misdemeanor, which is punishable by a \$1000.00 fine or imprisonment of 90 days, or both.

Subd. 6 Injunctive Relief. If an individual fails to remove a swimming pool, spa or trampoline after being provided with written notice, the City may seek injunctive relief or take any other legal action as it deems appropriate.

CHAPTER 6 CHANGE RECORD:

Sec. 670.06 regarding Lawns. Amend Point D to include “and any other ornamental vegetation”. Change is intended to reflect that all lawns and areas covered in vegetation shall not exceed 4 inches in height unless the herbaceous cover is ornamental in nature, e.g., flowers and flowering plants intended for ornamental purposes and not incidental (weeds). Ordinance 2013-001 adopted 2-13-13.

Sec. 670.09 regarding Fences. Amend Point B to change from Planning Commission to Park Manager and add new Point D addressing fence serviceable condition. Change is intended to reflect that the City would like to regulate all fences in conjunction with the HRA Park Manager and require the same to be kept in serviceable condition once constructed. Ordinance 2013-002 adopted 2-13-13.

Sec. 670.09 regarding Fences. Amend Point B to change responsibility from Park Manager to Planning/finance Commission. Change is intended to reflect that the City would like to regulate all fences in conjunction with the City's Planning / Finance Commission's recommendation. Ordinance 2013-006 adopted 5-8-13.

Sec. 670.09 regarding Fences. Delete existing code in entirety and replace with new code requirements. Ordinance 2017-001 4/27/17

Sec. 670.02 regarding Sheds. Amend to show footage as 144 Square Feet, sheds to have a solid floor, with skid or joist sufficient to allow unit to be moved when necessary, exterior finished with metal, vinyl, siding, paint and color compatible with home, placed on lot minimum of 3 feet from retaining wall, permits required for all sheds prior to placement with copy of site plan attached, and shed doors must fit tightly and remain closed at all times except when moving items in and out. Ordinance 2018-001 adopted 7-16-18 / published 8-1-18

Sec. 670.07 regarding Clotheslines. Amend to show clothesline to be collapsed by dusk on same day, hanging of any other wet article(s) on deck railings, fences, trees or bushes not allowed and one clothesline in yard. Ordinance 2018-002 adopted 7-16-18 / published 8-1-18

Sec. 670.11 regarding Outside Storage. Amended to reflect the City's policy regarding Outside Storage on lots in the City. Ordinance 2018-003 Adopted 8-20-18 / published 9-26-18

Sec. 670.12 regarding Storage of Personal Property. Sec. 670.12 is revoked to reflect the changes in the City's policy regarding Outside Storage on lots in the City as reflected in new Code 670.11. Ordinance 2018-004 adopted 8-20-18 / published 9-26-18.

Sec. 670.08 regarding Firewood. Sec. 670.08 is revised and modified to reflect storage of firewood in the City is not allowed. Ordinance 2019-002 Adopted 2-19-19 / published 2-27-19

CHAPTER 7. TRAFFIC AND VEHICLES

SECTIONS:

- 700 Traffic**
- 710 Parking and Storage of Vehicles**
- 720 Snow Removal**
- 730 Weight Restrictions**
- 740 Snowmobiles**

SECTION 700 – TRAFFIC REGULATIONS

Sec. 700.01 State Traffic Code Adopted. The regulatory provisions of MN Statute Chapters 168 A and B, 169, 170, and 171, each as amended by subsequent laws of the State of Minnesota, shall be adopted as a traffic ordinance regulating the use of highways, streets, and alleys within the City and shall be hereby incorporated in and made a part of this Chapter as completely as if set out here in full.

Sec. 700.02 Designated Speed Limits. The speed at which any motor vehicle may be operated within the City shall be a maximum of 10 miles per hour, as provided by the State Mobile Home Park Licensing Law. This maximum speed limit applies to all streets within the City and to the Landfall Village beach parking area, in addition, the streets and parking lots of the commercial district as well.

Sec. 700.03 Right-of-Way for Pedestrians. Any pedestrian wishing to cross any City street within Landfall Village shall have the right-of-way over vehicles traveling on the streets. If a vehicle is approaching a pedestrian who is with the intent of crossing the street, it shall be the duty of the driver to come to a complete stop until such time as the pedestrian is completely across the street, then proceed with caution.

700.04 Overtaking and Passing. Overtaking and passing a moving vehicle on the streets within the City shall be prohibited. Passing a vehicle which has stopped in the street shall be done in the following manner: The vehicle overtaking the stopped vehicle shall come to a complete stop before passing, then proceed with caution until completely past the stopped vehicle.

700.05 Parking and Driving on Sidewalks. At no time shall the driver of a motor vehicle, or vehicles, drive or park the vehicle on a sidewalk designated for use by a pedestrian.

700.06 One-Way Streets. The Council may by resolution designate the directional flow of traffic upon the streets within the City. In making the designations, streets may be designated as one-way streets wherein the movement of traffic shall be confined to a single direction. The pattern of traffic flow may be changed from time-to-time as determined by conditions within the City and the changes shall be made by Council resolution.

SECTION 710 – PARKING AND STORAGE OF VEHICLES

Sec. 710.01 Definitions. The following words or terms for the purpose of this Section shall be defined as follows:

Subd. 1 Junk Car. “Junk Car” shall have the definition provided by MN Statute 168B.011, Subd. 3.

Subd. 2 Unauthorized Vehicles. “Unauthorized Vehicle” shall have the definition provided by MN Statute 169B.011, Subd. 4.

Subd. 3 Abandoned Vehicle. “Abandoned Vehicle” shall have the definition provided by MN Statute 169B.011, Subd. 2.

Subd. 4 Commercial Vehicle. “Commercial Vehicle” shall mean any motor vehicle that does not have passenger license plate and/or is used for business purposes.

Subd. 5 Exempt Vehicles. “Exempt Vehicles” shall mean those vehicle that shall be considered by the Council to be exempt from certain or all provisions of this Section.

Subd. 6 Person. “Person” shall mean a natural person, firm, association, partnership, or corporation including any agent of any of the aforesaid.

Subd. 7 Public Place. “Public Place” shall mean any street, avenue, alley, road, highway, boulevard, parking lot or facility, park, or other public property or premises.

Subd. 8 Private Property. “Private Property” shall mean any lot, vacant lot, off street parking place, or business property not considered public property.

Subd. 9 Unclaimed Vehicles. “Unclaimed Vehicles” shall mean any impounded vehicle not claimed by or for any reason not released to the owner thereof within 24 hours after notice is either received by the owner or notice mailed to him or her as provided in this Section.

Sec. 710.02 No Parking.

- A. There shall be no parking on the following streets: Dellwood Sq. N., Dellwood Sq. S., Dellwood Sq. E., or any other street properly signed and marked. [Ordinance 2013-007 / 5-8-13]
- B. There shall be no parking on the East side (sidewalk side) of the following streets: Heather Way, Ivy Lane and Juniper Curve.

Sec. 710.03 Parking on City Streets and Residential Properties. Only currently insured and licensed passenger vehicles as defined in MN Statue 168.011 shall be authorized to park on City streets and residential properties at any time, as designated. [Ordinance 2013-003 / 2-13-13]

Sec. 710.04 Exempt Vehicles.

- A. The following vehicles shall be exempt from Sub-Sections 700.04, 700.05, 700.06, 710.02, and 710.03: Police and fire and rescue vehicles, City vehicles and management maintenance vehicles.
- B. The following vehicles shall be exempt from Sub-Sections 700.06, 710.02, and 710.03: Repair, delivery, licensed refuse and recycling haulers, and rented vehicles. This exemption shall not allow the overnight parking of the vehicles listed above.

Sec. 710.05 Overnight Parking. The following vehicles shall not be allowed to park on City streets or on private property overnight: Repair, delivery, rented vehicles with commercial plates and refuse and recycling haulers or any other vehicle not registered as a passenger vehicle.

Sec. 710.06 Certain Vehicles Declared a Public Nuisance. Any vehicle, whether occupied or not, that is found stopped, standing, or parked in violation of this Section or that is reported stolen or found impeding fire fighting, snow removal, or other street maintenance operations or the orderly flow of traffic, or any junk or abandoned, that has remained for a period of 48 hours on public property illegally, or has remained for a period of 14 days on private property including designated off street parking areas unless housed in a garage or storage building, or is otherwise an unauthorized vehicle in violation of any other Ordinance, Rule or Statute, e.g., in violation of 710.09, shall be hereby declared to be public nuisance and the public nuisance may be abated in the manner set forth in this Section.

Any City Official or Peace Officer of proper jurisdiction, Firefighter, or other duly authorized personnel, may order the nuisance vehicle to be immediately removed and impounded in the manner provided for in this Section. The vehicle shall be surrendered only to the duly identified owner thereof or his or her authorized agent upon payment of the fees provided in this Section which shall be declared to be the vehicle towing and impound fees covering the vehicle.

The impounding of a vehicle pursuant to this Section shall not prevent or preclude the institution and prosecution of proceedings for violation of any provision of this Code, ordinance of the City, or State law, in the District Court or elsewhere, against the owner or operator of the impounded vehicle.
[Ordinance 2018-008 published 1-2-19]

Sec. 710.07 Designated Parking Defined. A designated parking space shall consist of these areas only: paved off-street parking spaces on individual lots, City streets where parking shall be allowed, public parking spaces such as the beach Area, and other paved areas where parking shall be allowed.

Sec. 710.08 Parking Prohibited Outside of Designated Parking Areas. Parking on all areas that are not paved such as grassy areas, vacant lots, grassy areas on occupied lots, areas where parking is not allowed, and public areas that are not paved shall be prohibited.

Sec. 710.09 Repairing of Vehicles. Minor repairs and tune-ups, performed by a resident on their personal vehicle(s), such as replacement of spark plugs, spark plug wires, thermostat, radiator or heater hoses, batteries, wheels, lightbulbs/lenses, shock absorbers and brake service shall be permitted in residential areas of the City, providing they can be accomplished within the same day and completed by 10:00 PM, and do not in any way impede other ingress and egress of residents, guests and Emergency Vehicles. **Oil changes are not allowed.** Vehicles being repaired shall not be left unattended unless secured by the

resident. All other repairs shall be considered major repairs and shall not be permitted on any City street, nor anywhere within a residential district unless the repairs are made within an enclosed structure allowed within the zoning district. No vehicle shall remain in an inoperable state for a period of more than 72 hours. Damage to City streets because of repairs or lack of repairs shall be charged to the LESSEE responsible for the damage to the City streets. Maintenance is not allowed “for hire” in the City and violations of this policy shall be considered a violation of the resident’s lease. [Ordinance 2017-003]

Sec. 710.10 Abandonment. No person shall abandon any junk car, junk motor vehicle, or any part thereof or there from upon any public or private place within the City.

Sec. 710.11 Partially Dismantled, Wrecked, Junk, Discarded, or Non-Operating Vehicles on Private Property. It shall be unlawful for any person in charge or in control of any property within the City to allow any partially dismantled, non-operating, wrecked, junk, or discarded vehicle including parts thereof or there from to remain on any private property unless within an enclosed building for any period longer than 48 hours.

Sec. 710.12 Parking Boats, RV’s, Campers, Etc. No parking of boats, RV’s, campers, trailers, snowmobiles or other small vehicles shall be allowed on any vacant lot or other grassy area.

Sec. 710.13 Towing Contractor. The City shall contract with a person, firm, or corporation to provide the City the towing services required to enforce this and other City code provision on Ordinances and State law.

Sec. 710.14 Impounding, Towing, and Release. The City towing contractor shall take immediate possession of any vehicle duly ordered impounded and ticketed for any traffic or parking violation that requires towing and or impounding and shall tow the vehicle to their impound lot.

Sec. 710.15 Towing and Impounding Charges. The towing and impound charges in connection with the towing and impounding of any vehicle shall not exceed the amount agreed upon between the City and the towing and impound contractor in the contract.

Sec. 710.16 Storage and Release of Impounded Vehicles. The towing contractor during the time that the vehicle is impounded shall not permit the vehicle to be removed or released to the owner until the storage and impounding fees provided in this Section have been paid. At the time of return of the vehicle, the towing contractor shall release the same by a release in writing which shall state the date of the release together with the charges enumerated thereon and the purpose for which charges were made.

Sec. 710.17 Report of Police. Any police officer or other duly authorized person directing the towing and impounding of any vehicle, unoccupied or damaged, shall prepare a written report of the vehicle and shall contain among other things the following information: Make and model of vehicle, license number, a complete inventory of all items in vehicle that are in plain view, any damage to vehicle before towing and impounding and other such information necessary to describe the vehicle and property delivered to the towing contractor. The towing contractor shall receipt for and check the report and his or her signature thereon shall be considered a receipt for the vehicle and the property described therein.

These reports shall be mandatory when towing a vehicle off of private property.

Sec. 710.18 Notification to Owner. The Contracted police service shall give notice of the impounding of any such vehicle to the owner thereof as shown upon or in records of the State Registrar of Motor Vehicles. The notice shall be registered or certified mail and shall be sent to the address as indicated on the records. The notice shall include a description of motor vehicle impounded and a statement of the intent of the City to dispose of the motor vehicle after 45 days unless the motor vehicle shall be released.

Sec. 710.19 Sale of Vehicles. Any unlicensed motor vehicle which is impounded pursuant to this or any other ordinance or statute and which is not released within 45 days of mailed notice to owner, may be sold by the towing contractor to the highest bidder at public auction or sale following reasonable published notice thereof.

Sec. 710.20 Penalty for Non-Compliance. Non-compliance with all or any part of this Section shall be deemed a public nuisance and procedures for removal and impounding of any vehicle, as set down in Subsection 710.15 shall commence immediately. All sales shall be conducted in compliance with MN Statute Chapter 169.

SECTION 720 – SNOW REMOVAL

Sec. 720.01 Snow Plowing.

Subd. 1 Route Designations. The following streets shall be designated as SNOW EMERGENCY ROUTES and shall be posted. These streets shall be: 1st Avenue, Aspen Way, Aspen Point, 4th Avenue, Dellwood Lane, 5th Avenue, Linden Lane, and the upper portion of 2nd Avenue.

Snow plowing shall commence after an accumulation of 2 inches of snow within a day or several days. Snowplows shall make one pass down all streets, allowing vehicles to be moved – SNOW EMERGENCY ROUTES shall be plowed full width first. There shall be no parking on any City street being plowed full width starting at 7 AM.

Subd. 2 Impoundment. Any vehicle being left on any street being plowed full width shall be ticketed and towed at the owner's expense pursuant to Section 710 of this code.

Sec. 720.02 Placing Snow in Street. No shoveling, snow blowing or other depositing of snow or ice onto any City streets or sidewalk shall be allowed at any time.

Sec. 720.03 Duration. This regulation shall be in effect October 1st of each year to the following May 1st. During the winter regulations, there shall be no parking of boats, recreational vehicles, campers, trailers, snowmobiles, go-carts and similar small vehicles, on city streets or vacant lots.

SECTION 730 – WEIGHT RESTRICTIONS

Sec. 730.01 Weight Limitations. No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the streets in the City, except Hudson Boulevard:

1. Where the gross weight on any wheel exceeds 2,000 pounds.
2. Where the gross weight on any single axle exceeds 4,000 pounds.

Sec. 730.02 Weighing. Any police officer having reason to believe that the weight of a vehicle is unlawful shall be authorized to require the driver to submit to a weighing of the vehicle either by means of portable or stationary scales and may require that the vehicle be driven to the nearest scales in the event the scales shall be within 5 miles.

When an officer, upon weighing a vehicle and load as above provided, shall determine that the weight of any axle exceeds the lawful weight or that the weight on any group of two consecutive axles spaced six feet or less apart exceed their lawful weight or that the weight shall be unlawful on any axle or group of consecutive axles on any road restricted under Subsection 730.04, he or she may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load shall be removed as shall be necessary to reduce the gross weight of the vehicle to a permissible limit. All materials so unloaded shall be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

No vehicle driver shall fail or refuse to stop and to submit his or her vehicle to a weighing or to otherwise comply with the provisions of this Section.

Sec. 730.03 Special Permits. the City Council upon application in writing and for good cause may issue a special permit, in writing, authorizing the applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Chapter. The application for any such permit shall specifically describe the vehicle or vehicles and loads to be moved and the particular highways for which permit to so use shall be requested, and the period of time for which the permit shall be requested. The City Council shall be authorized to issue or withhold the permit at its discretion; and if necessary to insure against undue damage to road foundations, surfaces or structures, it may require such security as may be deemed necessary to compensate for any injury to any roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer. No person shall violate any of the terms or conditions of the special permit.

Sec. 730.04 Special Road Restrictions. The Council shall be hereby authorized, by published resolution, to prohibit the operation of trucks or other commercial vehicles, or to impose limitations as to weight thereof, on any highway, street or roadway within the City whenever any such highway, street or roadway, by reason of deterioration, rain, frost, snow, or other

climatic conditions, shall be seriously damaged or destroyed, unless the use of vehicles thereon shall be prohibited or the permissible weights thereof reduced. Prohibitions or restrictions shall not be effective unless and until signs shall be posted on the designated highways, streets, or roadways.

Sec. 730.05 Liability for Damage. Any person driving a vehicle in violation of the provisions of this Chapter shall be liable for all street damage resulting from such act. When the person is driving the vehicle in violation of the provisions of this Chapter with the express or implied consent of the owner, the owner and driver shall be jointly and severally liable for all resulting street damage.

SECTION 740 – SNOWMOBILES, ATV'S, AND SIMILAR VEHICLES

Sec. 740.01 Provisions of State Law Adopted. Provisions of MN Statutes Chapters 84 and 169, with reference to the definitions of terms, rules and regulations, operation, and all other matters pertaining to the operation of snowmobiles, ATV's and similar vehicles shall be hereby adopted and made a part of this Section as if fully set out in this Section.

Sec. 740.02 General Unlawful Operation. All streets of the City shall be off limits for operation of any snowmobiles, ATV, or similar vehicle. No person shall drive or operate a snowmobile, ATV, or similar vehicle upon public lakes and rivers in the City within 25 yards of any fisherman or pedestrian, in any designated skating or sliding area, or in any other area where the use of a snowmobile shall be considered to be hazardous to others.

Sec. 740.03 Operation of Unlicensed Vehicles. No person shall operate any motorized vehicle that is not required to be licensed under state law on or in any public street, park, beach area, playground or other public area.

Sec. 740.04 Penalty. It shall be considered a misdemeanor to violate any provision of this Chapter, punishable by a fine not to exceed \$700.00 and/or ninety (90) days in jail. In addition, the offending vehicle may be impounded.

CHAPTER 7 CHANGE RECORD:

Sec. 710.03 regarding Parking. Amended to include Residential Properties and insured vehicles. Changes are intended to reflect that the City would like to regulate the parking of vehicles in its jurisdictional boundaries and ensure that all such vehicles are currently licensed and insured in keeping with State law. The ordinance also renders illegal the presence of such vehicles and will authorize the orderly removal/towing from the City. Ordinance 2013-003 adopted 2-13-13.

Sec. 710.02 regarding No Parking. Point A amended to remove Dellwood Lane from the No Parking on streets listing. The proposed changes are intended to reflect that the City would like to deregulate the parking of vehicles on Dellwood Lane as currently proscribed. Ordinance 2013-007 adopted 5-8-13.

Sec. 710.09 regarding Repairing of Vehicles. The changes are amended to provide further clarity on allowed activity and to not allow "oil changes" or "for hire" maintenance. Ordinance 2017-003 adopted 7-17-17

Sec. 700.02 regarding Designated Speed Limits. Code is amended , striking certain text, to reflect the City's lack of jurisdiction over the area known as Hudson Road due to transfer of jurisdiction to the City of Oakdale. Ordinance 2018-006 adopted 10-15-18 published 10-24-18

Sec. 710.06 regarding Certain Vehicles Declared a Public Nuisance. Code is amended adding certain text authorizing more immediate Towing, of vehicles in violation, by any City Official or Peace Officer of proper jurisdiction, Firefighter, or other duly authorized personnel. Ordinance 2018-008 published 1-2-19

CHAPTER 8. STREETS, SIDEWALKS, AND PUBLIC PROPERTY

SECTIONS:

800 Streets

810 Parks and Lake

SECTION 800 - STREETS

Sec. 800.01 Permit Required for Excavation; Fee. No person shall make any excavation in any street or public ground without obtaining a permit from the City Clerk. The fee and deposits for the permit shall be set by Council resolution.

Sec. 800.02 Conditions of Permit. Each excavation permit shall be issued subject to the following conditions, which the permit applicant shall agree in writing to abide by:

- A. The work shall be done as directed by the public works supervisor so as to cause the least possible inconvenience to the public and to provide for the passage of water along the gutters.
- B. At least 50% of the street width shall be left clear for the passage of vehicles, and safe bridge ways or sidewalks shall be provided for pedestrians, except as otherwise provided for in this Section.
- C. Open excavations shall be guarded with substantial railing constructed and placed so as to bar all entrance to the excavation. At night, the limits of the railings, excavations, and any piles of material shall be marked with red or yellow warning lights.
- D. Excavations shall be refilled as soon as is reasonably possible, and paving, sidewalks and all appurtenances shall be replaced in at least as good a condition as before the excavation. In refilling, the earth shall be laid in layers not over 12 inches deep, and each layer shall be tamped thoroughly. If any defects resulting from improper excavation or refilling occur within one year after the refilling, the permit holder shall remedy the defects upon notice from the Public Works Supervisor. If the permit holder fails to remedy any defects within a reasonable time, the City may cause the work to be done at the permittee's expense.
- E. The backfill under any public-traveled way shall be made with 12 inches of sand, as sub-base and balance of normal material. Backfill shall be done pursuant to Public Work Supervisor's specifications.
- F. All surplus earth and rubbish shall be promptly removed.
- G. The permittee shall defend, indemnify, and hold the City harmless from all damages or claims arising out of the excavation work, or arising out of accidents caused or claimed to be caused by the excavation, failure to do the work, or failure to guard the excavation area.

Sec. 800.03 Blocking Street. The full width of a street may be opened by a contractor during the daylight hours of a day provided the contractor shall enter into a written agreement with the City containing the conditions of the permit. Posting of closure notices and other pertinent matter shall be contained in the agreement.

Sec. 800.04 Bond Required. Each applicant for an excavation permit shall file with the City Clerk a surety bond in an amount to be set by the Public Works Supervisor running to the City conditioned that the applicant shall perform all work in accordance with the permit and the provision of this Chapter and any applicable rules and regulations; that the streets and sidewalks shall be restored within a reasonable time after the work is done and shall be maintained in good condition for one year thereafter; that the excavation and work shall be adequately guarded both day and night; and that the applicant shall save and defend, indemnify, and hold the City harmless from any and all suits, damages, costs and charges arising or growing out of the excavation or doing of such work.

The City Attorney shall approve the bond as to content and form.

Sec. 800.05 Depositing of Snow, Ice, or Other Materials on Public Right of Way. No person or corporation shall deposit or permit to be deposited onto or into any public street, sidewalk, or other public ground of the City, any snow, ice, dirt, paper or other foreign material; except that sand, salt or ashes may be used for the sole purpose of preventing slipperiness.

SECTION 810 – PARK AND LAKE

Sec. 810.01 Destruction, Defacement, or Theft of Park Property. No person shall:

- A. Cut, break, scratch, mark or in any way injure or deface or remove building, fence, post, pumps, lamp, flagpole, construction work, improvement facility or any other feature or property in the public park; or
- B. Post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, post, pole, stone, fence, thing, or enclosure in the public park, unless by authorization in writing by the City Council; or
- C. Pick or cut any wild or cultivated flowers, or cut, break, or in any way injure or deface any tree, shrub or plant in the public park.

Sec. 810.02 Littering. No person shall throw or cast any stone or other object or aim or discharge any air gun, sling shot or other weapon in the public park except pursuant to the rules of a permitted game or recreation. No person shall throw, deposit, place, or leave in the public park or water therein any paper, rubbish, waste, cans, bottles, grass blades, or refuse of any kind, whether or not the same is offensive to the senses or injurious to health, except in receptacles provided for the collection of waste.

Sec. 810.03 Fires. No person shall:

- A. Start or maintain any fire in the public park except small fires made by picnic parties in locations designated for the purpose by the City; or
- B. Leave any fire made or used unextinguished when they leave the public park; or
- C. Start or maintain any fire on the ice on Tanners Lake within the City, except that a manufactured heater burning liquid fuel may be used.

Sec. 810.04 Prohibited Activities. No person shall:

- A. Refuse to comply with the reasonable order of any City lifeguard when the order is made in order to maintain order and safety; or
- B. Drink or consume any beverage having an alcoholic content or cook in any area designated and marked specifically as a bathing beach or adjacent parking area; or
- C. Use any threatening, profane, abusive, disorderly, insulting, or indecent language, or perform any act tending to be a breach of the peace, or gamble, or do any indecent, lascivious, lewd or improper conduct in the public park; or
- D. Sell or offer for sale any articles in the public park; provided that refreshments or other articles may be sold by the City or by persons authorized to do so by the City; or
- E. Give any public speech or hold or participate in any rally, convention, assembly or meeting in the public park without the written permission of the City which shall be withheld only when necessary to prevent conflict with regular park activities and insure that adequate health and safety measures may be implemented; or
- F. Promote or participate in an entertainment or exhibition in the park without permission of the City; or
- G. Participate in or conduct any band procession, parade, or formation in the park without the written permission of the City; or
- H. Place or keep in the public park any goods, wares, merchandise, or other articles which interfere with the free use and enjoyment of the park by the public; or
- I. Distribute or display within the public park any circulars, cards, or announcements, printed or not, for events other than those sponsored by or with the participation or endorsement of the City; or
- J. Be in or remain in any public park between the hours of 10:00 PM and 5:00 AM, except by special permit issued by the City.

CHAPTER 8 CHANGE RECORD:

CHAPTER 9. UTILITIES

SECTIONS:

900 City Sewer System

910 City Water System

920 Illicit Discharge and Connection to Storm Sewer System

930 Gas Franchise

940 Electric Franchise

950 Electric Franchise Fees

SECTION 900 – CITY SEWER SYSTEM

Sec. 900.01 Rates and Charges. The Council shall by resolution establish rates and charges for residential, commercial, and other connections now existing or hereafter made to the public sewer system of the City.

Sec. 900.02 Council to Control System. The Council shall have control of the drainage and sewer system, and all drains and sewers now or hereafter built or authorized by the City, and the building, repair and maintenance thereof, and connections therewith.

Sec. 900.03 Permit Required to Construct Sewer. No person shall build, repair or extend any sewer or drain, or connect any sewer or drain to any public sewer or drain without obtaining a permit.

Sec. 900.04 Application and Issuance. Application for a permit shall be filed with the Clerk by the person who shall perform the work. The form of the application shall be determined by the Council. A plan shall be submitted with the application showing the proposed drain, from its connection to the public sewer to its terminus within the building involved. The location of all branches, traps, and fixtures connected therewith shall be shown. The drawings shall be kept by the City as a permanent record. If the proposed sewer complies with the provisions of this Code and is satisfactory to the Council, the Council shall order the Clerk to issue a permit.

Sec. 900.05 Permit Fee. Fees for all permits issued under this Chapter shall be as established by Council resolutions.

Sec. 900.06 Construction Requirements. All connections with the public sewer shall be made with such materials as shall be satisfactory to the State Code. No sewer pipe connecting with any public sewer shall have a fall of less than 1/8 inch to the foot.

Where sewer and water connections to the City systems are laid in the same trench, the sewer connection shall be of cast iron pipe or a type approved by the Council.

Sec. 900.07 Construction Inspection. All pipe shall be inspected by the Public works supervisor, or designee before it shall be laid and shall be subject to approval. After any connection has been laid from a public sewer to the building line, the pipe shall in no instance be covered until the same has been duly inspected and approved.

Sec. 900.08 Separate Connections. Every building shall be separately and independently connected with the public sewer, and drained through one connection. Sewer service from a river or building to the connection at the main are the responsibility of the property owners.

Sec. 900.09 Obstruction Prohibited. No obstruction to the flow of waste water shall be placed, thrown or allowed to enter any public sewer, or allowed to remain on or in any trap or catch basin so as to obstruct the sewer. No person shall injure or break or remove any portion of any catch basin, covering flag, gully grating, flush tank or manhole, or any part of any sewer, nor do any act obstructing or any way interfering with the use of any sewer or the flow of waste water through any sewer.

Sec. 900.10 Certain Uses Prohibited. The following substances shall not be discharged into any public sanitary sewer:

A. Steam exhaust or blow off.

B. Rain or surface water by means of having a rain spout or other drainage device connected with the sanitary sewer.

C. Waste containing any product not allowed by Metropolitan Waste Control Commission.

D. Refuse, solid or liquid, of any character, quality, or nature that shall unreasonably interfere with the ordinary treatment

processes of any sewage treatment plant used by the City.

Sec. 900.11 Inspection and Repair of Connecting Drains. The designated person or designee shall have the right to enter upon any commercial premises at any reasonable hour to inspect the sewers and drains and traps and fixtures connected therewith.

If it shall be found from the inspection or otherwise that the provisions of this Code are not being complied with or that any part of the drainage system is in need of clearing out or repairs, a written notice shall be served as soon as possible upon the owner, the occupant, and the person in charge of the premises specifying the work necessary to be done to make the sewer system comply with this Code, or to put it in good workable condition. The notice shall specify such time as shall be reasonable, considering the amount of work to be done and the nature of the emergency, within which the defects shall be remedied. It shall be the duty of every person served with the notice to comply therewith. The City may cause the work to be done at the expense of the person so served, if the defects are not remedied within the time stated in the notice.

SECTION 910 – CITY WATER SYSTEM

Sec. 910.01 Supervision of System. The Council or Designee shall have general supervision and control of all public water mains and connections thereto and no connections shall be to the system without a written permit from the Council.

Sec. 910.02 Application for Service. Application for water service shall state fully and truly the purpose for which the water shall be used, together with the proper legal description of the property and the street and official house number of the premises to be supplied. The application shall be signed by the owner or his or her duly authorized agent. Applicants, shall answer, without concealment, all questions put to them relating to the use of water. Applications and all information furnished shall be in affidavit form when required by the water department.

The applicant shall distinctly state, and mark on the sketch made a part of the application, the point on the property line where the service shall enter the premises. No service cock shall be installed under concrete walks, steps or other permanent structures, either constructed or contemplated, between the property line and the buildings to be supplied. The point where the service is to enter the property shall be distinctly marked by stake by the owner or agent before the service shall be installed, and shall be in the location designated in the application.

Sec. 910.03 Water Services. The Council shall be hereby authorized to render special service in connection with the furnishing of water, repairing water meters damaged by frost, and other similar services pursuant to rules and regulations, prices and terms determined from time-to- time by the Commission. Charges for the services shall be a continuing lien, until paid, upon the property served.

Sec. 910.04 Service Connection Specifications and Repairs. The stopcock or corporation cock at the main, and the curb cock at the sidewalk or curb, shall be standard bronze. The curb cock shall have a cast iron box or cover. The pipe between the stopcocks at the main and the sidewalk shall be of approved copper pipe. Where the sewer and water connections are laid in the same trench, the water connection shall be of copper pipe of a quality approved by the Council, and the sewer connection shall be of cast iron pipe or tubing approved by the Council.

Water service from a riser or meter to the connection at the main are owned by the property owner and they shall be responsible for all repairs including the operation of the curb-stop.

Sec. 910.05 Tampering with Water System. No person shall tamper or interfere with the water system.

Sec. 910.06 Determination and Payment of Costs. Where rates are fixed or cost of water services of any kind are estimated, payment shall be made at the time the application is submitted and before the service shall be installed. No water shall be turned on until all charges against the premises shall be paid, including water used for building purposes, except by special arrangement with the Council.

Sec. 910.07 Installation of Large Service Connections. Service connections 2 inches or larger shall be installed only after the application has been approved by the Council and the estimated cost of the installation shall have been paid.

Sec. 910.08 Meters. A sealed meter shall be installed on all commercial services laid and put in service. All meters installed on commercial services shall be furnished, sealed by, and remain the property of the City. The City shall require a deposit, in an amount set from time to time by the council, to be made to the city sewer department. The deposit shall be returned at the time

the meter is removed by the City.

Meters shall at all times be easily accessible so that they may be examined, serviced and read by the employees of the City or Designees. They shall not be exposed to danger from frost or contamination and shall be placed adjacent to a floor drain and

not in a crawl space or under a stair well. No person shall cover or obstruct any water meter, either permanently or temporarily. The owner shall be held responsible for the intactness of the meter seals. If meters are damaged by freezing, hot water, or other causes, either by carelessness or neglect of the owner or occupants of the premises or their agents, the owners or occupants of the premises or their agents, the owners of the premises shall pay for the repairs of the damage. The cost of ordinary maintenance and repairs shall be born by the water department. In case of breakage, stoppage or other irregularity in the meter, the owner or consumer shall notify the water department immediately, and any necessary repairs shall be made by the department.

In case of the failure of the meter to register, the bill for the current period shall be determined by averaging the bills of the customer for like periods, if possible.

The repair and disconnection of all meters shall be performed only by employees of the City or Designee.

Sec. 910.09 Meter Testing and Adjustment. At the written request of the owner or consumer the City shall test the meter supplying the premises. A deposit as shall be set by Council resolution shall be required before the meter shall be disconnected, which sum shall not be refunded if the meter is found to be registering correctly with 4 %; otherwise the deposit shall be returned to the party making the request. The owner or consumer may, if desired, be present at the time the test is made. The result of the test shall be reported to the owner or consumer in every case.

If the testing of the meter shows that it fails to register correctly within the 4 %, the charge to the consumer shall be adjusted accordingly as the registration varies from 100% and the adjustment shall apply to the current period only, unless it shall be apparent to the Commission that a previous period's consumption has also been affected by the same incorrect registration. When it is impracticable to make an adjustment as indicated above, the charge shall be equitably adjusted by the Commission. All adjustments for charges for water shall be made by resolution of the Commission.

Sec. 910.10 Authorization Required for Certain Acts. Only persons authorized by a permit shall turn on or shut off the water supply at any stop cock at the main or at the curb or allow any person in his or her employ so to do, nor shall he or she have in his or her possession any tool or instrument for that purpose. Only persons authorized by a permit shall be allowed to tap any main or do any excavation or any street work in connection with the laying, installation, extending or repairing of any water service, water pipe, or water appurtenances without the permission of the water department.

Sec. 910.11 Resale. No consumer, without obtaining the written consent in advance of the water department, shall furnish water to any other person or property or permit any other person to take it himself or herself.

Sec. 910.12 Separate Services. Every separate building supplied with water shall have its own separate service connection directly with the main, except private garages and barns, if more than one tenant is supplied by a street service the property owner shall apportion the charge to each tenant, if that person so desires. The City shall not apportion the charges.

Sec. 910.13 Waste of Water. No person shall waste water by permitting it to run through a faucet or fixture to prevent freezing, or by permitting water to run longer than is necessary in its proper use. The Council shall be hereby authorized and required to restrain and prevent all wastage of water.

Sec. 910.14 Payment Due Without Bill. Failure of a customer or owner to receive a bill for current water charges shall not entitle the owner or customer to a remission of any penalty for failure to pay the bill promptly.

Sec. 910.15 Access to Premises. Inspectors of the City or any person duly authorized by the Council, shall have free access at all reasonable times to all parts of every building for the purpose of inspecting, removing and replacing meters, examining water fixtures, and observing the manner in which water is used.

Sec. 910.16 Shut Off of Water. The City shall comply with the written request of the owner of a premises receiving water service, or the request of a duly authorized agent, to shut off the water service. Provided, however, that the City shall not shut off water service for the sole purpose of evicting an occupant of the premises.

The City may at any time shut off the water service for the purpose of extending, replacing, repairing or cleaning of mains and appurtenances and the City shall not be held liable for any damage arising there from.

Sec. 910.17 Claims. No claim shall be made against the City by reason of the breaking of any service pipe or connection or any interruption to the water service.

Sec. 910.18 Hydrants and Gate Valve. No person shall without authority use, tamper or interfere with any fire or street hydrant or water main gate valve. The Council may permit water to be used temporarily from any fire hydrant for no domestic purposes in localities where no other supply can be obtained. In such cases, a reducer shall be attached to one of the hydrant openings and the supply controlled by means of a small metered valve.

Sec. 910.19 Damage to Water System. No person shall willfully use and appropriate the water or any portion thereof from the works operated by the Commission without authority to do so, or shall corrupt or tender the water impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property used or required for procuring or distributing the water.

SECTION 920 – ILLICIT DISCHARGE AND CONNECTION TO STORM SEWER SYSTEM

Sec. 920.01 Purpose/Intent. The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Landfall Village, Washington County, Minnesota through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance 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 ordinance are:

To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user

To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Sec. 920.02 Definitions. For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency. Employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

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

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 920.10 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or

conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal 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.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Pollution Prevention Plan. 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 Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Any water or other liquid, other than uncontaminated Storm water, discharged from a facility.

Sec. 920.03 Applicability. This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City of Landfall Village.

Sec. 920.04 Responsibility for Administration. The City Council of Landfall Village shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the City Council to persons or entities acting in the beneficial interest of or in the employ of the agency.

Sec. 920.05 Severability. The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

Sec. 920.06 Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 920.07 Discharge Prohibitions. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

The following discharges are exempt from discharge prohibitions established by this ordinance:

Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-

commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated -typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

The construction, use, maintenance or continued existence of illicit connections to the storm drain 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. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Sec. 920.08 Suspension of MS4 Access.

Suspension due to Illicit Discharges in Emergency Situations.

The City Council of Landfall Village or its authorized enforcement representatives may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Sec. 920.09 Industrial or Construction Activity Discharges. Any person subject to an industrial or construction activity NPDES storm discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Council of Landfall Village prior to the allowing of discharges to the MS4.

The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the City of Landfall Village at the same time the operator submits the original Notice of Intent to the EPA as applicable.

The copy of the Notice of Intent may be delivered to the City of Landfall Village either in person or by mailing it to:

City of Landfall Village
50 Aspen Way
Landfall, MN 55128

A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the City of Landfall Village.

Sec. 920.10 Monitoring of Discharges.

A. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

The authorized enforcement agency for the City of Landfall Village shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. 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 representatives of the authorized enforcement agency.

Facility operators shall allow the City of Landfall Village ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

The City of Landfall Village shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

The City of Landfall Village has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Landfall Village and shall not be replaced. The costs of clearing such access shall be borne by the operator.

Unreasonable delays in allowing the City of Landfall Village access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

If the City of Landfall Village has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 920.11 Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The City of Landfall Village will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 920.12 Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly 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.

Sec. 920.13 Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Landfall Village within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Sec. 920.14 Enforcement.

A. Notice of Violation.

When the City of Landfall Village finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the City of Landfall Village may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the City of Landfall Village to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

Whenever the City of Landfall Village finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

The performance of monitoring, analyses, and reporting;

The elimination of illicit connections or discharges;

That violating discharges, practices, or operations shall cease and desist;

The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

Payment of a fine to cover administrative and remediation costs; and

The implementation of source control or treatment BMPs.

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. Said 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.

In the event the violation constitutes an immediate danger to public health or public safety, the City of Landfall Village is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The City of Landfall Village is authorized to seek costs of the abatement as outlined in Sec. 920.17.

In lieu of enforcement proceedings, penalties and remedies authorized by this ordinance, the City of Landfall Village may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 920.15 Appeal of Notice of Violation. Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within five (5) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority their designee shall be final.

Sec. 920.16 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 five (5) days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 920.17 Cost of Abatement of the Violation. Within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of six (6) percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

Sec. 920.18 Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency 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.

Sec. 920.19 Appeal of Notice of Violation. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 920.20 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 Ordinance 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, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 920.21 Civil Penalties. In the event the alleged violator fails to take remedial measures set forth in the notice of violation or otherwise fails to cure the violation described therein within five (5) days, or such greater period as the authorized enforcement agency shall deem appropriate, after the City of Landfall Village has taken one or more of the actions described above, the City of Landfall Village may impose a penalty not to exceed \$5,000 (depending on the severity of the violation) for each day the violation remains unremedied after the receipt of the notice of violation.

Sec. 920.22 Criminal Prosecution. Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000. Dollars per violation per day and/or imprisonment for a period of time not to exceed ninety (90) days.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Sec. 920.23 Remedies Not Exclusive. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Sec. 920.24 Adoption of Ordinance.

This ordinance shall be in full force and effect after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 930 – GAS FRANCHISE (ORDINANCE NO. 2013-011)

An ordinance granting to Northern States Power Company, A Minnesota Corporation, d/b/a xcel energy its successors and assigns, permission to ERECT A GAS DISTRIBUTION SYSTEM FOR THE PURPOSES OF constructING, operatING, repairING and maintainING in the City of LANDFALL VILLAGE, Minnesota, THE NECESSARY GAS PIPES, MAINS and appurtenances FOR THE TRANSMISSION OR DISTRIBUTION OF GAS to the City AND its inhabitants and others and TRANSMITTING GAS INTO AND THROUGH THE CITY AND to use the public GROUNDS and public WAYS of the city for such purposes.

SECTION 930.1 DEFINITIONS.

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

City. The City of Landfall Village, County of Washington, State of Minnesota.

City Utility System. Facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer and water service, but excluding facilities for providing heating, lighting or other forms of energy.

Commission. The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all, or part of the authority to regulate Gas retail rates now vested in the Minnesota Public Utilities Commission.

Company. Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy its successors and assigns.

Gas. “Gas” as used herein shall be held to include natural gas, manufactured gas, or other form of gaseous energy.

Gas Facilities. Pipes, mains, regulators, and other facilities owner or operated by Company for the purpose of providing gas service for public use.

Notice. A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the General Counsel, 414 Nicollet Mall, 5th Floor, Minneapolis, MN 55401. Notice to the City shall be mailed to the City Administrator, City Hall, One Fourth Avenue North, Landfall Village, MN 55128.. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.

Public Ground. Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

Public Way. Any street, alley, walkway or other public right-of-way within the City.

SECTION 930.2 ADOPTION OF FRANCHISE.

Sec. 930.2.1 Grant of Franchise. City hereby grants Company, for a period of 20 years from the date passed and approved by the City, the right to transmit and furnish Gas energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Gas Facilities in, on, over, under and across the Public Grounds and Public Ways of City, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to the further provisions of this franchise agreement.

Sec. 930.2.2 Effective Date; Written Acceptance. This franchise agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Company, and its publication as required by law. The City by Council resolution may revoke this franchise agreement if Company does not file a written acceptance with the City within 90 days after publication.

Sec. 930.2.3 Service and Rates. The service to be provided and the rates to be charged by Company for Gas service in City are subject to the jurisdiction of the Commission.

Sec. 930.2.4 Publication Expense. The expense of publication of this Ordinance will be paid by City and reimbursed to City by Company.

Sec. 930.2.5 Dispute Resolution. If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

SECTION 930.3 LOCATION, OTHER REGULATIONS.

Sec. 930.3.1 Location of Facilities. Gas Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility

System previously installed therein. Gas Facilities shall be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance and location of Gas Facilities shall be subject to permits if required by separate ordinance and to other reasonable regulations of the City to the extent not inconsistent with the terms of this franchise agreement. Company may abandon underground gas facilities in place, provided, at City's request, Company will remove abandoned metal pipe interfering with a City improvement project, but only to the extent such metal pipe is uncovered by excavation as part of the City's improvement project.

Sec. 930.3.2 Field Locations. Company shall provide field locations for its underground Gas Facilities within City consistent with the requirements of Minnesota Statutes, Chapter 216D.

Sec. 930.3.3 Street Openings. Company shall not open or disturb any Public Ground or Public Way for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Ground or Public Way without permission from the City where an emergency exists requiring the immediate repair of Gas Facilities. In such event Company shall notify the City by telephone to the office designated by the City as soon as practicable. Not later than the second working day thereafter, Company shall obtain any required permits and pay any required fees.

Sec. 930.3.4 Restoration. After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall restore the same, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for two years thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way.

Sec. 930.3.5 Avoid Damage to Gas Facilities. Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Gas Facilities while performing any activity.

Sec. 930.3.6 Notice of Improvements. The City must give Company reasonable notice of plans for improvements to Public Grounds or Public Ways where the City has reason to believe that Gas Facilities may affect or be affected by the improvement. The notice must contain: (i) the nature and character of the improvements, (ii) the Public Grounds and Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Ground or Public Way is involved, the order in which the work is to proceed. The notice must be given to Company a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Gas Facilities.

SECTION 930.4 RELOCATIONS.

Sec. 930.4.1 Relocation of Gas Facilities in Public Ways. If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Gas Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Gas Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Gas Facilities, which was made at Company expense, the City shall reimburse Company for Non-Betterment Costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Gas Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

Sec. 930.4.2 Relocation of Gas Facilities in Public Ground. City may require Company at Company's expense to relocate or remove its Gas Facilities from Public Ground upon a finding by City that the Gas Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

Sec. 930.4.3 Projects with Federal Funding. City shall not order Company to remove or relocate its Gas Facilities when a Public Way is vacated, improved or realigned for a right-of-way project or any other project which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation are first paid to Company. The City is obligated to pay Company only for those portions of its relocation costs for which City has received federal funding specifically allocated for relocation costs in the amount requested by the Company,

which allocated funding the City shall specifically request. Relocation, removal or rearrangement of any Company Gas Facilities made necessary because of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable rights.

Sec. 930.4.4 No Waiver. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Ground or Public Way was established, or Company's rights under state or county permit.

SECTION 930.5 TREE TRIMMING.

Company is also granted the permission and authority to trim all shrubs and trees, including roots, in the Public Ways of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of Gas Facilities, provided that Company shall save City harmless from any liability in the premises.

SECTION 930.6 INDEMNIFICATION.

Sec. 930.6.1 Indemnity of City. Company 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 construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Gas Facilities located in the Public Grounds and Public Ways. 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 City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

Sec. 930.6.2 Defense of City. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City and Company, in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

SECTION 930.7 VACATION OF PUBLIC WAYS

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. Except where required for a City improvement project, the vacation of any Public Way, after the installation of Gas Facilities, shall not operate to deprive Company of its rights to operate and maintain such Gas Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

SECTION 930.8 CHANGE IN FORM OF GOVERNMENT.

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 930.9 PROVISIONS OF ORDINANCE.

Sec. 930.9.1 Severability. Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

Sec. 930.9.2 Limitation on Applicability. This Ordinance constitutes a franchise agreement between the City and Company as the only parties and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

SECTION 930.10 AMENDMENT PROCEDURE.

Either party to this franchise agreement may at any time propose that the agreement be amended to address a subject of concern and the other party will consider whether it agrees that the amendment is mutually appropriate. If an amendment is agreed upon, this Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 90 days after the date of final passage by the City of the amendatory ordinance.

SECTION 930.11 PREVIOUS FRANCHISE SUPERSEDED.

This franchise supersedes any previous Gas franchise granted to Company or its predecessor.

SECTION 940 – ELECTRIC FRANCHISE (ORDINANCE NO. 2013-010)

An ordinance granting to Northern States Power Company, A Minnesota Corporation, d/b/a xcel energy, its successors and assigns, permission to construct, operate, repair and maintain in the City of LANDFALL VILLAGE, Minnesota, an electric distribution system and transmission lines, including necessary poles, lines, fixtures and appurtenances, for the furnishing of electric energy to the City, its inhabitants, and others, and to use the public GROUNDS and public WAYS of the city for such purposes.

SECTION 940.1 DEFINITIONS.

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

City. The City of Landfall Village, County of Washington, State of Minnesota.

City Utility System. Facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer and water service, but excluding facilities for providing heating, lighting or other forms of energy.

Commission. The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all, or part of the authority to regulate electric retail rates now vested in the Minnesota Public Utilities Commission.

Company. Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy, its successors and assigns.

Electric Facilities. Electric transmission and distribution towers, poles, lines, guys, anchors, conduits, fixtures, and necessary appurtenances owned or operated by Company for the purpose of providing electric energy for public use.

Notice. A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the General Counsel, 414 Nicollet Mall, 5th Floor, Minneapolis, MN 55401. Notice to the City shall be mailed to the City Administrator, City Hall, 1 Fourth Avenue North, St. Paul, MN 55128. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.

Public Ground. Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

Public Way. Any street, alley, walkway or other public right-of-way within the City.

SECTION 940.2 ADOPTION OF FRANCHISE.

Sec. 940.2.1 Grant of Franchise. City hereby grants Company, for a period of 20 years from the date passed and approved by the City, the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Grounds and Public Ways of City, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to the further provisions of this franchise agreement.

Sec. 940.2.2 Effective Date; Written Acceptance. This franchise agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Company, and its publication as required by law. The City, by Council resolution, may revoke this franchise agreement if Company does not file a written acceptance with the City within 90 days after publication.

Sec. 940.2.3 Service and Rates. The service to be provided and the rates to be charged by Company for electric service in City are subject to the jurisdiction of the Commission. The area within the City in which Company may provide electric service is subject to the provisions of Minnesota Statutes, Section 216B.40.

Sec. 940.2.4 Publication Expense. The expense of publication of this Ordinance will be paid by City and reimbursed to City by Company.

Sec. 940.2.5 Dispute Resolution. If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If

the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used, or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

SECTION 940.3 LOCATION, OTHER REGULATIONS.

Sec. 940.3.1 Location of Facilities. Electric Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System previously installed therein. Electric Facilities shall be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance and location of Electric Facilities shall be subject to permits if required by separate ordinance and to other reasonable regulations of the City to the extent not inconsistent with the terms of this franchise agreement. Company may abandon underground Electric Facilities in place, provided at the City's request, Company will remove abandoned metal or concrete encased conduit interfering with a City improvement project, but only to the extent such conduit is uncovered by excavation as part of the City improvement project.

Sec. 940.3.2 Field Locations. Company shall provide field locations for its underground Electric Facilities within City consistent with the requirements of Minnesota Statutes, Chapter 216D.

Sec. 940.3.3 Street Openings. Company shall not open or disturb any Public Ground or Public Way for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Ground or Public Way without permission from the City where an emergency exists requiring the immediate repair of Electric Facilities. In such event Company shall notify the City by telephone to the office designated by the City as soon as practicable. Not later than the second working day thereafter, Company shall obtain any required permits and pay any required fees.

Sec. 940.3.4 Restoration. After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall restore the same, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for two years thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way.

Sec. 940.3.5 Avoid Damage to Electric Facilities. Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Electric Facilities while performing any activity.

Sec. 940.3.6 Notice of Improvements. The City must give Company reasonable notice of plans for improvements to Public Grounds or Public Ways where the City has reason to believe that Electric Facilities may affect or be affected by the improvement. The notice must contain: (i) the nature and character of the improvements, (ii) the Public Grounds and Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Ground or Public Way is involved, the order in which the work is to proceed. The notice must be given to Company a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Electric Facilities.

Sec. 940.3.7 Shared Use of Poles. Company shall make space available on its poles or towers for City fire, water utility, police or other City facilities upon terms and conditions acceptable to Company whenever such use will not interfere with the use of such poles or towers by Company, by another electric utility, by a telephone utility, or by any cable television company or other form of communication company. In addition, the City shall pay for any added cost incurred by Company because of such use by City.

SECTION 940.4 RELOCATIONS.

Sec. 940.4.1 Relocation of Electric Facilities in Public Ways. If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, re-grade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Electric Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Electric Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, re-grade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Electric Facilities, which was made at Company expense,

the City shall reimburse Company for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Electric Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

Sec. 940.4.2 Relocation of Electric Facilities in Public Ground. City may require Company, at Company's expense, to relocate or remove its Electric Facilities from Public Ground upon a finding by City that the Electric Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

Sec. 940.4.3 Projects with Federal Funding. City shall not order Company to remove or relocate its Electric Facilities when a Public Way is vacated, improved or realigned for a right-of-way project or any other project which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation are first paid to Company. The City is obligated to pay Company only for those portions of its relocation costs for which City has received federal funding specifically allocated for relocation costs in the amount requested by the Company, which allocated funding the City shall specifically request. Relocation, removal or rearrangement of any Company Electric Facilities made necessary because of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable rights.

Sec. 940.4.4 No Waiver. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Ground or Public Way was established, or Company's rights under state or county permit.

SECTION 940.5 TREE TRIMMING.

Company may trim all trees and shrubs in the Public Grounds and Public Ways of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of any Electric Facilities installed hereunder, provided that Company shall save the City harmless from any liability arising therefrom, and subject to permit or other reasonable regulation by the City.

SECTION 940.6 INDEMNIFICATION.

Sec. 940.6.1 Indemnity of City. Company 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 construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the Public Grounds and Public Ways. 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 City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner, of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

Sec. 940.6.2 Defense of City. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City and Company, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

SECTION 940.7 VACATION OF PUBLIC WAYS.

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. Except where required for a City improvement project, the vacation of any Public Way, after the installation of Electric Facilities, shall not operate to deprive Company of its rights to operate and maintain such Electric Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

SECTION 940.8 CHANGE IN FORM OF GOVERNMENT.

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 940.9 FRANCHISE FEE.

Sec. 940.9.1 Fee Schedule. During the term of the franchise hereby granted, and in lieu of any permit or other fees being imposed on Company, the City may impose on Company a franchise fee by collecting the amounts indicated in a Fee Schedule set forth in a separate ordinance from each customer in the designated Company Customer Class. The parties have agreed that the franchise fee collected by the Company and paid to the City in accordance with this Section 9 shall not exceed the following amounts.

<u>Class</u>	<u>Fee Per Premise Per Month</u>
Residential	\$ 2.25
Sm C & I – Non-Dem	\$ 4.75
Sm C & I – Demand	\$14.00
Large C & I	\$65.00
Public Street Ltg	\$15.50
Muni Pumping –N/D	\$ 0.00
Muni Pumping – Dem	\$ 0.00

Sec. 940.9.2 Separate Ordinance. The franchise fee shall be imposed by a separate ordinance duly adopted by the City Council, which ordinance shall not be adopted until at least 90 days after written notice enclosing such proposed ordinance has been served upon Company by certified mail. The fee shall not become effective until the beginning of a Company billing month at least 90 days after written notice enclosing such adopted ordinance has been served upon Company by certified mail. Section 2.5 shall constitute the sole remedy for solving disputes between Company and the City in regard to the interpretation of, or enforcement of, the separate ordinance. No action by the City to implement a separate ordinance will commence until this Ordinance is effective. A separate ordinance which imposes a lesser franchise fee on the residential class of customers than the maximum amount set forth in Section 9.1 above shall not be effective against Company unless the fee imposed on each other customer classification is reduced proportionately in the same or greater amount per class as the reduction represented by the lesser fee on the residential class.

Sec. 940.9.3 Terms Defined. For the purpose of this Section 9, the following definitions apply:

Sec. 940.9.3.1 “Customer Class” shall refer to the classes listed on the Fee Schedule and as defined or determined in Company’s electric tariffs on file with the Commission.

Sec. 940.9.3.2 “Fee Schedule” refers to the schedule in Section 9.1 setting forth the various customer classes from which a franchise fee would be collected if a separate ordinance were implemented immediately after the effective date of this franchise agreement. The Fee Schedule in the separate ordinance may include new Customer Class added by Company to its electric tariffs after the effective date of this franchise agreement.

Sec. 940.9.4 Collection of the Fee. The franchise fee shall be payable quarterly and shall be based on the amount collected by Company during complete billing months during the period for which payment is to be made by imposing a surcharge equal to the designated franchise fee for the applicable customer classification in all customer billings for electric service in each class. The payment shall be due the last business day of the month following the period for which the payment is made. The franchise fee may be changed by ordinance from time to time; however, each change shall meet the same notice requirements and not occur more often than annually and no change shall require a collection from any customer for electric service in excess of the amounts specifically permitted by this Section 9. The time and manner of collecting the franchise fee is subject to the approval of the Commission. No franchise fee shall be payable by Company if Company is legally unable to first collect an amount equal to the franchise fee from its customers in each applicable class of customers by imposing a surcharge in Company’s applicable rates for electric service. Company may pay the City the fee based upon the surcharge billed subject to subsequent reductions to account for uncollectibles, refunds and correction of erroneous billings. Company agrees to make its records available for inspection by the City at reasonable times provided that the City and its designated representative agree in writing not to disclose any information which would indicate the amount paid by any identifiable customer or customers or any other information regarding identified customers.

Sec. 940.9.5 Equivalent Fee Requirement. The separate ordinance imposing the fee shall not be effective against Company unless it lawfully imposes and the City monthly or more often collects a fee or tax of the same or greater equivalent amount on the receipts from sales of energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or to impose a tax. The “same or greater equivalent amount” shall be measured, if practicable,

by comparing amounts collected as a franchise fee from each similar customer, or by comparing, as to similar customers the percentage of the annual bill represented by the amount collected for franchise fee purposes. The franchise fee or tax shall be applicable to energy sales for any energy use related to heating, cooling or lighting, or to run machinery and appliances, but shall

not apply to energy sales for the purpose of providing fuel for vehicles. If the Company specifically consents in writing to a franchise or separate ordinance collecting or failing to collect a fee from another energy supplier in contravention of this Section 9.5, the foregoing conditions will be waived to the extent of such written consent.

SECTION 940.10 PROVISIONS OF ORDINANCE.

Sec. 940.10.1 Severability. Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

Sec. 940.10.2 Limitation on Applicability. This Ordinance constitutes a franchise agreement between the City and Company as the only parties, and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

SECTION 940.11 MODIFICATION PROCEDURE.

From time to time the City may, in its sole discretion, modify the terms of the Franchise Agreement and hereby acknowledges that it will do so by repeal of the then existing Ordinance and Agreement and adopt a new Ordinance and Franchise Agreement, with new terms clearly identified and with proper notice with respect to Xcel's business practices taken into account; a period that shall not be less than 90 days from approval to institution, the approval of which shall be contingent upon Xcel's advise and consent authority as provided by State Statute.

SECTION 940.12 PREVIOUS FRANCHISES SUPERSEDED.

This franchise supersedes any previous electric franchise granted to Company or its predecessor.

SECTION 950 – ELECTRIC FRANCHISE FEES (ORDINANCE NO. 2013-012)

AN ORDINANCE IMPLEMENTING AN ELECTRIC SERVICE FRANCHISE FEE ON NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, D/B/A XCEL ENERGY, ITS SUCCESSORS AND ASSIGNS, FOR PROVIDING ELECTRIC SERVICE WITHIN THE CITY OF LANDFALL VILLAGE.

SECTION 950.1

The City of Landfall Village Municipal Code is hereby amended to include reference to the following Special Ordinance.

Sec. 950.1 Subdivision 1. Purpose. The Landfall Village City Council has determined that it is in the best interest of the City to impose a franchise fee on those public utility companies that provide electric services within the City of Landfall Village.

- (a) Pursuant to City Ordinance 2013-010, a Franchise Agreement between the City of Landfall Village and Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy, its successors and assigns, the City has the right to impose a franchise fee on Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy, its successors and assigns, in an amount and fee design as set forth in Section 9 of the Northern States Power Company Franchise and in the fee schedule attached hereto as Schedule A.

Sec. 950.1 Subdivision 2. Franchise Fee Statement. A franchise fee is hereby imposed on Northern States Power Company, a Minnesota Corporation, d/b/a Xcel Energy, its successors and assigns, under its electric franchise in accordance with the schedule attached here to and made a part of this Ordinance, commencing with the Xcel Energy April 2014 billing month.

This fee is an account-based fee on each premise and not a meter-based fee. In the event that an entity covered by this ordinance has more than one meter at a single premise, but only one account, only one fee shall be assessed to that account. If a premise has two or more meters being billed at different rates, the Company may have an account for each rate classification, which will result in more than one franchise fee assessment for electric service to that premise. If the Company combines the rate classifications into a single account, the franchise fee assessed to the account will be the largest franchise fee applicable to a single rate classification for energy delivered to that premise. In the event any entities covered by this ordinance have more than one premise, each premise (address) shall be subject to the appropriate fee. In the event a question arises as to the proper fee amount for any premise, the Company's manner of billing for energy used at all similar premises in the city will control.

Sec. 950.1 Subdivision 3. Payment. The said franchise fee shall be payable to the City in accordance with the terms set forth in Section 9 of the Franchise.

Sec. 950.1 Subdivision 4. Surcharge. The City recognizes that the Minnesota Public Utilities Commission may allow Company to add a surcharge to customer rates of city residents to reimburse Company for the cost of the fee.

Sec. 950.1 Subdivision 5. Enforcement. Any dispute, including enforcement of a default regarding this ordinance will be resolved in accordance with Section 2.5 of the Franchise Agreement.

Sec. 950.1 Subdivision 6. Effective Date of Franchise Fee. The effective date of this Ordinance shall be after its publication and ninety (90) days after the sending of written notice enclosing a copy of this adopted Ordinance to Xcel Energy by certified mail. Collection of the fee shall commence as provided above.

SCHEDULE A

Franchise Fee Rates:

Electric Utility

The franchise fee shall be in an amount determined by applying the following schedule per customer premise/per month based on metered service to retail customers within the City:

<u>Class</u>	<u>Amount per month</u>
Residential	\$ 2.25
Sm C & I – Non-Dem	\$ 4.75
Sm C & I – Demand	\$14.00
Large C & I	\$65.00
Public Street Ltg	\$15.50
Muni Pumping –N/D	\$ 0.00
Muni Pumping – Dem	\$ 0.00

Franchise fees are to be collected by the Utility at the rate listed below, and submitted to the City on a quarterly basis as follows:

- January – March collections due by April 30.
- April – June collections due by July 31.
- July – September collections due by October 31.
- October – December collections due by January 31.

CHAPTER 9 CHANGE RECORD:

5-8-13 Section 920 - Adopting an Illicit Discharge and Connection to Storm Sewer System (Ordinance 2007-004) added to Chapter 9 rather than previously held as a stand-alone document.

12-11-13 Section 930 – Adopted Gas Franchise / Publication Date: 12-25-13

12-11-13 Section 940 – Adopted Electric Franchise / Publication Date: 12-25-13

12-11-13 Section 950 – Adopted Electric Franchise Fees / Publication Date: 12-25-13

CHAPTER 10. BUILDINGS AND HOUSES

SECTIONS:

- 1000 State Building Code**
- 1010 Building Numbers**
- 1020 State Fire Code and Life Safety Code**
- 1030 Housing Maintenance Code**

SECTION 1000 – STATE BUILDING CODE

Sec. 1000.01 State Building Code Adopted. The Minnesota State Building Code, established pursuant to MN Statutes 16B.59 through 16B.75 and published in MN Rules Chapters 1300 through 1370 and incorporating the MN Plumbing Code and the MN Energy Code, Chapters 4715 and 7670 respectively of MN Rules, is hereby adopted as the building code for the City of, Landfall Village and is incorporated into this ordinance as if set out in full subject to the following specifications:

Subd. 1 Mandatory Enforcement Provisions. The following chapters of MN Rules shall be enforced and administered without change by the City as mandatory provisions of the MN State Building Code:

- A. Chapter 1300 – MN State Building Code
- B. Chapter 1301 – Building Official Certification
- C. Chapter 1302 – Construction Approvals
- D. Chapter 1305 – Amendments to the Uniform Building Code (UBC). (Adoption of the 1994 Uniform Building Code.) The adoption of this chapter specifically includes UBC Appendix Chapters: 3, Division I “Detention and Correctional Facilities”; 12, Division II “Sound Transmission Control”; and 29 “Minimum Plumbing Fixtures”. The adoption of optional UBC Appendix chapters under section 1305.0020 shall be as indicated in Subdivision 2 of this ordinance.
- E. Chapter 1307 – Elevators and Related Devices
- F. Chapter 1315 – Electrical Code (Adoption of 1993 National Electrical Code (NEC))
- G. Chapter 1325 – Solar Energy Systems
- H. Chapter 1330 – Fallout Shelters
- I. Chapter 1335 – Floodproofing; Except Sections 1335.0600 through 1335.1200 which are optional and shall be enforced as adopted in Subdivision 2 of this ordinance.
- J. Chapter 1340 – Facilities for the Handicapped
- K. Chapter 1346 – Uniform Mechanical Code
- L. Chapter 1350 – Manufactured Homes
- M. Chapter 1360 – Prefabricated Buildings
- N. Chapter 1365 – Snow Loads
- O. Chapter 1370 – Storm Shelters
- P. Chapter 4715 – MN Plumbing Code
- Q. Chapter 7670 – MN Energy Code

Subd. 2 Optional Enforcement Provisions Adopted. (Note: the City must select those provisions which it wishes to enforce. City was going to call the State Building Inspector for assistance in making these choices.)

- A. The following chapters of MN Rules, representing optional provisions of the MN State Building Code as provided in Chapter 1300.2900, are hereby adopted by the City without change and shall be enforced and administered by the City as a part of the State Building Code for the City:
 - 1. Chapter 1306 – Special Fire Protections Systems. The City shall enforce Subpart 3 (8) “Group M mercantile, S storage or F factory occupancies with 2,000 or more gross square feet of floor area or three or more stories in height.
 - 2. Chapter 1310 – Building Security
 - 3. Chapter 1335 – Floodproofing; Sections 1335.0600 through 1335.1200
- B. The following Appendix Chapters of the 1994 Uniform Building Code, representing optional provisions of the MN State Building Code as provided in Chapter 1305.0020 of MN Rules, are hereby adopted by the City and shall be enforced and administered by the City without change, except to the extent that the City may adopt revised fee schedules and bonding requirements under UBC Appendix Chapter 33, as a part of the State Building Code for the City.
 - 1. UBC Appendix Chapter 3, Division III – Requirements for Group R, Division 3 Occupancies

2. UBC Appendix Chapter 15 – Reroofing
3. UBC Appendix Chapter 19 – Protection of Residential Concrete Exposed to Freezing and Thawing
4. UBC Appendix Chapter 31 , Division II – Membrane Structures
5. UBC Appendix Chapter 33 – Excavation and Grading (Note: Remember the City can modify the fee schedule and bonding requirements of this chapter.)

Sec. 1000.02 Application, Administration, and Enforcement. The application, administration, and enforcement of the MN State Building Code in the City shall be in accordance with MN Statutes Chapter 16B and MN Rules Chapters 1300 and 1305. The City Council, pursuant to MN Statutes 16B.65, shall appoint a Building Official who shall attend to all aspects of Building Code administration. Additional members of a City Building Department shall be authorized by the City Council as needed. Organization of the City’s Building Department shall be as established by Chapter 1 of the 1994 Uniform Building Code, as amended by MN Rules. The MN State Building Code shall be enforced within the incorporated limits of the City, and within the extraterritorial limits permitted by MN Statutes 16B.62

Sec. 1000.03 Permits, Inspection, and Fees. Permits shall be issued, inspections conducted, and fees collected as provided for in MN Statutes 16B.62, Chapter 1 of the 1994 UBC, and MN Rules 1305.0106 and 1305.017. The City has adopted a fee schedule.

Sec. 1000.04 Surcharge. In addition to the permit fee required under Subsection 1000.03 above, the applicant for a building permit shall pay a surcharge to be remitted to the MN Department of Administration as prescribed by MN Statutes 16B.70.

Sec. 1000.05 Copies Kept on File. At least one copy of the “State Building Code”, adopted by Subsection 1000.01 shall be marked as the official copy and kept on file in the office of the Clerk.

Sec. 1000.06 Building Inspector. The City Council shall appoint and supervise the building inspector. The building inspector, to qualify for appointment, shall have a thorough understanding of the “State Building Code” and the ordinances of the City, which he or she shall be charged with enforcing, and he or she shall have at least five year’s experience in one or more of the following fields of endeavor:

- A. Building Inspector;
- B. Architect;
- C. Structural Engineer; or
- D. Construction Superintendent.

During his or her tenure of office, the building inspector shall not be engaged or employed in any business that falls under the regulatory control of his or her office. As remuneration for his or her services, the building inspector shall be paid as provided for by Council resolution.

The building inspector may be removed at the pleasure of the City Council.

SECTION 1010 – BUILDING NUMBERS

Sec. 1010.01 Building Numbers. No owner shall occupy nor let to another for occupancy any dwelling or dwelling unit or commercial structure unless the dwelling unit or structure displays the proper street number, conforming to the following requirements:

- A. All numbers shall be not less than three (3) inches high.
- B. All houses shall display numbers in a color that contrast with the color of the structure.
- C. All homes shall display the proper house number not less that 4 feet from ground level and which shall not be obstructed from view.
- D. All business buildings having a rear entrance shall display the proper street number near both the front and the rear entrances.
- E. All residential units shall display their lot numbers as assigned on the front or on both end-caps of their homes (when each end borders a street) and such numbers shall be displayed in a conspicuous area subject to the approval of the City Council/HRA and/or the law enforcement agency tasked with patrolling the park. Double wide homes shall display house numbers on the same side as the front (street) door opening.

SECTION 1020 – STATE FIRE CODE AND LIFE SAFETY CODE

Sec. 1020.01 State Fire Code. The MN Uniform Fire Code as incorporated by the State Building Code, one copy of which has been marked as the official copy and which shall be on file in the office of the City Clerk shall be hereby adopted as the fire code for the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Every provision contained in this Code, except as modified or amended by this Section shall be hereby adopted and made a part of this Section as if fully set forth in this Section.

Sec. 1020.02 Enforcement. The City contracted fire service or his or her representative authorized by him or her, shall enforce the provisions of this Section.

Sec. 1020.03 Definitions.

Subd. 1 Jurisdiction. Wherever the word “Jurisdiction” is used in the MN Uniform Fire Code, it shall be held to mean the City.

Subd. 2 Corporation Counsel. Wherever the term “Corporation Counsel” is used in the MN Uniform Fire Code, it shall be held to mean the Attorney.

Sec. 1020.04 Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents shall be Prohibited. The limits referred to in Section 11.106 of the MN Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, shall be hereby established as the entire City.

Sec. 1020.05 Appeals. Whenever the City contracted fire service shall disapprove an application or refuse to grant a permit applied for, or when it shall be claimed that the provisions of the Code shall not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the contracted fire service to the City Council within 30 days from the date of the decision appealed.

Sec. 1020.06 Penalties.

- A. Any person who shall violate any of the provisions of this Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy the violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 1020.07 Fire Lanes. The Council shall be hereby authorized to order the establishment of fire lanes on public or private property as may be necessary in order that the travel of fire equipment may not be interfered with and that access to fire hydrants or buildings may not be blocked off. When a fire lane has been ordered to be established, it shall be marked by a sign bearing the words “No Parking – Fire Lane” or a similar message. When the fire lane is on public property or a public right-of-way, the sign or signs shall be erected by the City and when on private property, they shall be erected by the owner at his or her own expense within 30 days after he or she has been notified of the order. Thereafter, no person shall park a vehicle or otherwise occupy or obstruct the fire lane.

Sec. 1020.08 Life Safety Code. Chapter 101 of the National Fire Protective Association Code, published by the National Fire Protection Association, 1976 Edition, entitled The Life Safety Code, shall be hereby adopted and incorporated in this section as if fully set out hereafter; one copy of which shall be on files with the City Clerk as required by law.

SECTION 1030 – HOUSING MAINTENANCE CODE

Sec. 1030.01 Authorized Structures and Standards. All houses within the City shall comply with the following minimum standards:

- A. Windows, storm windows, screens, storm doors and screens shall be substantially tight and in sound condition and good repair, all plastic, tarps, vinyl or other covering that is placed on windows and doors, may be put on no earlier than October 1st of the calendar year and are required to be removed no later than May 1st of the following calendar year.
- B. Bedrooms are required to have at least one (1) egress window operable from the inside.
- C. Windows shall be fully equipped with window panes and screens which shall be without open cracks or holes.
- D. Sashes shall be in sound condition and fit reasonably within the frame.
- E. Every window, other than a fixed window shall be capable of being easily opened and have hardware to hold it in an open position and locking hardware shall be required on all opening windows.
- F. Every entrance or exit door unit and its hardware shall be sound condition and fit within its frame. It shall be capable of opening easily, with all hardware in working condition and the doors and screens shall be without cracks or holes or rotting or splitting wood.
- G. Exteriors of homes or dwelling unit shall be neat and clean and in good repair including the roof. No house shall have any broken, torn, loose, or missing siding.
- H. Skirting shall be tight and a compatible color with the home. It shall allow access to utilities and be vented properly. It shall be made of aluminum, steel, vinyl, or treated lumber. It shall not be made of wood. Wood skirting existing at the time this code is adopted shall be replaced with aluminum, steel, vinyl, or treated lumber skirting when it has holes, becomes rotten, warped, or is otherwise in disrepair.
- I. Retain as Marker.
- J. Every owner of a home, dwelling unit or structure shall be responsible for the control and/or elimination of insects, rodents, or other pests whenever infestation exists.
- K. Retain as Marker.
- L. Remodeling, building of decks, porches, additions, carports, garages, and sheds shall require a building permit from the City. Approval of plans shall be obtained from the Building Inspector.
- M. Additions, porches, decks, carports, garages, and sheds shall be painted or stained and be of a compatible color with the home or dwelling unit, all plastic, tarps, vinyl, or other covering that is placed on additions, porches, decks, may be put on no earlier than October 1st of the calendar year and are required to be removed no later than May 1st of the following calendar year. Carports cannot be enclosed on more than one side.
- N. Porches and additions to homes of dwelling units shall not be permitted to be boarded up and/or used as animal pens, cages, or kennels.
- O. Stairs and steps shall be kept safe, solid, and in good repair. This includes railings, decks, porches, and additions. They shall be painted or stained in a compatible color with the home, or dwelling unit, unless they are concrete.
- P. There shall be no storage allowed on the roofs of homes, dwelling units, additions, decks, porches, carports, garages, or sheds.
- Q. Storage of flammable materials under the home, dwelling unit, or skirting shall be prohibited.
- R. All homes and dwelling units shall be equipped with operable fire alarms (IRC R313) and fire extinguishers. Carbon monoxide detectors are required by MN State Statute 299F.50.
- S. All units must meet the requirements of MN Code 1350 for the installation and tie down requirements.
- T. All homes have to have tie downs and homes moved within the park or brought into the park must have cement footings to meet the requirements of MN Code 1350. If a home is 3 years or older, it may not require cement footings.
- U. All homes shall be connected to the underground electrical power and shall be grounded. The home shall be properly connected to the gas meter and sewer and water lines and shall be connected according to code.
- V. A Plumbing Permit is required for installation of a hot water heater.
- W. A Mechanical Permit is required for installation of a furnace.
- X. All homes shall be equipped with an operable heat tape.
- Y. All air conditioners, whether central or window style, shall be placed on the yard side of the resident's home. Window air conditioners shall be braced and not propped up by supports.
- Z. Garages and Carports: Site Plan and Building Permit required, must be in compliance with MN State Uniform Building Code and MN State setback requirements for mobile home parks. The garage/carport must be positioned 10 feet from neighbor's home, built and with surface/footings as required by MN State Building Code, constructed with compatible materials and be a compatible color to the home. A shed may be combined with garage/carport to utilize full width of garage/carport in exception to existing ordinance, requiring shed to be on pallet/skid; neither can be attached to the home. The carport cannot be enclosed on more than one side and all plastic, tarps, vinyl or other covering that is placed

on carports, may be put on no earlier than October 1st of the calendar year and are required to be removed no later than May 1st of the following calendar year. No such coverings shall be allowed between May 1 and September 30.

[Ordinance 2013-004 / 2-13-13 and Ordinance 2013-010 5-8-13]

Sec. 1030.02 Inspections.

Subd. 1 Definition. Enforcement officer shall mean property owner/management, Law enforcement officer, and health department representative.

Subd. 2 Enforcement officers and property owner and property management shall be authorized to make or cause to be made inspections to determine the condition of buildings, dwelling units, habitable rooms, premises, residential structures, and other structures or premises at any reasonable time in order to safeguard the health, safety, and welfare of the public and to perform their duties under this section. Access during reasonable times shall not be denied by any owner, occupant, or other person in charge of the premises. The enforcement officer may obtain a search warrant where probable cause exists to believe that the premises are in violation of this section. Provided, however, that no search warrant is needed for entry where an emergency condition exists and sufficient time to obtain a warrant is unavailable.

Sec. 1030.03 Duty of Occupant to Allow Access. Every occupant of buildings, dwelling units, habitable rooms, premises, residential structures, and other structures or premises shall upon receiving reasonable prior notice give the enforcement officers access to the premises at reasonable times for the purpose of effecting inspections, which are necessary to comply with provisions of this section.

Sec. 1030.04 Notification to Correct Violations.

Subd. 1 Notice of Violation. Whenever an enforcement officer determines that there has been a violation of this section, notice may be provided to the owner or occupant to take the appropriate steps to correct the violations. The notice shall:

- A. Be in writing; and
- B. Include a description of the real estate sufficient for identification; and
- C. Specify the violation which exists and the remedial action required; and
- D. Include a statement that the order may be appealed to the City Council in accordance with the procedures set forth in this section.

Subd. 2 Service of Notice. Service of an order shall be adequate if provided by (1) personal service, (2) U.S. mail, or (3) if the appropriate party or address cannot be determined after reasonable effort, by posting a copy of the order in a conspicuous place on the premises.

Subd. 3 Emergency Enforcement Procedures. If an emergency situation exists which creates an imminent health or safety hazard or danger to the public that by its nature requires immediate action, an enforcement officer may issue oral orders to the owner or occupant that immediate corrective action shall be taken. The oral order shall:

- A. Include a description of the premises sufficient for identification; and
- B. Specify the violation which exists and the immediate remedial action required; and
- C. Specify a reasonable time for the performance of the actions required.

Within twenty four (24) hours following issuance of an oral order, the officer shall serve a written order upon the owner in the manner provided above. Failure to obey the orders shall constitute a violation subject to the penalties provided for in this Section.

Sec. 1030.05 Dangerous Structures. If in the opinion of the enforcement officer any building or structure, or part thereof, is deemed to be in an unsafe condition and dangerous to life, limb, or property, the officer shall proceed to have the building or structure condemned pursuant to the applicable provisions of the MN Statutes Chapter 463 or the MN Manufactured Housing Code, pertaining to hazardous or dangerous structures.

Sec. 1030.06 Structures Unfit for Human Habitation.

Subd. 1 Action Authorized to Condemn Structures or Units as Unfit for Human Habitation. Whenever an enforcement officer finds that any dwelling unit or residential structure constitutes a hazard to the health, safety, or welfare of the

occupants or to the public for any of the reason enumerated in this section, including those violations defined herein as constituting material endangerment, but which structure does not constitute a dangerous structure, the officer may take action to condemn the unit or structure as being unfit for human habitation.

Subd. 2 Illegal Occupancy. If any dwelling unit or any part thereof is occupied by more occupants than provided by this section or is erected, altered or occupied contrary to law, the unit or part thereof shall be deemed an unlawful structure and the enforcement officer shall cause the unit or structure vacated. It shall be unlawful to occupy such unit or structure until it or its occupation, as the case may be, have been made to conform to the law.

Subd. 3 Placard as Unfit for Human Habitation. Any residential structure or unit ordered vacated or condemned as unfit for human habitation shall be posted with a placard by the enforcement officer. The placard shall include the following:

- A. Name of City;
- B. Name of the authorized department having jurisdiction;
- C. Chapter and section of the ordinance under which it is issued;
- D. Date in which the residential structure or unit must be vacated;
- E. Statement that the residential structure or unit, when vacated, must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
- F. Date that the placard is posted;
- G. Statement of the penalty for defacing or unauthorized removal of the placard.

Subd. 4 Defacement and Unauthorized Removal of Placard. No person shall deface or remove the placard from any structure which has been condemned and placarded as unfit for human habitation. The placard may be removed only by or at the direction of the enforcement officer.

Subd. 5 Service of Notice. The enforcement officer shall serve a written notice upon the owner of the premises informing the owner of the requirement to vacate the residential structure or unit within twenty four (24) hours of posting the placard. Service of the notice shall be by delivery to the owner personally or by leaving the notice at the owner's usual place of abode or with a person of suitable age and discretion or by depositing in the United States Post Office the notice, addressed to the owner at the last known address with postage prepaid.

Subd. 6 Vacation of Structure or Unit. Any residential structure or residential unit which has been condemned or placarded as unfit for human habitation shall be vacated within the time set forth in the placard and/or order. No person shall occupy or let for occupancy any dwelling unit which is condemned as unfit for human habitation. For the purposes of this section, occupancy shall be defined as any physical acts of possession, including dwelling, living, eating, sleeping, residing, or conducting household affairs in a structure as a domicile or residence, primary, or otherwise.

Subd. 7 Material Endangerment Violations. The following violations may constitute material endangerment if in combination or alone the conditions are substantial and expose the occupants or the public to danger or peril:

- A. **Lacking maintenance; dilapidation.** Whenever the structure, or any portion thereof, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse; or whenever any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; or whenever the building has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; become a harbor for vagrants or criminals; or enable persons to resort thereto for the purpose of committing unlawful acts.
- B. **Fire Hazard.** Whenever the structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits or access to exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the enforcement officer to be a fire hazard.
- C. **Unsanitary Conditions.** Whenever the residential structure, structure or dwelling unit, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, unclean fixtures, accumulation of garbage, any stench or foul odor from dead animals or animal or human feces, refuse or combustibles, or otherwise, is determined by the enforcement officer to be unsanitary, unfit for human habitation, or in such an unsound condition that it is likely to cause or harbor sickness or disease.
- D. **Insect, rodent, or other pests.** Whenever the residential structure or dwelling unit has a substantial or severe insect, rodent or other pest infestation, rodent burrows, open sewage systems or lacks approved rodent proofing of the structure.

- E. **Lack of basic facilities.** Whenever the residential structure or structure lacks water, hot water, approved electrical, heating or sewage disposal systems, or where the existing systems are unsafe for continued operation.
- F. **Violations of other requirements.** Whenever any residential structure or structure or any part thereof is:
 - 1. Constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such residential structure or structure provided by the Uniform Building Code and the MN Uniform Manufactured Housing Code.
 - 2. Occupied by more occupants than provided by this section; and
 - 3. Is erected, altered or occupied contrary to law.
- G. **Dangerous Conditions.** Whenever, in the opinion of the enforcement officer, any other condition exists which is so dangerous to the safety or health of the occupants or the public as to justify condemnation of the residential structure or structure as unfit for human habitation. Such structure shall be deemed an unlawful structure and the enforcement officer may cause such dwelling to be vacated.

Sec. 1030.07 Stay of Enforcement/Penalty.

Subd. 1 Voluntary Vacation of Premises. No penalty shall be imposed upon any owner who serves written notice upon the City Council stating an intent to permanently vacate the premises within thirty (30) days. Written notice must be filed with the property manager within ten (10) days from the date on which the placard was placed on the property and shall include proof that notice of eviction was served upon the occupants of the condemned premises.

Subd. 2 Stay Pending Appeal to City Council. Enforcement proceedings or orders to correct violations shall be held in abeyance if the owner shall file an appeal to the City Ordinance City Council within ten (10) days of receiving the written order issued by the enforcement officer. Abeyance of enforcement proceedings shall continue until such time as the Council shall have issued a final determination or in the event the owner should not prosecute the appeal in a timely fashion.

Sec 1030.08 Conflict with Other Ordinances. In any case where a provision of this section is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, chapter or code of this city, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Sec. 1030.09 Administrative Liability. No officer, agent, or employee of the City of Landfall Village shall be rendered personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this section. No person who institutes, or assists in the prosecution of, a criminal proceeding under this Code shall be liable in damages therefore unless they have acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent or employee of the City of Landfall Village as a result of any act required or permitted in the discharge of their duties under this chapter shall be defended by the city attorney until the final determination of the proceedings therein.

Sec. 1030.10 Procedure. In addition to the punishments provided in this section, the city, through the officer charged with the enforcement of the various provision of this section, or any other person, may seek enforcement thereof in any court of competent jurisdiction by any appropriate form of civil action and may seek to enjoin any continued violation thereof and seek to compel obedience thereto by mandatory orders and writs.

Sec. 1030.11 Termination of Tenancy. No tenancy of a residential structure or dwelling unit covered by the Code may be terminated because of the commencement of an action pursuant to this section or because of the report to the enforcement authorities of a condition believed to be in violation of the Code.

Sec. 1030.12 Appeals. Any person affected by any provision of this section may appeal to the City Council.

CHAPTER 10 CHANGE RECORD:

Sec. 1030.01-Z regarding Standards and Garages/Carports. Renamed Standards to Authorized Structures and Standards, repealed and adopted entire code for Garages/Carports. Changes are intended to clarify the City's rules as they relate to garage and carport facilities as

well as to authorize the inclusion of sheds on the pad in addition to ports and garages. Ordinance 2013-004 / 2-13-13. / REV 5-8-13

Sec. 1010.01 regarding Building Numbers. Amend Point E to require homes with each end facing a street to place house numbers on both end caps. Intent is to assist in easy identification for Public Safety purposes. Ordinance 2013-010 5-8-13

Sec. 1030.01 regarding Authorized Structures and Standards. Amend Points H, M, R, S, T, V, W, and Z. Delete text in Points I and K and retain both as markers. Intent is to amend to better-reflect the standards for installation, safety, and maintenance of homes in the City.
Ordinance 2013-010 5-8-13

CHAPTER 11. ZONING

SECTIONS:

1100 Zoning

1100.05.1 Right of Way (ROW)

1100.06 Classification of Districts

1100.09 Special Use Permits

1100.091 Establishing Rules and Regulations for Special Events

1100.11 Signs

1110 Regulating the Surface Use of Tanners Lake

SECTION 1100 – ZONING

This Chapter shall be known and may be cited and referred to as “Landfall Village; Village Zoning Ordinance,” when referred to in this Chapter, it shall be known as “the Ordinance.”

Sec. 1100.01 Purpose and Intent. This Ordinance shall be adopted for the following purposes:

- A. To protect the public health, peace, safety, morals, comfort, convenience and general welfare.
- B. To divide the City into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of structures and land.
- C. To promote orderly development of the residential, business, recreational, and public areas.
- D. To provide for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of buildings in relation to surrounding properties.
- E. To limit congestion in the public right-of-way.
- F. To provide for the compatibility of different land uses and encourage the most appropriate use of land throughout the City.
- G. To provide for the administration of said chapters and amendments thereto.
- H. To define the powers and duties of the administration officers and bodies, as provided after the enactment date of this Code.

Sec. 1100.02 Scope. From and after the effective date of City Code, the use of all land and every building or portion erected, altered in respect to height and area, added to, or relocated and every use within a building or use accessory thereto in the City shall be in conformity with the provisions of this ordinance. Any existing building or structure, and any existing use of properties not in conformity with the regulations, may be continued, extended or changed, subject to the special regulations provided in this Section with respect to non-conforming properties or uses.

Sec. 1100.03 Interpretation. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, comfort, convenience, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any other Code provision, ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other Code provision, ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

Sec. 1100.04 Rules. For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; the word “lot” shall include the “plot”; and the word “shall” is mandatory and not discretionary.

Sec. 1100.05 General Zoning Provisions.

Subd. 1 Performance and Other Standards. It shall be the intent of this Subdivision to provide that commercial, residential, and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

- A. **Landscaping in Commercial Zones.** All required yards shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any

areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining the Residential District shall be buffered. Plans of the buffering shall be submitted for approval as a part of the site plan. A plan for maintenance shall be submitted along with the building permit.

- B. **Noise.** Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity. At the property line, the sound pressure level of noise radiated continuously from a facility shall not exceed the values given in Table 1 in any octave band frequency. The sound pressure level shall be measured with a Sound Level Meter and an octave Bank Analyzer that conforms to specifications published by the American Standard Specifications for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24. 10-1953, American Standards Associations, Inc. New York, N.Y. shall be used.

TABLE 1

Maximum permissible sound-pressure levels at specified points of measurement for noise radiated continuously from a facility.

Frequency	Decibel Bank Cycles Per Second	Level :-:-
20 – 75		69
75 – 150		54
150 – 300		47
300 – 600		41
600 – 1,200		37
1,200 – 2,400		34
2,400 – 4,800		31
4,800 – 10,000		28
10,000 – 20,000		26
20,000 – 30,000		25
30,000 – 40,000		24
40,000 – 50,000		23

-'- According to the following formula: Sound pressure level in Decibels equals 10 log P1-P2 where P equals 0.0002 dynes-cm².

- C. **Glare.** Glare, whether direct to or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
- D. **Exterior Lighting.** Any lights used for exterior illumination for any purpose shall direct light away from adjoining properties. In the commercial district, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from the adjoining residential zone or from the public streets. Direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of light shall be hooded or controlled in some manner so a not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. No light or combination of lights which case light on a public street shall exceed one (1) foot candle meter reading as measured from the centerline of the street nor shall any light or combination of lights which cast light on residential property exceed 0.4 foot candles meter reading as measured from any part of the property.
- E. **Vibration.** Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any kind shall not produce at any time an acceleration of more than 0.1 gravities or shall result in any combination or amplitudes and frequency or, beyond the “safe” range of Table VII United States Bureau of Mines Bulleting No. 442, “Seismic Effects of Quarry Blasting”, on any structure. The methods of equations of Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.
- F. **Smoke and other Emissions into the Air.** The emissions shall meet the current regulations of the MN Pollution Control Agency.
- G. **Fumes or Gases.** Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table 1 (Hygienic Standards – Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds) Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, 2 “Hysiological Effects,” that contains the tables, in the “Air Pollution Abatement Manual,” by the Manufacturing Chemists Association Inc.,

Washington, D. C. shall be hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.

- H. **Hazard.** Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
- I. **Water Supply.** The design and construction of water supply facilities and water supply source shall be in accord with City and MN State Department of Health standards and requirements. All necessary permits from the Division of Waters, Department of Conservation, shall be attached to the proposed plans when submitted.
- J. **Waste.** All sewage and commercial wastes shall be treated and disposed of in such a manner as to comply with City and MN State Department of Health standards and requirements, and the MN Pollution Control Agency's standards and requirements.
- K. All Commercial property dumpsters and Waste containers shall be kept within the confines of a 100% opaque wall or fence which screen the containers from public view.
- L. Any business within the commercial district may use the refuse haulers of their choice provided that the refuse hauler shall be properly licensed with the City.

Subd. 2 Off –Street Parking and Loading Regulations in Commercial District.

- A. **Minimum Size Regulations:** Each space shall contain a minimum area of not less than one hundred and eight (180) square feet exclusive of access drives, a width of not less than nine (9) feet, and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives as determined by the Planning Commission. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles it is designed to serve.
- B. **Reduction and Use of Parking Loading Space:** Off-street parking facilities existing at the effective date of the enactment of this Code shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. Off-street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. The required parking or loading space shall not be used for storage of goods or for storage or vehicles that are inoperable or for sale or rent.
- C. **Computing Requirements:** In computing the number of such parking spaces required the following rules shall govern:
 - 1. Floor space shall mean the gross floor area of the specific use.
 - 2. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
 - 3. The parking space requirement for a use not specifically mentioned in this Section shall be the same as required for a use of similar nature as determined by the Planning Commission.
- D. **Yards:** Off-street parking and loading facilities shall be subject to the front yard, side yard, and rear yard regulations for the district in which the parking is located.
- E. **Buffer Fences and Planting Screens:** Off-street parking and loading areas near or adjoining to the Residential District shall be screened by a buffer fence of adequate design or a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan and the fence or landscaping shall be installed as part of the initial construction.
- F. **Access:** Parking and loading space shall have proper access from a public right-of-way as determined by the Planning Commission.
- G. **Location of Parking Facilities:** Required off-street parking space shall be provided either on the same lot or adjacent lots of the principal building or use is located.
- H. **Parking in Residential District:** Only vehicles with passenger license plates shall be parked in the residential district, unless special permission shall be granted by the City Council.
- I. **Lighting:** Lighting shall be in accordance with the standards set forth in Subsection 1100.05.
- J. **Required Site Plan:** Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this Chapter. The site plan shall show an acceptable drainage plan and landscape plan.
- K. **Application of Parking and Loading Regulations:** Off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of the enactment of this Code.

Sec. 1100.05.1 RIGHT-OF-WAY (ROW)

Article I. In General, Section 1100.05.1 City of Landfall Village, County of Washington, Minnesota, "Right-of-Way Ordinance" is herewith adopted into city code. Any and all previously adopted sections or articles which may appear contrary or in conflict with this ordinance are hereby replaced or modified by this code.

Subd. 1 – FINDINGS, PURPOSE, AND INTENT.

The City of Landfall Village holds the ROW 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 ROW. It also recognizes that some persons, by placing their equipment in the ROW and charging the citizens of the City 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 and/or profit through their use of public property. Although the installation of such service delivery facilities are in most cases necessary and proper use of the ROW, the City must regulate and manage such uses. 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 ROW, the City strives to keep its ROW in a state of good repair and free from unnecessary encumbrances. Although the general population bears the financial burden for the upkeep of the ROW, one of the causes for the early and excessive deterioration of its ROW is frequent excavation or other intrusions into its sub-surface area.

This Article imposes reasonable fees and regulations on the placement and maintenance of equipment currently within its ROW or to be placed therein at some future time. It is intended to complement the regulatory roles of state, federal and other agencies. Under this Article, persons disturbing and obstructing the ROW will bear a fair share of the financial responsibility for its integrity. This Article also provides for recovery of the City's costs associated with managing its ROW.

Subd. 2 - The provisions and requirements of this ordinance shall not apply to inter-governmental entities that have Joint Powers Agreements with the City *or other ROW users exempted by the statutes of the state of Minnesota.*

Subd. 3 - DEFINITIONS.

The following words, terms and phrases, as used herein, have the following meanings:

Abandoned Facility - (1) a facility no longer in service and physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service; or (2) a facility that is deemed abandoned by the ROW user.

Applicant – Any person or entity requesting permission to excavate or obstruct a ROW.

City - means the corporate municipality, its elected officials, its manager and/or appointed employees to include the Director of Public Works or his/her designee, City of Landfall Village, Minnesota.

City Management Costs - the actual costs incurred by the City for public ROW management; including, but not limited to, costs associated with registering applicants seeking permission to excavate or obstruct a ROW; issuing, processing and verifying ROW permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting or moving user equipment during public ROW work; determining the adequacy of ROW restoration; restoring work inadequately performed after providing notice and opportunity to correct the work; mapping of "as built" locations of facilities located in ROW; and revoking ROW permits and performing all other functions required by this Article, including other costs the City may incur in managing the provisions of this Article.

Degradation – means a decrease in the useful life of the ROW caused by excavation in or disturbance of the ROW, resulting in the need to reconstruct such ROW earlier than would be required if the excavation or disturbance did not occur. This condition is only applicable in ROW's that are not included in the current 5-year street replacement plan scheduled for full removal and reconstruction.

Degradation Cost – subject to Minnesota Rules 7819.1100 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 on Landfall Village plates 1 to 13, and set forth in Minnesota Rules parts 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 ROW caused by the excavation, and which equals the degradation cost. This fee does not include the cost of patching, which is the sole responsibility of the ROW user.

Delay Penalty - *In accordance with Minnesota Rule 7819.1000 subd. 3, the director shall impose a delay penalty for unreasonable delays in ROW excavation, obstruction, patching, or restoration by permittee. The delay penalty shall be proposed by the director and established from time to time by city council resolution.*

Director - the City's Director of Public Works or his/her designee.

Emergency - 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.

Emergency Hole - excavation of a hole necessitated by a condition creating a clear and immediate threat to life, health, safety or property or requiring immediate repair or replacement in order to restore service to a customer.

Engineer – the City's Director of Public Works or his/her designee.

Equipment - any tangible asset used to install, repair or maintain facilities in any ROW.

Excavate - to dig into or in any way remove or physically disturb or penetrate any part of a ROW.

Excavation Permit - a permit which must be obtained before a person may excavate in a ROW. An excavation permit allows the holder to excavate only in that part of the ROW described in the permit.

Facility or Facilities - any tangible asset in the ROW required to provide utility service. *The term does not include facilities to the extent the location and relocation of such facilities are preempted by Minnesota Statute 161.45, governing utility facility placement in state trunk highways.*

Franchise – any person or entity with tangible assets or equipment in the ROW for the purpose of providing utility service to

the general public having been previously approved by the city by written agreement, contract or by franchise ordinance.

Hole - an excavation having a length on the long side that is less than 2 times the dimension of the width of the excavation and that conforms to O.S.H.A. standards.

Obstruct - to place any tangible object in a public ROW so as to hinder free and open passage over that or any part of the ROW for an aggregate period of five (5) hours or more in conjunction with the issuance of a ROW permit.

Obstruction Permit - a permit which must be obtained before a person may obstruct a ROW, allowing the holder to hinder free and open passage over the specified portion of that ROW by placing equipment described therein on the ROW for the duration specified in the permit.

Patch or Patching - a method of pavement replacement that is considered temporary in nature. A patch consists of (1) the compaction of the sub base and aggregate base, and (2) the replacement in kind, to match the existing pavement per Landfall Village Plates 1-13. A patch shall be considered "full restoration" only if the pavement is included in the City's five year project plan.

Pavement Repair Plates – Drawings and details for the reconstruction and repair of Landfall Village ROW pavements (all types) that are herewith copied and adopted from the original thirteen (13) plates as suggested and provided by the Minnesota Public Utilities Commission and any supplemental additions as provided by the City of Landfall Village.

Permit Holder - any person to whom a permit to excavate, obstruct, or place equipment or facilities in a ROW has been granted by the City under this Article.

Person – a private individual or authorized representative or agent of an entity subject to all laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Registrant - any person or entity that digs, excavates, intrudes or has or seeks to have its facilities or equipment located in any ROW for temporary or permanent placement.

Restoration or "Full Restoration" - the process by which the ROW and surrounding area, including pavement, foundation, and turf areas is returned to the same or better condition and life expectancy that existed immediately before excavation.

Restoration Cost - the amount of money paid to the City by a permit holder to have the city or its designated contractor perform the work to achieve the required level of restoration according to Landfall Village plates 1 to 13, which are attached hereto and incorporated herein.

ROW – (Right-of-Way) - the area on, below, or above a public roadway, highway, street, cart way, bicycle lane, and public sidewalk in which the City has an interest, including other dedicated ROW for travel purposes and/or utility easements of the City.

ROW Engineer – that person or persons appointed, directed and empowered by the Director of Public Works to administrate the management of the Office of the Right-of-Way Engineer and those necessary responsibilities empowered by the City ROW Ordinance.

ROW Permit - either an excavation permit or obstruction permit, or both, depending on the context required by this Article.

ROW User - (1) a telecommunications ROW user as defined by Minnesota Statutes, Section 237.162, subdivision 4; or (2) a person owning or controlling a facility in the public ROW that is used or is intended to be used for providing utility service and who has a right under the law, franchise, or ordinance to use the public ROW.

Trench - an excavation having a length that is in excess of two (2) times the width of the excavation for the sections of roadway where the work is occurring, including a directional bore.

Utility or Utility Service – means services provided by: (1) a public utility as defined in Minnesota Statutes, **section 216B.02**; (2) **services of a telecommunications ROW user, including the transporting of voice or data information**; (3) **services provided by a cable communications system as defined in Minnesota Statutes, Chapter 238**; (4) **natural gas or electric energy or telecommunications services provided by a local government unit**; (5) **services provided by a cooperative electric association organized under Minnesota Statutes, chapter 308A**; and (6) water, sewer, steam, cooling, heating services, community television antenna system, fire and alarm communications, storm sewer, light, or power services including wind generation.

Wireless Telecommunication Facility - a tangible asset used to provide wireless telecommunication or data services, including all antennas, support devices, equipment including ground equipment, associated cables, and attachments.

Subd. 4 - REGISTRATION.

(a) **Registration Required Prior to Work.** No one shall construct, install, repair, remove, relocate or perform any work within any ROW without first being registered pursuant to this Section. Such registration shall be made on an application form provided by the City's Department of Public Works and shall be accompanied by the registration fee set forth in this Code. Registration and the accompanying fee shall be required each calendar year. A franchised service or utility service operating under this section shall be registered pursuant to this Section but need not annually provide registration information as

required by subsection (c) of this Section if such information has been submitted pursuant to a franchise agreement or ordinance. Further, a franchised service or utility service operating pursuant to a franchise agreement or ordinance shall be exempt from payment of an annual registration fee providing said franchise fee has been paid per written agreement or ordinance. Exceptions to the registration requirements, as described in section 32-7, shall be determined at the discretion of the ROW Engineer.

(b) **Exceptions.** The following are not subject to the requirements of this Section:

- (1) Person or Persons planting or maintaining pre-approved boulevard surface plantings or gardens.
- (2) Person or Persons installing mail boxes or private sidewalk from street or curb to dwelling or commercial structure.
- (3) Person or Persons engaged in commercial or private snow removal activities.
- (4) Person or Persons installing street furnishings. **Sec. 1100.05.1 Right-of-Way.**
- (5) Person or Persons installing irrigation systems.
- (6) City of Oakdale*
- (7) Board of Water Commissioners of the City of Saint Paul*
- (8) Persons acting as agents, contractors or subcontractors for a registrant who has properly registered in accordance with this Section.

* See Appendix I

(c) **Registration Information.** The registrant shall provide the following at the time of registration and shall promptly notify the City of changes in such information:

(1) Registrant's name, address, telephone number, facsimile number and Gopher One Call registration certificate number if required by state law.

(2) Name, address, telephone number and facsimile number of the person responsible for fulfilling the obligations of the registrant.

(3) Unless exempted by previous or existing agreements or ordinance, a current Certificate of Insurance from a company licensed to do business in the State of Minnesota providing minimum coverage in the following amounts:

GENERAL LIABILITY:

Public Liability, including premises, products and complete operations

Bodily Injury Liability - \$1,000,000 each person, \$3,000,000 each occurrence

Property Damage Liability - \$3,000,000 each occurrence

In lieu of (1) and (2) Bodily Injury and Property Damage Combined - \$3,000,000 single limit

COMPREHENSIVE:

Automobile Liability Insurance, including owned, non-owned and hired vehicles.

Bodily Injury Liability - \$1,000,000 each person, \$3,000,000 each occurrence

Property Damage Liability - \$3,000,000 each occurrence

In lieu of (1) and (2) Bodily Injury and Property Damage Combined - \$3,000,000 single limit

Such certificate shall verify that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the ROW by the registrant, its officers, agents, employees and permit holders, and (ii) placement and use of equipment or facilities in the ROW by the registrant, its officers, agents, employees and permit holders, including but not limited to, protection against liability arising from completed operations, damage of underground equipment and collapse of property. Such certificate shall also name the City as an additional insured as to whom the coverage required herein are in force and applicable and for whom defense will be provided as to all such coverage. Such certificate shall require that the City be notified thirty (30) days prior to cancellation of the policy.

(4) A 24 hour emergency number.

(5) An acknowledgment by the registrant of the indemnification pursuant to this Code.

(6) Such additional information as the City may require.

Subd. 5 - FRANCHISE REPORTING OBLIGATIONS.

Each franchise registrant shall, at the time of registration and not later than November 1st of the preceding year, file a proposed construction and major maintenance plan for underground facilities with the City. Such plan shall be submitted using a format designated by the City and shall contain the information determined by the City to be necessary to facilitate construction coordination and reduction in the frequency of excavations and obstructions of ROW. The plan shall include, but not be limited to, the following information:

(a) To the extent known, the locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year; and

(b) To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year.

The City will have available for inspection in the Engineer's office a composite list of all known or planned projects that have been adopted for the next calendar year. All registrants are responsible for keeping themselves informed of the current status of this improvement list. Each franchise registrant must notify the City immediately of any change in its list of planned projects.

Subd. 6 - PERMIT REQUIREMENT.

(a) Permit Required.

No person may obstruct or excavate any ROW without first having been issued the appropriate ROW permit pursuant to this Section, except as otherwise provided in this Code. Exceptions to the permitting requirements, as described in section 32-9, shall be made at the discretion of the ROW Engineer.

(1) **Excavation Permit.** An excavation permit is required by the registrant to excavate that part of the ROW described in each permit that may hinder free and open passage over the specified portion of the ROW when placing or repairing facilities therein, to the extent and for the duration specified in the permit.

(2) **Obstruction/Aerial/Interduct Permit.** An obstruction/aerial/interduct permit is required by a registrant if the work proposed may hinder free and open passage over the specified portion of ROW by placing or repairing equipment described therein within the ROW, to the extent and for the duration specified in the permit. An obstruction/aerial/interduct permit is not required if a registrant has been issued a valid excavation permit for the same project.

(3) **Pole Attachment Permit.** A pole attachment permit is required by the registrant in order to attach a wireless telecommunication facility to an existing public utility structure in the public ROW. A pole attachment permit is not required if a registrant has been issued a valid excavation permit for the same project.

(b) **Permit Extension.** No person may excavate or obstruct the ROW beyond the date or dates specified in the permit or do any work outside the area specified in the permit unless such person makes a supplementary application before the expiration of the permit. Payment of all fees for an extension of the permit is required before extension may be granted by the City; If the work could not be completed because of circumstances beyond the control of the permit holder or the work was delayed or prohibited by unseasonable or unreasonable conditions, the City may grant and extend the completion date of the work.

(c) **Delay Penalty.** Notwithstanding Subsection (b) of this Section, the City may impose a delay penalty where excavating or obstruction work in the ROW is not completed within the time specified if no permit extension application has been made prior to the expiration date of the permit. A delay penalty will not be imposed if the delay is due to circumstances beyond the control of the applicant, including without limitation inclement weather, acts of God, or civil strife.

(d) **Application and Fee.** An application for a ROW permit shall be made on forms provided by the City and shall be accompanied by a fee as set forth in this Code established to reimburse the City for costs. A person who pays a franchise fee to the City in accordance with a franchise agreement shall be exempt from the payment of permit fees. If the work is to be performed by an agent, contractor, or subcontractor on behalf of the registrant, such application shall be signed by the registrant. The application shall also be accompanied by the following:

(1) Scaled drawings showing the location of all known existing facilities and improvements proposed by the applicant. The applicant will be requested to submit in English measurement two (2) paper copies at 1" = 50' scale plans at the smallest and/or one (1) copy in Auto CAD format (Washington County Coordinate system) with X, Y, Z dimensions to 1 foot accuracy electronic plan. All plans must be dimensional and show existing utilities, curb and gutter, sidewalks, bikeways, signal poles, driveways, boxes, relevant structures, property lines and corners and property addresses.

(2) A description of the methods that will be used for installation.

(3) A proposed schedule for all work.

(4) The location of any public streets, sidewalks or alleys that will be temporarily closed to traffic during the work and proposed detour route with appropriate signage.

(5) A description of methods for restoring any public improvements disrupted by the work.

(6) Any other information reasonably required by the City.

(e) **Security.** A performance bond and cash deposit in an amount determined by the City shall be required from each applicant. The applicant, at its option, may post security sufficient to cover all projects contemplated for the current calendar

year. The performance bond must be approved by the City Attorney. Security required pursuant to this Subsection shall be conditioned that the holder will perform the work in accordance with this Article and applicable regulations and will pay to the City any costs incurred by the City in performing work pursuant to this Article. Said conditions will indemnify and save the City and its officers, agents and employees harmless against any and all claims, judgment or other costs arising from any excavation and related work covered by the ROW permit. And to include further indemnification by reason of any accident or injury to persons or property through the fault of the permit holder, either for improperly fencing and guarding the excavation or for any other injury resulting from the negligence or willful actions of the permit holder. The bond or any unused portions of a cash deposit shall be released by the City upon completion of the work and compliance with all conditions imposed by the ROW permit. For permits allowing excavations within public streets, such bond or unused part of a cash deposit shall be held for a period of twenty-four (24) months to guaranty adequacy of all restoration work.

(f) **Permit Issuances; Conditions.** The City shall grant a ROW permit upon finding the work will comply with the requirements of this Article. The City may impose reasonable conditions upon the issuance of the permit and the performance of the applicant there under to protect the public health, safety and welfare, to insure the structural integrity of the ROW, to insure completion of restoration of the ROW within a specified period, to protect the property and safety of other users of the ROW and to minimize the disruption and inconvenience to the traveling public. If it is determined by the Office of the ROW Engineer that the proposed ROW intrusion or use is not in the best interest of the city and no agreement or alternative compromise solution is feasible, the applicant may appeal the Engineers decision to the Director of Public Works. Should the issue there remain un-resolved, the applicant may then request to address the case before the Landfall Village City Council for final disposition. If the applicant’s ROW permit application is terminated at any given level, the city may at its discretion, elect to grant a partial refund of fees that may have been paid but shall not disburse any part of the basic Registration Fee or more that 50% of the Administrative Fees. No ROW permit shall be issued to any person who has failed to register pursuant to this code.

(g) **Dumpsters/Portable-on-Demand-Storage (POD) Units.** The placement of dumpsters or POD units in the street portion of the ROW is not allowed. Dumpsters or POD units may be placed within the boulevard or driveway portions of the ROW provided that they do not obstruct pedestrian traffic along sidewalks or trails and the boulevard is restored to previous conditions. In extraordinary circumstances, the City Right of Way Engineer may make exceptions to this provision and applicant shall be subject to the permitting and fee requirements of this ordinance.

(h) **Exceptions.** No permit shall be required for the following:

- (1) Approved surface landscaping work.
- (2) Approved private sidewalks, street furnishings, posts and pillars.
- (3) Snow removal activities.
- (4) Irrigation systems provided that the system does not connect directly to water mains in the ROW installed at the property owner risk.
- (5) Activities of the City of Landfall Village.
- (6) If granted approval by the city, piercing or drilling a street or sidewalk/trail pavement for the purpose of exploratory examination or utility depth determination.

Subd. 7 - TIMELINESS OF WORK.

The work to be done under the ROW permit and the patching and restoration of the ROW as required herein, must be completed within the dates specified in the permit. It may be increased by as many days as work could not be done because of circumstances beyond the control of the permit holder or when work was prohibited as unseasonable or unreasonable.

Subd. 8 - STANDARDS FOR CONSTRUCTION OR INSTALLATION.

(a) **General Standards.** The permit holder shall comply with the following standards, to the extent consistent with applicable Minnesota rules, when performing the work authorized under the permit:

- (1) Take such precautions as are necessary to avoid creating unsanitary or unsafe conditions. Observe and comply with all laws, rules and regulations of the State and local governments.
- (2) Conduct the operations and perform the work in a manner as to insure the least obstruction to and interference with traffic.
- (3) Take adequate precautions to insure the safety of the general public and those who require access to abutting property.
- (4) Notify adjoining property owners prior to commencement of work which may disrupt the use of and access to such adjoining properties.

- (5) Comply with the Minnesota Manual of Uniform Traffic Control Devices at all times during construction or installation.
- (6) Exercise precaution at all times for the protection of persons, including employees and property.
- (7) Protect and identify excavations and work operations with barricade flags and if required, by flagmen in the daytime and by warning lights at night.
- (8) Provide proper trench protection as required by O.S.H.A..
- (9) Protect the root growth of trees and shrubbery.
- (10) Where possible, provide for space in the installation area for other telecommunication ROW users and companies which install facilities in public ROW.
- (11) Maintain maximum access to all properties and cross streets as possible during construction operations and maintain emergency vehicle access at all times.
- (12) Maintain planned alignment and grade unless otherwise authorized by the City. Field changes not approved by the City will require removal and reconstruction.
- (13) During trenching of facilities, a warning tape must be placed at a depth of twelve (12) inches above all copper cables with over two hundred (200) pairs and above any fiber facilities.
- (14) Beneath concrete or bituminous paved road surfaces, directional bore facilities shall be installed in conduit of a type approved by the city.
- (15) The placing of all telecommunications facilities must comply with the National Electric Safety Code, as incorporated by reference in Minn. Stat. Sec. 326.243.
- (16) Locate all property lines near ROW lines and replace any disturbed property corner markers or judicial monuments. ***A Minnesota licensed surveyor must be used in the replacement of disturbed property corners markers or judicial monuments.***
- (17) Excavations, trenches and jacking pits off the roadway or adjacent to the roadway or curbing shall be sheathed and braced depending upon location and soil stability and as directed by the City.
- (18) Excavating, trenches and jacking pits shall be protected when unattended to prevent entrance of surface drainage.
- (19) All backfilling materials must be placed in 6 inch lifts (maximum) at optimum moisture and compacted with the objective of attaining ninety-five percent (95%) of Standard Proctor Density. Compaction shall be accomplished with hand, pneumatic or vibrating compactors as appropriate.
- (20) Backfill material shall be subject to the approval of the City. The City may permit backfilling with the material from the excavation provided such material is granular in nature and acceptable to the City.
- (21) Compacted backfill shall be brought to bottom of the gravel of the approved street section.
- (22) All work performed in the ROW shall be done in conformance with Landfall Village Plates 1 to 13, unless a less stringent standard is approved by the City.
- (23) Street and pedestrian traffic shall be maintained throughout construction unless provided otherwise by the permit.
- (24) No road surface damaging lugs, cleats or equipment may be used or driven upon paved city street surfaces.
- (25) Dirt, trash or other debris must be periodically removed during construction
- (26) Other reasonable standards and requirements of the City.

(b) Standards for Installation of Underground Utilities. The permit holder shall comply with the following standards when installing facilities underground:

- (1) Underground facilities must be placed as far off the roadway as possible to provide access from outside of the paved area.
- (2) Buried fiber facilities shall be at a minimum depth of three (3) feet and a maximum depth of four (4) feet unless an alternate location is approved by the City. Buried copper facilities beneath concrete or bituminous paved road surfaces must be placed at no less than three (3) feet but no more than four (4) feet deep. Other buried copper facilities must be placed at a minimum depth of thirty (30) inches and a maximum depth of four (4) feet.
- (3) Crossing of streets and hard surfaced driveways shall be directional bored unless otherwise approved by the City.
- (4) If construction is open cut, the permit holder must install the visual tracers approximately twelve (12) inches above buried facilities. If other construction methods are used, substitute location methods will be considered.
- (5) The permit holder shall register with Gopher State One Call and comply with the requirements of that system.
- (6) Compaction in trench backfill material shall be ninety-five percent (95%) of the standard proctor density and copies of test results shall be submitted to the City. All tests and their locations shall be determined by the City. Tests must be conducted by an independent testing firm approved by the City. Street pavement replacement will not be permitted until sub-base densities are approved by the city. Testing shall be required at the discretion of the ROW engineer. Street Pavement structure and materials shall be as specified by the city and re-paved in accordance with Landfall Village plates 1-13. All pavement replacement shall be done in the presence of a City inspector with certified pavement material to City specifications.
- (7) The facilities shall be located so as to avoid traffic signals and signs which are generally placed a minimum of five (5) feet

behind the curb.

(8) When utilizing trenchless installation methods to cross an area in which a municipal utility is located, and/or when directed by the City, the permit holder shall excavate an observation hole over the utility to ensure that the City utility is not damaged. Observation holes shall not be backfilled until viewed and approved by the city ROW Inspector.

(9) All junction boxes or access points shall be located no closer than ten (10) feet from municipal fire hydrants, valves, manholes, lift stations or catch basins unless an alternate location is approved by the City.

(10) Underground facilities shall not be installed between a hydrant and an auxiliary valve.

(11) Underground facilities shall not be installed within five (5) feet of hydrants, valves, lift stations or manholes in areas where utility easements exist beyond the ROW. In those areas in which no utility easement exists, placement of an underground facility shall be between the edge of pavement and no closer than three (3) feet to an existing municipal utility appurtenance unless approved by the City.

(12) In areas where an extensive effort to determine the location of municipal utility lines will be required to accommodate the installation of private facilities, the City's representative for Gopher State One Call must be contacted by the permit holder two (2) weeks prior to the beginning of the work to schedule meetings.

(13) Buried telecommunication facilities must have a locating wire or conductive shield, except for di-electric cables.

(14) Buried fiber facilities must be placed in a conduit of a type determined by the ROW user unless the permit holder obtains a waiver from the City.

(15) The standards set forth in the Standards of Installation of Water Mains required by the Board of Water Commissioners of the City of Saint. Paul.

(c) **Standards for Installation of Overhead Facilities.** The permit holder shall comply with the following standards when installing facilities overhead:

(1) All wires must be in compliance with the National Electric Safety Code and at a location that does not interfere with traffic signals, overhead signs, or street lights.

(d) **Standards for Wireless Telecommunication Facilities.**

(1) **Purpose.** The City of Landfall Village desires high quality wireless communication services to accommodate the needs of residents and businesses. At the same time, the City strives to minimize the negative impacts that wireless telecommunication facilities can have on aesthetics and public safety. Due to the many services that must be delivered within its limited area, the City also strives to avoid unnecessary encumbrances within the public ROW. The City allows and regulates wireless telecommunication facilities outside of the public ROW through performance standards and height limits. The purpose of this Section is to regulate wireless telecommunication facilities within the public ROW in a manner that balances desire for service with aesthetic, public safety, and ROW flexibility concerns.

Public ROW are appropriate locations for wireless telecommunication facilities that present minimal impacts (i.e. small pole attachments that do not require new poles, do not require pole extensions, and do not have associated ground mounted equipment). Wireless telecommunication facilities that require greater heights than can be afforded by existing poles in the public ROW and that require ground mounted equipment are more appropriately sited outside the public ROW in accordance with adopted performance standards of this Code. However, the City recognizes that as wireless technology advances, some residential areas of the City may be hard to serve with wireless technology due to the lack of acceptable siting alternatives in the immediate vicinity. In such areas, where no alternative non-ROW locations are available, wireless telecommunication facilities that require pole extensions and ground equipment will be allowed in the public ROW subject to the requirements of this Section which are meant to protect the public health, safety, and welfare.

(2) **Wireless Telecommunication Facilities as Pole Attachments.** Wireless telecommunication facilities that comply with the following requirements may be attached to existing public utility structures within the ROW after issuance of a pole attachment permit.

(A) The wireless telecommunication facility shall not extend above the top of the existing public utility structure and the height of the existing public utility structure shall not be increased to accommodate the wireless telecommunication facility.

(B) If the public utility structure must be replaced to structurally accommodate the wireless telecommunication facility, the replacement public utility structure height shall not exceed the existing public utility structure height and the replacement public utility structure diameter shall not exceed the existing public utility structure diameter by more than 50 percent.

(C) The wireless telecommunication facility shall not be larger than three (3) cubic feet and shall have no individual surface larger than four (4) square feet.

(D) The wireless telecommunication facility shall not extend outward from the existing pole or tower or arm thereof by more than two and one half (2 1/2) feet, except that an antenna one half inch in diameter or less may extend an additional six inches.

(E) The wireless telecommunication facility shall include no ground mounted equipment.

(F) The wireless telecommunication facility shall not interfere with public safety communications and shall meet the requirements of this Code.

(G) Wireless telecommunication facilities in the ROW shall be removed and relocated at City request subject to the provisions of this Article.

(H) The wireless telecommunication facility shall not block light emanating from the public utility structure and shall not otherwise interfere with the original use of the public utility structure.

(3) Wireless Telecommunication Facilities as Pole Extensions or with Ground Mounted Equipment. Wireless telecommunication facilities that require increased public utility structure height or that have ground mounted equipment may be erected in the public ROW only when in compliance with the following provisions and after issuance of a pole attachment permit or excavation permit:

(A) The applicant shall demonstrate to the satisfaction of the City or his/her designee that the wireless telecommunication facility cannot be placed in a Code complying location outside the ROW within one quarter (1/4) mile of the proposed location.

(B) The replacement public utility structure, including lightning rods and all other attachments, shall not exceed the height of the existing public utility structure by more than fifteen (15) feet. Once the height of a public utility structure has been increased under the provisions of this Section, the height shall not be further increased.

(C) The replacement public utility structure diameter shall not exceed the existing public utility structure diameter by more than fifty (50) percent.

(D) The wireless telecommunication facility shall not extend outward from the public utility structure by more than two (2) feet.

(E) If feasible and desirable, as determined by the City, the replacement public utility structure shall match the original and surrounding public utility structures in materials and color.

(F) The wireless telecommunication facility shall not interfere with public safety communications and shall meet the requirements of this Code.

(G) A pole attachment or excavation permit for a wireless telecommunication facility that has ground mounted equipment will be issued only if the Issuing Authority finds the following:

(i) the ground mounted equipment will not disrupt traffic or pedestrian circulation;

(ii) the ground mounted equipment will not create a safety hazard;

(iii) the location of the ground mounted equipment minimizes impacts on adjacent property; and,

(iv) the ground mounted equipment will not adversely impact the health, safety, or welfare of the community.

(H) Ground mounted equipment associated with the wireless telecommunication facility shall meet the following performance standards:

(i) be set back a minimum of ten (10) feet from the edge of street or curb line;

(ii) be separated from a sidewalk by a minimum of three (3) feet;

(iii) be set back a minimum of fifty (50) feet from the nearest intersecting ROW line;

(iv) be separated from the nearest ground mounted wireless telecommunication equipment installation on the same block face by a minimum of 330 feet unless the equipment is placed underground;

(v) if located adjacent to residential uses, ground mounted equipment shall be limited to three (3) feet in height above grade and twenty seven (27) cubic feet in cumulative size;

(vi) if located adjacent to non-residential uses, ground mounted equipment shall be limited to five (5) feet in height above grade and eighty-one (81) cubic feet in cumulative size;

(vii) ground mounted equipment located outside the public ROW shall conform to the requirements of this Code.

(viii) vegetative or other screening compatible with the surrounding area shall be provided around the ground mounted equipment if deemed necessary by the City.

(I) Wireless telecommunication facilities in the ROW shall be removed and relocated at City request subject to the provisions of this Article.

(4) New Poles. The construction in the ROW of a new pole to support wireless telecommunication facilities is not allowed, except as a replacement of an existing public utility structure subject to the requirements of this Section.

(5) Charges. In addition to the permit fees outlined in this Code, the City reserves the right to charge telecommunication providers for their use of the public ROW to the extent that such charges are allowed under state law. Telecommunication providers shall be responsible for payment of property taxes attributable to their equipment in the public ROW.

Subd. 9 - PATCHING OR FULL RESTORATION OF ROW.

The permit holder shall patch its own work. In lieu of ROW restoration, a ROW user may elect to pay a degradation fee as determined by the City.

(a) **City Restoration.** If the City restores the ROW, the permit holder shall pay the costs thereof within thirty (30) days of billing. If, during the twenty-four (24) months following such surface restoration, the pavement settles due to the permit holder's improper backfilling and compaction, the permit holder shall pay to the City, within thirty (30) days of billing, all costs associated with having to correct the defective work.

(b) **Permit Holder Restoration.** If the permit holder restores the ROW, it shall at the time of application for a ROW permit post a performance bond or cash deposit in an amount determined by the City to be sufficient to cover the cost of restoration and any associated erosion and sediment control measures. The performance bond or cash deposit must be approved by the City Attorney. If, within twenty-four (24) months after completion of restoration of the ROW, the City determines the ROW has been properly restored, the posted security will be released.

(c) **Standards.** The permit holder shall perform patching and restoration according to the Landfall Village standards specified in Plates 1 to 13, which are attached hereto and incorporated herein.

(d) **Guarantees.** If the permit holder performs the restoration work, the permit holder shall guarantee such work and its maintenance for twenty-four (24) months following its completion. During this twenty-four (24) month period it shall, upon notification from the City, promptly and within 7 working days from receipt of notification, correct all faulty restoration work to the extent necessary, using the method required by the City.

Subd. 10 - JOINT APPLICATIONS.

(a) **Joint Application.** Registrants may jointly apply for permits to excavate or obstruct the ROW at the same place and time.

(b) **Shared Fees.** Registrants who apply for permits for the same obstruction or excavation 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.

Subd. 11 - OTHER OBLIGATIONS.

(a) **Compliance With Other Laws.** The permit holder must obtain all other necessary permits, licenses and approvals and pay all fees required. The permit holder shall comply with all requirements of local, state and federal laws, including Minn. Stat. Secs. 216D.01-.09 ("One Call Excavation Notice System"). A permit holder shall perform all work in conformance with all applicable codes and established rules and regulations and is responsible for all work done in the ROW pursuant to its permit, regardless of who does the work.

(b) **Prohibited Work.** Except in an emergency, and with the approval of the City, no ROW excavation or obstruction may be done when seasonally prohibited or when conditions are unreasonable for such work.

(c) **Interference with ROW.** A permit holder shall not so obstruct a ROW that the natural free and clear passage of water through the gutters or other waterways shall be interfered with.

Subd. 12 - DENIAL OF PERMIT.

The City may deny a permit based on any of the following grounds:

(a) Failure to register pursuant to requirements of this Code.

(b) The applicant is subject to revocation of a prior permit issued pursuant to this Article.

(c) The proposed schedule for work would conflict or interfere with an exhibition, celebration, festival or any other similar event.

(d) The proposed schedule conflicts with scheduled or total or partial reconstruction of the ROW.

(e) The applicant fails to comply with the requirements of this Article or other provisions of this Code.

(f) The City determines that denial is necessary to protect the health, safety and welfare of the public or protect the ROW and its current use.

Subd. 13 - EMERGENCIES AND WORK DONE WITHOUT A PERMIT.

Each registrant shall immediately notify the City and all other affected parties or property owners of any event regarding its facilities, which it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. If the registrant has not been issued the required permit, the registrant shall, within two (2) business days after the occurrence of the emergency, apply for the necessary permits, pay the permit fees (where necessary) and fulfill the remaining requirements necessary to bring itself into compliance with this Article for the actions it took in response to the emergency.

If the City becomes aware of an emergency regarding a registrant's facilities, the City shall attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. The City may take whatever action deemed necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a ROW must subsequently obtain a permit and (where appropriate) as a penalty, pay twice the normal fee for the permit and shall deposit with the City the fees determined to correct any damage to the ROW.

Subd. 14 - INSPECTION.

(a) **Site Inspection.** The permit holder shall make the work site available to the City and to all others authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(b) **Authority of City**

(1) At the time of inspection, the City may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

(2) The City may issue a stop work order to the permit holder 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 within a stated deadline will be cause for revocation of the permit. If the violation is not corrected within the stated deadline, the City may revoke the permit.

Subd. 15 - REVOCATION OF PERMITS.

(a) **Substantial Breach.** The City may revoke a ROW permit, without a fee refund, if there is a substantial breach of the terms or conditions of any statute, this Code, rule or regulation, or any condition of the permit. A substantial breach of a permit holder shall include, but not limited to, the following:

(1) The violation of any material provision of the permit.

(2) Any material misrepresentation of fact in the application for a permit.

(3) The failure to maintain the required bonds or other security and insurance.

(4) The failure to complete the work in a timely manner.

(5) The failure to correct, in a timely manner, work that does not conform to applicable standards, conditions or codes, upon inspection and notification by the City of the faulty condition.

(6) An evasion or attempt to evade any material provision of the ROW permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens.

(7) The failure to comply with the terms and conditions of any applicable federal, state and local laws, rules and regulations, including any provision of this Article.

(b) **Notice of Breach.** If the City determines that a permit holder has committed a substantial breach of a term or condition of any statute, this Code, rule or regulation or any condition of the permit, the City shall make a written demand upon the permit holder to remedy such violation within a reasonable period of time or be subject to potential revocation of the permit. The City may impose additional or revised conditions on the permit to mitigate or remedy the breach.

(c) **Reimbursement of City Costs.** If a permit is revoked, the permit holder shall reimburse the City for its reasonable costs, including restoration costs and the costs of collection and reasonable attorney fees incurred in connection with the revocation.

Subd. 16 - APPEAL.

(a) **Filing of Appeal.** Any person aggrieved by, (i) the denial of a permit application; (ii) the denial of a registration; (iii) the revocation of a permit, or (iv) the application of the fee schedule imposed by this Code, may appeal to the City Council by filing a written notice of appeal with the City Clerk. Said notice must be filed within twenty (20) days of the action causing the appeal.

(b) **Notice of Hearing.** The City Council shall hear the appeal at its next regularly scheduled meeting, unless the time is extended by agreement of the parties. Notice of the date, time, place and purpose of the hearing shall be mailed to the appellant.

(c) **Hearing and Decision.** The City Council shall, at the hearing, consider any evidence offered by the appellant, the City and any other person wishing to be heard. The Council shall issue a written decision within thirty (30) days of the completion of the hearing.

Subd. 17 - MAPPING DATA.

(a) **Information Required.** Each registrant shall provide mapping as required by the City and which shall include the following information:

(1) Location and approximate depth of registrant's mains, cables, conduits, switches and related equipment and facilities, with the location based on:

(A) offsets from property lines, distances from the centerline of the public ROW and curb lines as determined by the City; or

(B) Washington County Coordinate System; or

(C) Any other system agreed upon by the ROW user and the City;

(2) The type and size of the utility;

(3) A description showing above-ground appurtenances;

(4) A legend explaining symbols, characters, abbreviations, scale and other data shown on the map; and

(5) Any facilities to be abandoned, if applicable, in conformance with Minnesota Statutes, Section 216D.04, subdivision 3.

(b) **Submittal Requirement.**

(1) Within two (2) years after the effective date of this ordinance, all telecommunication ROW users shall submit comprehensive detailed maps, if available, in accordance with Subsection (a) of this Section, for all facilities and equipment installed, used or abandoned within the public ROW.

(2) Subsequent to providing the required comprehensive facility map, interim mapping data shall be submitted by all registrants for all equipment and facilities which are to be installed or constructed after the effective date of this ordinance at such time as permits are sought pursuant to this ordinance.

(c) **Trade Secret Information.** At the request of any registrant, information requested by the City which qualifies as "trade secret" data under Minnesota Statutes, Sec. 13.37(b) shall be treated as trade secret information as detailed therein.

Subd. 18 - RELOCATION OF FACILITIES.

A ROW user shall promptly and at its own expense, with due regard for seasonal working conditions, remove and relocate its' facilities in the ROW when it is necessary to prevent interference or obstruction, but not merely for the convenience of the City, in connection with: (1) a present or future City use of the ROW for a public project or facility, (2) the public health or safety; or (3) the safety and convenience of travel over the ROW. The registrant shall restore any ROW to the condition it was in prior to removal and relocation.

Subd. 19 - DAMAGE TO OTHER FACILITIES.

When the City does work in the ROW and finds it necessary to maintain, support, or move registrant's facilities to protect it, the City shall notify the registrant as soon as possible. The costs associated therewith shall be billed to the registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the ROW which it or its facilities damage. 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.

Subd. 20 - ROW VACATION.

(a) **Reservation of Right.** If the City vacates a ROW which contains the equipment or facilities of a registrant or permit holder, and if the vacation does not require the relocation of the registrant's or permit holder's equipment or facilities, the City shall reserve, to and for itself and all registrants or permit holders having equipment and facilities in the vacated ROW, the right to install, maintain and operate any equipment and facilities in the vacated ROW and to enter upon such ROW at any time for the purpose of reconstruction, inspecting, maintaining or repairing the same.

(b) **Relocation of Facilities.** If the vacation requires the relocation of the registrant's or permit holder's equipment or facilities; and (i) if the vacation proceedings are initiated by the registrant or permit holder, the registrant or permit holder must pay the relocation costs; or (ii) if the vacation proceedings are initiated by the City, the registrant or permit holder must pay the relocation costs unless otherwise agreed to by the City and the registrant or permit holder; or (iii) if the vacation proceedings are initiated by a person or persons other than the registrant or permit holder, such person or persons must pay the relocation costs.

Subd. 21 - ABANDONED AND UNUSABLE EQUIPMENT AND FACILITIES.

(a) **Discontinued Operations.** A registrant who has determined to discontinue all or a portion of its operations in the City must provide information satisfactory to the City that the registrant's obligations for its facilities in the ROW under this chapter have been lawfully assumed by another registrant.

(b) **Removal of Abandoned Facilities.** Any registrant who has abandoned facilities in any ROW shall remove it from that ROW to the extent such facilities interfere with another ROW repair, excavation, or construction, unless this requirement is waived by the City.

Subd. 22 - INDEMNIFICATION AND LIABILITY.

By registering with the City or by accepting a permit granted under this Article, a registrant or permit holder agrees as follows:

(a) **Limitation of Liability.** By reason of the acceptance of a registration or the grant of a ROW permit, the City does not assume any liability (i) for injuries to persons, damage to property or loss of service claims by parties other than the registrant or the City, or (ii) for claims or penalties of any sort resulting from the installation, presence, maintenance or operation of equipment or facilities by registrants or permit holders or activities of registrants or permit holders.

(b) **Indemnification.** A registrant or permit holder shall indemnify, keep and hold the City, its officials, employees and agents, free and harmless from any and all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its equipment and facilities, or out of any activity undertaken in or near a ROW, whether or not any act or omission complained of is authorized, allowed or prohibited by a ROW permit. The foregoing does not indemnify the City for its own negligence except for claims arising out of or alleging the City's negligence in issuing the permit or in failing to properly or adequately inspect or enforce compliance with a term, condition or purpose of a permit. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant, permit holder or the City, and the registrant or permit holder, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert on its own behalf. If the registrant or permit holder is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permit holder may not settle the litigation without the consent of the City. Such consent will not be unreasonably withheld.

Subd. 23 - FRANCHISE HOLDERS.

If there is a conflict in language between the franchise of a person holding a franchise agreement with the City or the Water Service Agreement with the City and this Article, the terms of the franchise or Water Service agreement shall prevail.

Subd. 24 - SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

APPENDIX I

ESSENTIAL MUNICIPAL SERVICES

Special conditions and provisions to regulate and control ROW intrusions by essential service providers for which previous agreements or ordinances have been enacted and approved by the City in concurrence with the respective service providers.

INDEX

Participating Municipal Provider:

Sec. 1100.06 Classification of Districts.

Subd. 1 Districts. For the purpose of this Ordinance, the City shall be hereby divided into three classes of districts which shall be designated as follows:

RESIDENTIAL DISTRICT

GENERAL BUSINESS DISTRICT

INSTITUTIONAL DISTRICT

Subd 2 Zoning Map. The location and boundaries of the districts referred to in this Ordinance shall be hereby set forth on the Zoning Map, and the Map shall be hereby made a part of this Ordinance; the Map shall be entitled “Zoning Map of Landfall Village 1991” and subsequent amendments. The map and all notations, references, and data shown thereon shall be hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described in this Section. It shall be the responsibility of the Planning Commission to maintain the Map, and amendments thereto shall be recorded on the Zoning Map within thirty (30) days after official publication of amendments. The official Zoning Map shall be kept on file in the City Hall.

Subd. 3 District Boundaries. District boundary lines as indicated on the Zoning Map follow lot lines.

Sec. 1100.07 Residential District.

Subd. 1 Purpose. The Residential District is intended to provide a district which shall allow residential development in those areas where such development fits the Land Use Plan and policies.

Subd. 2 Permitted Uses. Within a Residential District, no building or land shall be used except for one or more of the following uses:

- A. Single family dwellings, one-story, owner occupied manufactured homes.
- B. Parks and recreational areas owned or operated by governmental agencies provided these have been reviewed for conformity to the City Plan.
- C. All government buildings and structures deemed necessary by the Council.

Subd. 3 Use by Special Use Permit. Within a Residential District, no building or land shall be used for one or more of the following uses except by Special Use Permit:

- A. Essential public utility and service structures.
- B. Home occupations, defined as any gainful occupation meeting all of the following requirements when engaged in by persons only while residing in their dwelling; when conducted in not more than one room within the principal structure; using only that equipment or machinery which is usually found in a home; and when the occupation does not involve the retail sale of products; and no signs. No accessory building shall be used for the home occupation.

Subd. 4 Accessory Uses. Within a Residential District, the following use shall be permitted accessory use:

- A. Accessory buildings which shall be clearly incidental to the use of the main building.

Sec. 1100.08 General Business District.

Subd. 1 Purpose. The General Business District is designed to furnish the City with a retail business district with a wide range of services and goods. This district shall be intended as a business district which shall be located next to Hudson Boulevard and separate from the residential areas.

Subd. 2 Permitted Uses. Within the General Business District, the following shall be permitted uses:

- A. Government owned buildings.
- B. Public Telephone Booths,
- C. Automobile and Motorcycle Dealerships selling new, used, or new and used automobiles, motorcycles, or a combination thereof. Such dealerships may also provide a repair service center which may be used for repairing vehicles, motorcycles, or both, and which may also be used for preparing automobiles, motorcycles, or both, for sale.

Subd. 3 Uses by Special Use Permit. With the exception of the permitted uses set forth in subdivision one above, within the General Business District no building or land shall be used except by Special Use Permit.

Subd. 4 Accessory Uses. Within the General Business District the following uses shall be permitted accessory uses:

- A. Off-street parking and loading as regulated by Subsection 1100.05.
- B. Signs as regulated by Subsection 1100.11.

C. Any incidental repair or processing necessary to conduct a permitted use; however such accessory use shall not occupy more than fifty percent (50%) of floor area nor require more than fifty percent (50%) of the gross hours required to conduct the permitted use.

Subd. 5 Additional Requirements. Within the General Business District all uses shall:

A. Provide parking areas which shall be paved with materials and the arrangement of entrances, exits, and parking stalls shall be subject to the approval of the City.

B. Accomplish exterior illumination in such a way as to direct the light away from a public right-of-way or any of the adjoining properties.

C. Outdoor business uses shall in no case be conducted in the front, rear and side yards set forth in this district except that in the case of rear and side yards this provision may be waived by a special use permit where acceptable fences and/or buffers shall be provided.

D. Provide landscaping as determined by the City.

Subd. 6 Height, Yard Regulations.

A. **Height Regulations:** After the adoption of this Code, no building shall be erected or structurally altered to exceed the lesser of two (2) stories or 35 feet in height above ground. The 35 feet shall be an average of all four (4) sides of the building.

B. **Front Yard Regulations:** There shall be a front yard having a depth of not less than fifteen (15) feet.

C. **Side Yard Regulations:**

1. Side yards of at least 12 feet shall be required.

2. A side yard of at least 15 feet shall be required on the street side of a corner lot.

3. A side yard of 12 feet shall be required on the side abutting any residential district.

4. A rear yard of at least 12 feet shall be required.

Subd. 7 General Regulations. Additional regulations in the General Business District shall be set forth in Subsection 1100.05.

Sec. 1100.08.1 Institutional District

Subd. 1 Purpose. The Institutional District is intended to accommodate City and community buildings and uses, including City Hall, the maintenance garage, the teen center and the community/storm shelter center.

Subd. 2 Permitted Uses. Within the Institutional District, the following shall be permitted uses:

A. Government owned buildings.

B. Outdoor storage for City maintenance equipment and materials.

C. Community Parking.

D. Public Transit Shelter

E. Parks and Pavilion (with public rental option)

F. Playgrounds and Equipment

G. Basketball Court

Subd. 3 Uses by Special Use Permit. With the exception of the permitted uses set forth in Subdivision 2 above, within the Institutional District no building or land shall be used except by Special Use Permit.

Subd. 4 Accessory Uses. Within the Institutional District the following uses shall be permitted accessory uses:

A. Off-street parking and loading as regulated by Subsection 1100.05.

B. Signs as regulated by Subsection 1100.11.

C. Perimeter, Boundary and Safety Fencing.

Subd. 5 Height Regulations.

A. Height Regulations. No building shall be erected or structurally altered to exceed two (2) stories or 35 feet in height above ground, whichever is less. The 35 feet shall be an average of all four (4) sides of the building.

Sec. 1100.09 Special Use Permits

Subd. 1 Purposes and Intent. Certain uses, while generally not suitable, in zoning districts, may, under some circumstances, be suitable. When such circumstances exist, a special use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit shall be required.

The Council may grant a special use permit after the Council has considered the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of the City and, if necessary, surrounding land, existing and anticipated traffic conditions, including parking facilities on adjacent streets and land, and the effect on values of property in the surrounding area, and the effect of the proposed use on the comprehensive municipal plan.

If special technical studies or investigations, such as traffic, planning or any other are determined necessary by the City Planning Commission or the Council no further action shall be taken by the City until sufficient monies have been deposited with the City to pay the cost of these studies.

If a permit is to be issued, the Council shall determine that the proposed use shall not be detrimental to the health, safety, morals or general welfare of the community, nor shall cause serious traffic congestion or hazards, nor shall seriously depreciate surrounding property values, and that the use shall be in harmony with the general purpose and intent of this Zoning Code and of the Comprehensive Plan.

If an application is denied, the reason or reasons therefore shall be stated in the resolution of denial.

Subd. 2 Application Procedure.

A. Application for the issuance of a Special Use Permit shall be made to the Planning Commission except that any proceedings to classify certain uses as conforming uses as provided, in this Chapter, may be initiated either by the application or by the Council or by the Planning Commission. The Planning Commission may hold hearings on the proposal to issue a Special Use Permit as it may consider necessary, but at least one public hearing shall be held on any application for a Special Use Permit. Following the hearing, the Planning Commission shall make a report upon the proposal to the Council and shall recommend to the Council whatever action it deems advisable in conjunction with the purpose and intent of this Ordinance.

B. To defray administrative costs of processing of requests for Special Use Permits, a fee established by Council Resolution shall be paid by the applicant.

C. The application shall be accompanied by development plans of the proposed use showing such information as may be necessary or desirable, including but not limited to those listed below. These plans need not meet engineering or construction detail so long as they contain adequate information upon which the Planning Commission can determine the proposed development shall meet all development standards if the project proceeds in accordance with the plans.

1. Site plan drawn at scale showing parcel and building dimensions.
2. Location of all buildings and their square footages.
3. Driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
4. Landscaping and screening plans including species and size of trees and shrubs proposed.
5. Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated within the area.
6. Type of business or activity and proposed number of employees.
7. Proposed floor plan and elevations of any building with use indicated.

Sec. 1100.091 Special Events Permits

Section 1. PURPOSE. The purpose of this ordinance is to protect the health, safety and welfare of the citizens of the City of Landfall Village by regulating the time, place and manner of special events and by establishing permit requirements for conducting such events.

Section 2. DEFINITIONS. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICANT shall mean any person or organization who seeks a permit to conduct or sponsor a special event within the City.

AMPLIFIED EVENT shall mean any special event that includes electronically amplified music and/or voices.

NON-AMPLIFIED EVENT shall mean any special event that does not include electronically amplified music and/or voices.

SPECIAL EVENT shall mean an outdoor gathering of at least 25 individuals whether on public or private property, assembled with a common purpose, for a period of one hour or longer but may not exceed twelve hours in duration. Special Events include, but are not limited to concerts, theatrical productions, public dances, fairs, carnivals, circuses, parades, flea markets, auctions, marathons, walkathons, festivals, races, bicycle events, celebrations, or any other gathering or events of similar nature. Special Events do not include events that are not open to the public and held on private, residential property such as graduation parties or social parties.

Section 3. PERMIT REQUIRED. No person or organization shall hold, conduct or participate in a special event within the City unless a permit has been issued for such event upon timely written application made to the City.

Subdivision 1. Application for Permit. Each written application for a special event permit must be made at least 45 days in advance of the event's proposed date in a form prescribed by the City Administrator or Clerk. This application period shall not begin to run until a complete application has been filed with the City. A fee, as established by City Council resolution from time to time, shall be paid to the City along with the completed application form. In addition to the fee, the applicant shall pay all additional costs incurred by the City as a direct result of the special event. Failure to provide a complete application or to pay the fee, as herein required, is sufficient reason to deny the special event permit.

Subdivision 2. Issuance of Permit, Conditions. Special event permits will be issued upon City Council approval. The Council may attach reasonable conditions to the permit as are deemed necessary to protect the health, safety and welfare of the community and of event participants. Such conditions may pertain to any of the following:

- a) Location and hours during which the event may be held;
- b) Sanitation/availability of potable water;
- c) Security/crowd management;
- d) Parking and traffic issues;
- e) Emergency and medical services;
- f) Clean-up of premises and surrounding area/trash disposal;
- g) Insurance;
- h) Lighting;
- i) Fire service/safety;
- j) Temporary construction, barricades/fencing;
- k) Removal of advertising/promotional materials;
- l) Noise levels;
- m) Alcohol consumption;
- n) Notification of residents or businesses;
- o) Any other conditions which the Council deems necessary.

Subdivision 3. Exceptions to the Permit Requirement. The permit requirement contained in this ordinance does not apply to the following:

- a) Special events sponsored and managed by the City or Sheriff's Office;
- b) Funerals and funeral processions;
- c) Events on the grounds of any school, community center, museum, place of worship, conference center, stadium, athletic field, arena, auditorium or similar place of assembly when used for regularly established assembly purposes.

Subdivision 4. Restriction on Number of Special Events. No more than four amplified events shall be permitted at one location in any one calendar year. There shall be no limit on the number of non-amplified events.

Subdivision 5. Noise Restrictions for Amplified Special Events. Special events shall comply with all applicable City, County and State noise ordinances.

Subdivision 6. Denial of Application. A permit may be denied based upon a determination that:

- a) The event would endanger public health or safety;
- b) The event would unreasonably inconvenience the general public;
- c) The event would unreasonably infringe upon adjacent property owners' rights;
- d) The event would conflict with another proximate event or interfere with construction or maintenance work;
- e) There are not sufficient safety personnel or other necessary staff to accommodate the event;

- f) The applicant has violated a condition of this ordinance or a special event permit issued to the applicant within the last 12 months;
- g) The property on which the event is to take place or the owners of the property on which the event is to take place is delinquent in the payment of property taxes, assessments, employment taxes or other financial claims of the City and or other public agencies.

- h) The applicant has failed to present acceptable evidence of compliance with Workers' compensation insurance requirements, as applicable.
- i) Other issues in the public interest were identified by the City Council.

Subdivision 7. Indemnification and Insurance.

- a) The permit holder shall agree to defend, indemnify and hold the City, its officers and employees harmless from any liability, claim, damages, costs, judgments, or expenses, including attorney's fees, resulting directly or indirectly from an act or omission including, without limitation, professional errors and omissions of event promoter, its agents, employees, arising out of or by any reason of the conduct of the activity authorized by such permit and against all loss caused in any way be reason of the failure of the event promoter to fully perform all obligations under this ordinance.
- b) As a condition of the granting of a permit for a special event conducted on public property or public streets or parking lots, the permit holder shall provide to the City a public liability insurance policy naming the City as an additional insured entity with limits of not less than one million dollars per occurrence.

Section 4. PENALTY. Any person who violates any condition of a special event permit or any provision of this chapter shall be guilty of a misdemeanor punishable as prescribed by Minnesota State Law. Enforcement of this ordinance may, at the Council's discretion, take any of the following forms:

- a) Citation/criminal prosecution;
- b) Injunctions, declaratory judgments or other civil remedies;
- c) Permit revocation; or
- d) Disbursement of persons gathered.

Section 5. EFFECTIVE DATE. This ordinance shall be in full force and effect upon its adoption and publication according to law.

Sec. 1100.10 Variances

Subd 1 Purpose of Variances. The Council may grant variances from the strict application of the provisions of this Zoning Code, in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Chapter. The Council may impose conditions and safeguards as to any variances granted.

Subd. 2 Application for Variance. An application for a variance shall be filed with the Planning Commission and shall state the exceptional conditions and the peculiar and practical difficulties claimed as a basis for a variance.

Subd. 3 Referral to Planning Commission. All applications for variances shall be referred to the Planning Commission, which shall hear the applicant or representative thereof. The Commission shall recommend the conditions relating to the granting of a variance as it shall deem necessary to adjust the hardship or special situation so as to carry out the intent and purpose of this Zoning Code or shall recommend the denial of the request.

Subd. 4 When Council May Act. The Council shall act on an application for a variance:

- A. When a recommendation is received from the Planning Commission.
- B. If no recommendation is received from the Planning Commission within 30 days, or such other time limit designated by the Council, and after the refusal to act by the Planning Commission.

Subd. 5 Granting or Denial of Variance. The Council shall consider each application for a variance at its next regular meeting. It shall grant or deny the application within 60 days of receipt of the completed application.

In recommending or granting any request the Planning Commission and Council shall make a finding of fact that the proposed action shall not in any way be contrary to the intent of this Zoning Code.

If a variance is denied by motion of the Council, the motion shall constitute a finding and determination by the Council that the conditions required for approval do not exist.

Sec. 1100.11 Signs.

Subd. 1 Purpose and Intent. The purpose of this Subsection shall be to protect and promote the general welfare, health, safety and order within the City through the establishment of a comprehensive and impartial series of standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as a visual communicative media to persons situated within or upon public right-of-ways or properties.

The provisions of this Section shall be intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication, and sense of concern for the visual amenities on the part of those designing,

displaying or otherwise utilizing needed communicative media of the types regulated by this Ordinance; while at the same time, assuring that the public health and welfare shall be not endangered.

All signs hereafter erected or maintained shall conform with the provisions of this Subsection and any other Code provision, ordinances or regulations of the City other than official traffic and street signs and signs in locations subject to the laws of higher governing bodies, except in cases where this Subsection shall be more restrictive.

Subd. 2 Construction. All signs shall be constructed in such a manner and of such material so as to be considered safe and substantial. Nothing in this Subsection shall be interpreted as authorizing the erection or construction of any sign not now permissible under the Zoning Ordinances of the City.

Subd. 3 Signs Permitted in All Districts. Subject to all other conditions of this Chapter, the following signs shall be permitted anywhere within the City.

A. Real Estate Signs.

1. One temporary real estate sign not exceeding twenty-four (24) square feet in area and located on any commercial property. If the lot, parcel or tract has multiple frontage, one additional sign not exceeding twenty-four (24) square feet in area shall be allowed on the property to be placed facing the additional frontage. Under no circumstances shall more than a maximum of two (2) such signs be permitted on the property.

2. Window signs. All real estate signs shall be placed in the window of the structure that is for sale. No real estate sign shall be placed in any yard of the home.

3. Temporary real estate signs shall be removed within thirty (30) days following the lease or sale,

B. Street Banners. Street banners advertising a public entertainment or event, if specifically approved by the Planning Commission, may be displayed fourteen (14) days prior to and three (3) days after the public entertainment or event.

C. Directional Signs. Name, directional and informational signs shall be permitted. Each sign shall not be more than four (4) square feet in area. The top of the sign shall not exceed eight (8) feet above grade. In the event that there is a need for more than one sign at one location, all such signs shall be consolidated and confined within a single frame, subject to the review and recommendation of the Planning Commission.

D. Bench Signs. Bench signs shall be permitted in the Commercial District, but only at designated bus stops. Each bench sign may not exceed ten (10) square feet and may only be affixed to either or both sides of the back of the bench.

Subd. 4 Exemptions. Size restrictions shall not apply to noncommercial signs from August 1 until ten days following the election in any State election year pursuant to MN Statute § 211B.045, The following types of signs shall be exempted from all the provisions of this Subsection, except for construction and safety regulations and the following standards:

A. Public Signs. Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of public duty, such as directional signs, regulatory signs, warning signs, and information signs.

B. Temporary Signs. Temporary signs announcing any public, charitable, educational or religious event or function. Such signs shall be allowed no more than twenty-one(21) days prior to the event or function and shall be removed within three (3) days after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six (6) feet above ground level.

C. Private Traffic Direction. Signs directing traffic movement onto a premise or within a premise, not exceeding eight (8) square feet in area for each sign. Illumination of these signs shall conform to this Section, except that standard traffic signal light devices may be used if needed. Horizontal direction signs on and flush with paved areas shall be exempt from these standards.

D. Political Campaign Signs. Signs announcing candidates seeking public political office and other data pertinent there to shall be permitted up to a total area of nine (9) square feet for each premise in a residential zone and thirty-two (32) square feet in a commercial zone provided that property owner's permission shall have been obtained. These signs may be displayed thirty (30) days prior and three (3) days after the election for which intended. In cases where a final election follows within seventy- five (75) days of a primary election, those candidates who won in the primary election may continue to display their signs during the interim period and up to three (3) days after the final election.

E. Banners, Pennants, Whirling Devices, Balloons. Banners, pennants, whirling devices and balloons or any such sign resembling the same shall be prohibited from use within the City except when used as an integral part of the design of the building or when used in conjunction with grand openings (the initial commencement of business), or when allowed by the provisions of this Subsection. In the case of grand openings, banners and pennants shall be allowed for the week (maximum ten (10) days) of the grand opening. In other cases, a special permit shall be issued for ten (10) day periods, but limited to three (3) times a year per business.

F. National, State, County, or City Flags. Nothing in this Subsection shall in any way prohibit or limit the display of National, State, County or City flags.

Subd. 5 Prohibited Signs. The following signs shall be prohibited and shall be removed immediately:

- A. Signs containing statements, words, or pictures of an obscene, indecent or immoral character, such as shall offend public morals or decency.
- B. Signs which imitate an official traffic sign or signal or which contain the words ‘stop,” “go slow,” “caution,” “danger,” “warning,” or similar words, except as provided in this Code.
- C. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
- D. Flashing or rotating signs resembling emergency vehicles or equipment.
- E. Signs which are placed on a municipal, county, or state right-of-way, except that identification signs for a community or as otherwise specified in this Subtitle shall be allowed in rights-of-way providing that the sign shall be approved by the Planning Commission and Council and a sign permit shall be issued conditioned upon removal of the sign at no cost to the City at such time as the City may require.
- F. Signs which are pasted or attached to utility poles, trees, fences, other signs or their own poles which shall not be specifically allowed by this Subsection.
- G. Signs which move in any manner or have a major moving part or give an illusion of motion; signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment; and signs which are painted directly on the wall, exterior of window or any other structural part of a building.

Subd. 6 Billboard Signs. The number of billboard signs shall be limited to three, the number of such signs constructed as of the date this Code becomes effective. Billboard signs shall be defined as freestanding signs which advertise off premises products or events.

Subd. 7 Illumination.

- A. The light from any illuminated sign or from any light source, including interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.
- B. No sign shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance of illusion of writing or printing. An exception may be granted by the Planning Commission for signs providing public service information such as date, time, temperature and other weather devices. Nothing contained in this Subsection shall, however, be construed as preventing the use of lights or decorations related to religious and patriotic festivities, Beacon lights or search lights shall be permitted as a sign or for advertising purposes by obtaining a permit from the City.
- C. No exposed reflective type bulbs and no strobe lights, incandescent lamps or zip flasher which exceed fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- D. When necessary to prevent a nuisance the City shall specify the hours during which illuminated signs shall be kept lighted.

Subd. 8 Permits and Fees.

A. **Permit Requirements.** No sign shall be erected, altered or relocated without a permit issued by the City Council. Any sign involving electrical components shall be wired by a licensed electrician, and the electrical components used shall bear and Underwriters Laboratories, Inc. seal of inspection. Fees for sign permits shall be set by Council resolution.

B. **Applications.**

1. The permit application shall be signed by the applicant. When the applicant is any person other than the owner of the property, it shall also be signed by the owner of the property. The application shall contain the following information:
 - a) Name, address and telephone number of the property owners, sign owner and erector.
 - b) Location of the sign or structure.
 - c) Any electrical permit required for any sign.
 - d) Other information as may be required by the Planning Commission.

Subd. 9 Enforcement, Inspection, Removal, Safety.

A. **Inspection.** Any sign for which a permit shall be required shall be inspected periodically by the City for compliance with this Subsection and all other applicable laws.

B. **Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

C. **Removal of Signs.** The City shall order the removal of any sign erected or maintained in violation of this Subsection. Ten (10) days notice in writing shall be given to the owner of the sign, or of the building, structure or premises on which the sign is located, to either bring the sign into compliance with this Section or effect its removal. Upon failure to remove the sign or to comply with this notice, the City forces shall remove the sign. The City forces shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public.

Any costs of removal incurred by the City shall be assessed to the owner of the property on which the sign is located and may be collected in the manner of ordinary debt or in the manner of taxes with all costs assessed against the property.

Sec. 1100.12 Amendments. This Ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by following the procedure specified as follows:

A. Proceedings for amendments of this Ordinance shall be initiated by (1) a petition of the owner or owners of the actual property, the zoning of which is proposed to be changed; (2) a recommendation of the Planning Commission; (3) by action of the Council or (4) petition of a City resident or property owner when it relates to the text and not to a District.

B. Before any amendment shall be adopted, the Planning Commission or Council shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten (10) days before the hearing. Following the hearing the Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Clerk within sixty (60) days after the hearing. If no recommendation is transmitted by the Planning Commission within sixty (60) days after the hearing, the Council may take action without awaiting the recommendation. If the application is made by a resident, the Council shall issue its decision within sixty (60) days of the completed application being filed.

C. Upon the filing of such report, the Council shall hold such public hearings upon the amendment as it shall deem advisable. After the conclusion of the hearings, if any, the Council may adopt the amendment or any part thereof in such form as it shall deem advisable. The amendment shall be effective only on a two-thirds vote of all the members of the Council concur in its passage.

SECTION 1110 – REGULATING THE SURFACE USE OF TANNERS LAKE.

Sec. 1110.01 Purpose, Intent, and Application. As authorized by MN Statutes 86B.201, 86B.205, and 459.20 and MN Rules 6110.3000 – 6110.3800 as now in effect and as hereafter amended, this ordinance is enacted for the purpose and with the intent to control and regulate the use of the waters of Tanners Lake in Washington County, MN, said bodies of water being located entirely within the boundaries of Washington County, to promote its fullest use and enjoyment by the public in general and citizens of Washington County in particular, to insure safety for person and property in connection with the use of said waters, to harmonize and integrate the varying uses of said waters, and to promote the general health, safety, and welfare of the citizens of Washington County, MN.

Sec. 1110.02 Definitions. Terms used in this ordinance related to boating are defined in MN Statute 86B.005.

Sec. 1110.03 Surface Zoning of Tanners Lake by Restricting Speeds of Operation.

- A. No watercraft shall be operated in excess of ten (10) miles per hour unless a permit is obtained from the Washington County Sheriff's Department.
- B. A Slow No-Wake speed shall be in effect when the lake level on Tanners Lake exceeds 964.0 feet above sea level. Such restriction shall become effective when the water level reaches the 964.0 foot level on gauges located at all Public Access points and at other locations on the lake. Each gauge shall have the 964.0 foot level conspicuously marked with the slow no wake restriction posted on the gauge. When high water levels have subsided and have remained below the 964.0 above mean sea level for one (1) day, said restriction shall be removed.

Sec. 1110.04 Exemptions. All authorized Resource Management, Emergency, and Enforcement Personnel, while acting in the performance of their assigned duties are exempt from the foregoing restrictions.

Sec. 1110.05 Notification. It shall be the responsibility of the City of Oakdale to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access outlining essential elements of the ordinance, as well as the placement of necessary buoys and signs.

Sec. 1110.06 Enforcement and Penalties.

- A. The primary responsibility for enforcement of this ordinance shall rest with the Washington County Sheriff’s Department. This, however shall not preclude enforcement by other licensed peace officers or DNR personnel.
- B. A violation of this Section shall be a misdemeanor and any person convicted of violating any provision of this Section shall be subject to a fine of not more than \$500.00 or imprisonment for a term not to exceed ninety (90) days, or both.

CHAPTER 11 CHANGE RECORD:

Sec. 1100.7, Subd. 2 regarding Permitted Uses. Amended Owner Occupied to include Owners participating in the City’s Lease/Ownership program. Change is intended to reflect the City’s program of Lease-To-Own ownership in the City. Ordinance 2013-005 / 2-13-13.

Sec. 1110 – Entire section - Regulating Surface Use of Tanners Lake. The adoption is to replace language previously contained in Chapter 2 of the Landfall Village City Code and moved to Chapter 11-Zoning for clarity. [Ordinance 2013-009] 5-8-13

Sec. 1100.05.1 Right-of-Way (ROW) – Chapter 11 amended to enact a new section. Ordinance #2014-001 adopted 10-8-14 and published 12-21-16.

Sec. 1100.07, 2-A – Residential District regarding Home Ownership and Lease Program. Code is hereby amended, striking certain text, to reflect the City’s discontinuance of its Municipal Home Ownership and Lease Program and thus its definition of owner-occupied homes. Ordinance #2018-005 adopted 10-15-18 and published 10-24-18.

Sec. 1100.091 – Establishing Rules and Regulations for Special Events – Code is amended to add Special Events Rules and Regulations. Ordinance 2019-003 adopted 3-18-19 and published 4-10-19.

Sec. 1100.06 – Classification of Districts and Sec. 1100.08.1 – Institutional District

These amendments create a new “Institutional” Zoning district intended to accommodate City and community buildings and uses, including City Hall, the maintenance garage, the teen center and the community/storm shelter center. It includes Permitted Uses, Special Uses and Accessory Uses. The zoning map is amended to include the new district and shall be entitled “Zoning Map of Landfall Village 1991” and subsequent amendments. It is consistent with the future land use map in the 2040 Comprehensive Plan (adopted 9-17-18). Ordinance #2020-001 adopted 1-21-2020 and published 3-11-2020.